97th Congress, 2d Session | Senate Document No. 97-40

APPROPRIATIONS, BUDGET ESTIMATES, ETC.

STATEMENTS

NINETY-SEVENTH CONGRESS, SECOND SESSION

(January 25, 1982 to December 21, 1982)

SHOWING

I.—APPROPRIATIONS MADE DURING THE SECOND SESSION OF THE NINETY-SEVENTH CONGRESS IN REGULAR, ANNUAL, SUPPLEMENTAL, AND MISCELLANEOUS APPROPRIATION ACTS; RESCISSION ACTS; DEFERRAL RESOLUTIONS; AND MAJOR ACTS AUTHORIZING APPROPRIATIONS (pp. 1-1405)

II.—PERMANENT APPROPRIATIONS—FEDERAL FUNDS (pp. 1407-1418)

III.—PERMANENT APPROPRIATIONS—TRUST FUNDS (pp. 1419-1432)

IV.—RECAPITULATION OF APPROPRIATIONS (pp. 1433-1441)

V.—CHRONOLOGICAL HISTORY OF REGULAR AND SUPPLEMENTAL APPROPRIATION BILLS (pp. 1444-1450)

VI.—AMOUNT OF LOAN AND BORROWING AUTHORIZATIONS, CONTRACT AUTHORIZATIONS, AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS (pp. 1451-1456)

VII.—AUTHORIZATIONS FOR APPROPRIATIONS (p. 1457)

VIII.—COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS (pp. 1459-1594)

IX.—COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS (pp. 1595-1601)

X.—TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS (pp. 1603-1611)

Prepared Under the Direction of the Committees on Appropriations of the Senate and House of Representatives as Required by Law (U.S. Code, Title 2, Section 105)

BY

J. KEITH KENNEDY
Staff Director and Clerk to the
Committee on Appropriations
United States Senate

KEITH F. MAINLAND
Clerk and Staff Director to the
Committee on Appropriations
House of Representatives

17-100 O

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1983

S180-4

COMPILERS' NOTES

1. The Legislative Appropriation Act approved June 7, 1924, provided:

> "In lieu of the data relating to offices created and omitted and salaries increased and reduced, the statement shall hereafter contain such additional information concerning estimates and appropriations, as the committees may deem necessary."

Such data had been tabulated in previous volumes of this work for each session of Congress from the Fiftieth to the Sixty-seventh, inclusive, covering the fiscal years 1889 to 1924, inclusive.

2. This compilation contains laws affecting, rescinding, or making appropriations which were enacted during the second session of the 97th Congress with the exception of private relief acts containing appropriations which have been omitted from this compilation. A summary containing the number of the act, the beneficiaries, and the amount appropriated is included.

There were twenty-five appropriation bills acted upon to some extent by the Congress during the second session of the 97th Congress, and thirteen of those bills eventually became law. The twenty-five bills include the thirteen regular annual appropriation bills; nine supplementals; and three continuing resolutions. *Seven* of the thirteen regular annual appropriation bills did not become law for various reasons: *Four* were passed by the House but were not approved by the Senate (H.R. 6957—Commerce, Justice, State and the Judiciary, 1983; H.R. 7355—Defense, 1983; H.R. 7205—Labor-HHS and Education, 1983; and H.R. 7158—Treasury, Postal Service, 1983); *two* were reported to the House but did not advance beyond that stage (H.R. 7145—Energy and Water Development, 1983; and H.R. 7073—Legislative Branch, 1983); and *one* was reported by the Senate Committee on Appropriations but was not considered by that body nor was any action taken by the House on that bill (S. 3075—Foreign Assistance and Related Programs, 1983). In three cases, companion bills were reported by the Senate Committee on Appropriations but no further action was taken on those bills (S. 2956—Commerce, Justice, State and the Judiciary; S. 2951—Defense, 1983; and S. 2939—Legislative, 1983). In addition to those seven bills that were not enacted, *five* of the nine supplemental appropriation bills did not become law: *Two* urgent supplementals were vetoed by the President (H.R. 5922 and H.R. 6682); *two* were merged with other bills that were subsequently enacted into law (H.J. Res. 390 and H.J. Res. 392); and *one* was passed by the House and ordered placed on the Senate calendar with no further action taken (H.R. 6645). A chronology of all twenty-five bills is included in table V of this volume (see pp. 1444–1450).

Financing of programs and activities normally included in the seven regular annual appropriation bills that did not become law is provided through two continuing resolutions as follows:

—Public Law 97-276 for the period October 1-December 17, 1982 (except for H.R. 7073, Legislative Branch Appropriations, 1983, which is covered for the entire fiscal year; and
—Public Law 97-377 for the period December 18, 1982-September 30, 1983.

For further information concerning each of the seven bills that did not become law, see the "note" at the beginning of each of those bills (pp. 105, 131, 143, 145, 203, 205, and 251).

So-called deferral resolutions for the second session of the 97th Congress are printed in this volume for informational purposes. Section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) provides that resolutions may be introduced in either the House or the Senate to disapprove proposals by the President to defer the obligation of budget authority. Adoption of a resolution by either body mandates obligation of the budget authority in accordance with the applicable appropriating act.

3. This volume also contains various comparative tabulations for the session showing, by fiscal years and in both detailed and summarized form, the Presidential budget estimates (requests) for "appropriations" and certain other types of requests involving the appropriation of obligating and spending authority.

4. While required by the Constitution as a necessary prerequisite to the withdrawal of *any* money from the Treasury, through long usage the term "appropriation" acquired a definite, technical word-of-art meaning in relating to many details and summaries in the annual budget of the President, in the making available of obligational and spending authority, and in tabulations and summarizations

of congressional fiscal actions. If the proposition did not "appropriate" within the concept thus imparted to the term, then it was not added in the "appropriation" totals. If it did so "appropriate", it was added in.

Thus, in congressional tabulations generally, a "reappropriation" (extension) of a balance of a previous appropriation was not added to the "appropriation" totals even though it provided obligational and spending authority beyond what would in its absence have been the case. An "authorization to expend from debt receipts" (sometimes called "public debt borrowing authority") was not counted as an "appropriation" even though it conveyed both authority to obligate and authority to expend. An authorization to enter into contracts in advance of an appropriation ("contract authorization"), being authority to obligate the Government but not to *expend* money, was not added in the general "appropriation" totals. But a subsequent "appropriation to liquidate" that contract authorization—an authority to expend money but not to create additional obligations—was counted as an "appropriation".

Furthermore, historically, prior to fiscal year 1969 the general budgetary and congressional appropriation totals were arranged and presented so as to give greater emphasis and prominence to those dealing with Federal, or Federally-owned funds, as distinct from *trust* funds which the Government theoretically holds in a fiduciary capacity. Although prior to fiscal year 1938 (75th Cong., 1st sess.) such trust funds were relatively insignificant in the total appropriations picture, they subsequently came to loom large, and while *separately* tabulated and noted in volumes of this work *previous* to the 90th Cong., 2d sess., they were not included in the aggregate totals, of "appropriations" generally emphasized and cited. (See note, table X, in volumes *prior* to the 90th Cong., 2d sess.). But in subsequent volumes, including this volume, they *are* incorporated in general appropriation totals.

Title 31 U.S.C., section 2, dealing with the national budget system, provides that the term "appropriations" includes, in appropriate context "* * * funds and authorizations to create obligations by contract in advance of appropriations, or any other authority making funds available for obligation or expenditure."

Special Note.—A further significant departure in what is now included in several general summary tabulations, which was not so included in these volumes *prior* to the 90th Cong., 2d sess., has to do with obligational or spending authority (including rescissions) conveyed in acts other than the regular annual and supplemental "appropriation" acts. Copies of such acts, and certain specific tabulations related to them, usually appear in one way or another in such prior volumes, but the amounts were not cranked directly into a number of the overall summary tabulations as had been done in volumes beginning with the 90th Cong., 2d sess. This especially affects tables VIII, IX, and X. To retain some consistency of ready identity as between amounts relating to the regular annual and supplemental "appropriation" acts and amounts relating to "appropriations in legislative acts", there is a breakout among these lines in each of these three tables (in some years, the "legislative act" amounts are quite significant, relatively. And sometimes, it is not easy or possible to nail down with absolute precision the amounts involved in the "budget estimates" or the amounts "appropriated"). The total new budget (obligational) authority in these tables are net amounts reflecting rescissions in regular annual and supplemental appropriation acts, rescission acts, and legislative acts.

A new, *unified* budget concept recommended by the President's Commission on Budget Concepts in its report of October 10, 1967, was embraced by the President, and the Budget for 1969 incorporated most of its basic features. The object was to secure usage, as nearly as may be practicable, of a *single* concept of appropriations, receipts, expenditures, lending, and debt in order to promote public and congressional understanding of Federal fiscal and budget actions and matters. The various comparative tabulations and summaries in this volume conform generally to the new concept in respect to "appropriations".

(For a more detailed exposition of the new concept, see the Report of the Commission, especially in relation to "appropriations," pp. 6, 12, 16, 76, 95, and 100; Special Analysis A, the Budget for 1969; and hearings of February 8, 1968, before the Committee on Appropriations, House of Representatives, on the Budget for 1969, p. 40 and following.)

Thus, in lieu of the terms "Estimates" and "Appropriations" used in volumes previous to the 90th Cong., 2d sess., subsequent volumes, including this volume, use the terms "Budget estimates of new (obligational) authority" and "New budget (obligational) authority appropriated." In broad terms, by far the major single difference between aggregate general totals in this volume in contrast to those in volumes previous to the 90th Cong., 2d sess., is the inclusion, in this volume, of *trust* funds (virtually all of which, incidentally, in any session or year, flow automatically from permanent-type enactment of *previous* sessions that thus do not require action in bills of the *current* session). And even under the new concept, in all but a relative handful of instances, the new budget (obligational) authority "requested" and "appropriated" is in the old, conventional "appropriation" form as previously used and understood.

Specifically, "new budget (obligational) authority" is derived by—

Appropriations (as herein above described) excluding appropriations to liquidate contract authorization; plus
Reappropriations; plus
Contract authorizations; plus
Authorizations to spend from debt receipts.

It must be noted that there are, within the Government, certain inter-fund and intragovernmental payments between accounts that get counted in both places. Principal examples include: Interest on public debt securities held by trust funds; governmental contributions to employee retirement trust funds; and general fund contributions to various insurance programs. And under the new unified concept, certain "proprietary receipts from the public" are offset against budget authority *for budget summary presentation* purposes. This situation can complicate if a simple addition of Federal fund totals and trust fund totals is made without reckoning with this "deduct" problem. [Note.—The aggregate "deduct" figure of $135,001,748,000 for fiscal year 1983 used in several of the summary tables in this volume is the *estimated* amount relating to fiscal 1983 shown on page 9-3 of the Budget for 1983. Being an estimate, the "deduct" figure *is subject to revision* as actual data become available; and an updated amount for fiscal 1983 will appear in the budget for 1984.]

5. The Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, changed the fiscal year from the July 1—June 30 fiscal year to an October 1—September 30 fiscal year, and provided for the change to take place with the fiscal year beginning October 1, 1976 (Fiscal Year 1977). However, the preceding fiscal year (1976) ran from July 1, 1975 through June 30, 1976, thus providing a three-month interim period (July 1—September 30, 1976) for the necessary transition to the new fiscal year. This volume and the five previous volumes are based upon the October 1—September 30 fiscal year.

Title X (the "Impoundment Control Act of 1974") of the Congressional Budget and Impoundment Control Act of 1974 established new procedures for the reporting and control of impoundment actions of the President. Included in this volume are reports showing the status of rescissions and deferrals for fiscal year 1982 and the first 3 months of fiscal year 1983.

COMMITTEES ON APPROPRIATIONS

NINETY-SEVENTH CONGRESS, SECOND SESSION

SENATE [1]

MARK O. HATFIELD, Oregon, *Chairman*

TED STEVENS, Alaska
LOWELL P. WEICKER, Jr., Connecticut
JAMES A. McCLURE, Idaho
PAUL LAXALT, Nevada
JAKE GARN, Utah
HARRISON SCHMITT, New Mexico
THAD COCHRAN, Mississippi
MARK ANDREWS, North Dakota
JAMES ABDNOR, South Dakota
ROBERT W. KASTEN, Jr., Wisconsin
ALFONSE M. D'AMATO, New York
MACK MATTINGLY, Georgia
WARREN RUDMAN, New Hampshire
ARLEN SPECTER, Pennsylvania

WILLIAM PROXMIRE, Wisconsin
JOHN C. STENNIS, Mississippi
ROBERT C. BYRD, West Virginia
DANIEL K. INOUYE, Hawaii
ERNEST F. HOLLINGS, South Carolina
THOMAS F. EAGLETON, Missouri
LAWTON CHILES, Florida
J. BENNETT JOHNSTON, Louisiana
WALTER D. HUDDLESTON, Kentucky
QUENTIN N. BURDICK, North Dakota
PATRICK J. LEAHY, Vermont
JIM SASSER, Tennessee
DENNIS DeCONCINI, Arizona
DALE BUMPERS, Arkansas

HOUSE OF REPRESENTATIVES [2]

JAMIE L. WHITTEN, Mississippi, *Chairman*

EDWARD P. BOLAND, Massachusetts
WILLIAM H. NATCHER, Kentucky
NEAL SMITH, Iowa
JOSEPH P. ADDABBO, New York
CLARENCE D. LONG, Maryland
SIDNEY R. YATES, Illinois
DAVID R. OBEY, Wisconsin
EDWARD R. ROYBAL, California
LOUIS STOKES, Ohio
TOM BEVILL, Alabama
BILL CHAPPELL, Jr., Florida
BILL ALEXANDER, Arkansas
JOHN P. MURTHA, Pennsylvania
BOB TRAXLER, Michigan
JOSEPH D. EARLY, Massachusetts
CHARLES WILSON, Texas
LINDY (MRS. HALE) BOGGS, Louisiana
ADAM BENJAMIN, Jr., Indiana [3]
NORMAN D. DICKS, Washington
MATTHEW F. McHUGH, New York
BO GINN, Georgia
WILLIAM LEHMAN, Florida
JACK HIGHTOWER, Texas
MARTIN OLAV SABO, Minnesota
JULIAN C. DIXON, California
VIC FAZIO, California
W. G. (BILL) HEFNER, North Carolina
LES AuCOIN, Oregon
DANIEL K. AKAKA, Hawaii
WES WATKINS, Oklahoma
WILLIAM H. GRAY III, Pennsylvania
BERNARD J. DWYER, New Jersey
WILLIAM R. RATCHFORD, Connecticut [4]

SILVIO O. CONTE, Massachusetts
JOSEPH M. McDADE, Pennsylvania
JACK EDWARDS, Alabama
JOHN T. MYERS, Indiana
J. KENNETH ROBINSON, Virginia
CLARENCE E. MILLER, Ohio
LAWRENCE COUGHLIN, Pennsylvania
C. W. BILL YOUNG, Florida
JACK F. KEMP, New York
RALPH S. REGULA, Ohio
CLAIR W. BURGENER, California
GEORGE M. O'BRIEN, Illinois
VIRGINIA SMITH, Nebraska
ELDON RUDD, Arizona
CARL D. PURSELL, Michigan
MICKEY EDWARDS, Oklahoma
BOB LIVINGSTON, Louisiana
BILL GREEN, New York
TOM LOEFFLER, Texas
JERRY LEWIS, California
CARROLL A. CAMPBELL, Jr., South Carolina
JOHN EDWARD PORTER, Illinois

---

[1] Majority and minority members elected January 5, 1981.

[2] Majority and minority members elected January 28, 1981.

[3] Deceased September 5, 1982.

[4] Elected to Committee September 22, 1982.

CONTENTS

Page

1. Urgent Supplemental Appropriations for the Department of Agriculture, 1982 1
2. Urgent Supplemental Appropriations for the Department of Labor, 1982... 3
3. Urgent Supplemental Appropriations Act, 1982 5
4. Supplemental Appropriations Act, 1982 21
5. Agriculture, Rural Development, and Related Agencies Appropriations Act, 1983 79
6. Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 105
7. Department of Defense Appropriation Bill, 1983 131
8. District of Columbia Appropriation Act, 1983 133
9. Energy and Water Development Appropriation Bill, 1983 143
10. Foreign Assistance and Related Programs Appropriations Bill, 1983 145
11. Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1983 147
12. Department of the Interior and Related Agencies Appropriation Act, 1983 169
13. Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1983 203
14. Legislative Branch Appropriation Bill, 1983 205
15. Military Construction Appropriation Act, 1983 223
16. Department of Transportation and Related Agencies Appropriations Act, 1983 229
17. Treasury, Postal Service, and General Government Appropriations Bill, 1983 251
18. Further Continuing Appropriations, 1982 255
19. Continuing Appropriations, 1983 257
20. Further Continuing Appropriations, 1983 277
21. Status reports on rescissions and deferrals 365
22. Deferral resolutions 391
23. Miscellaneous acts authorizing or containing appropriations 395
24. Recapitulation of miscellaneous private acts 1405
25. Permanent appropriations—Federal funds 1407
26. Permanent appropriations—Trust funds 1419
27. Recapitulation of appropriations 1433
28. Chronological history of appropriations 1444
29. Comparison of budget estimates and loan and borrowing authorizations, contract authorizations, and appropriations to liquidate contract authorizations 1451
30. Authorizations for appropriations 1457
31. Comparison of budget estimates and appropriations 1459
32. Comparison of budget estimates and appropriations by sessions of Congress 1595
33. Total appropriations by sessions of Congress 1603
34. Index I

I. APPROPRIATIONS MADE DURING THE SECOND SESSION OF THE NINETY-SEVENTH CONGRESS IN REGULAR ANNUAL SUPPLEMENTAL, CONTINUING, AND MISCELLANEOUS APPROPRIATION ACTS; RESCISSION ACTS; DEFERRAL RESOLUTIONS AND MAJOR ACTS AUTHORIZING APPROPRIATIONS

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, 1982

Public Law 97-147

97th Congress, H.J. Res. 389

February 15, 1982

JOINT RESOLUTION

Making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982; namely:

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained heretofore, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $5,000,000,000. $5,000,000,000

Sec. 2. (a) The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982, namely:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

LOW INCOME ENERGY ASSISTANCE

For an additional amount for "Low Income Energy Assistance", $123,000,000. 123,000,000

(b) None of the funds appropriated under this joint resolution shall be used, obligated, or expended for the purposes of section 2604(f), 2605(k), 2607(b)(1), or 2607(b)(2) of the Omnibus Budget Reconciliation Act of 1981.

Approved February 15, 1982.

LEGISLATIVE HISTORY—H.J. Res. 389

HOUSE REPORT No. 97-424 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Feb. 9, considered and passed House.
  Feb. 9, 10, considered and passed Senate, amended.
  Feb. 10, House concurred in Senate amendment.

Grand total, new budget (obligational) authority, Urgent Supplemental Appropriations for the Department of Agriculture, 1982	$5,123,000,000

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF LABOR, 1982

Public Law 97-148

97th Congress, H.J. Res. 391

February 22, 1982

JOINT RESOLUTION

Making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982, namely:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For an additional amount for "Grants to States for unemployment insurance and employment services", from the Employment Security Administration Account in the Unemployment Trust Fund, $343,490,000, of which $146,700,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments: *Provided,* That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived. *$343,490,000 (trust fund transfer)*

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the Unemployment Trust Fund and Other Funds", $1,950,000,000, to remain available until September 30, 1983. 1,950,000,000

Approved February 22, 1982.

LEGISLATIVE HISTORY—H.J. Res. 391

HOUSE REPORT No. 97-425 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Feb. 9, considered and passed House.
Feb. 10, considered and passed Senate.

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1982

Public Law 97-216

97th Congress, H.R. 6685

July 18, 1982

AN ACT

Making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Urgent Supplemental Appropriations Act, 1982") for the fiscal year ending September 30, 1982, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

(TRANSFER OF FUNDS)

For an additional amount for "Program administration", $8,742,000 to be derived by transfer from Employment and Training Administration, "Employment and training assistance". *$8,742,000 (by transfer)*

EMPLOYMENT AND TRAINING ASSISTANCE

For an additional amount for the Summer Youth Program under part C of title IV of the Comprehensive Employment and Training Act, $45,000,000. 45,000,000

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $4,259,000 to be derived by transfer from Employment and Training Administration, "Employment and training assistance". *4,259,000 (by transfer)*

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $5,623,000 to be derived by transfer from Employment and Training Administration, "Employment and training assistance". *5,623,000 (by transfer)*

[Total, Department of Labor, $45,000,000.]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For an additional amount for "Health Services", $60,080,000, of which $3,500,000 shall be used to provide twelve months of transitional funding for those University Affiliated Facilities previously funded under section 502(a) of the Social Security Act or predecessor legislation (title V of the Social Security Act as in effect prior to the enactment of the Maternal and Child Health Services Block Grant), but for which termination of such funding has been announced during fiscal year 1982.

$60,080,000

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

For an additional amount for "Health Resources", $1,000,000, which shall be available for nursing research grants.

1,000,000

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

WORK INCENTIVES

For an additional amount for "Work incentives", $35,000,000.

35,000,000

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

(TRANSFER OF FUNDS)

From amounts appropriated for fiscal year 1982 for payments to States for Medicaid Fraud Control Units, there is transferred to the Office of Inspector General, Department of Health and Human Services, for necessary expenses, $13,941,000.

13,941,000
(by transfer)

SOCIAL SECURITY ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for "Refugee and Entrant assistance", $20,000,000, to be available only to reimburse States which by reason of court order, State statute or regulation, or other administrative restraint could not implement the change in regulations published on March 12, 1982, for refugee assistance and domestic assistance for Cuban and Haitian entrants.

20,000,000

[Total, Department of Health and Human Services, $116,080,000.]

DEPARTMENT OF EDUCATION

STUDENT LOAN INSURANCE

For an additional amount under title IV, part B of the Higher Education Act, $1,300,000,000, to remain available until expended.

1,300,000,000

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,650,000.

5,650,000

[Total, Department of Education, $1,305,650,000.]

RELATED AGENCIES

ACTION

OPERATING EXPENSES, DOMESTIC PROGRAMS

For an additional amount for "Operating expenses, domestic programs", under the provisions of the Domestic Volunteer Service Act of 1973, as amended (Public Law 93-113, as amended, 42 U.S.C. section 4951 et seq.), $2,000,000.

$2,000,000

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

For an additional amount for payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934 as amended, an amount which shall be available within limitations specified by said Act, for the fiscal year 1984, $24,400,000: *Provided,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, and similar forms of entertainment for Government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity excluding from participation in, denying the benefits of, or discriminating against any person on the basis of race, color, national origin, religion, or sex.

24,400,000 *(advance appropriation for 1984)*

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $309,000.

309,000

[Total, Related Agencies, $26,709,000.]

[Total, Chapter I:

[New budget (obligational) authority	*$1,493,439,000.]*
[Fiscal year 1982	*1,469,039,000.]*
[Fiscal year 1984	*24,400,000.]*
[By transfer	*32,565,000.]*

CHAPTER II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amount of authority provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982 and prior Appropriation Acts, $94,382,000 of contract authority and $4,098,640,000 of budget authority are rescinded: *Provided,* That any balances of authorities made available prior to enactment of the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, which are, or become, available for obligation in fiscal year 1982, shall be added to and merged with the authority approved in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1982: *Provided further,* That $190,860,000 of contract authority and $4,098,685,000 of budget authority, shall be used for the public housing program, including $18,960,000 of contract authority for assistance in financing

−4,098,640,000 *(rescission of contract authority)*
−94,382,000 *(limitation on annual contract authority)*

the development or acquisition cost of low-income housing for Indian families, $90,000,000 of contract authority for modernization of existing low-income housing projects, and $1,263,005,000 of budget authority for new construction and substantial rehabilitation as authorized by section 5(c) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c); and $870,969,000 of contract authority and $15,228,518,000 of budget authority shall be used for new construction and substantial rehabilitation and assistance to existing housing units, including amendments for units reserved in prior years, under the lower-income housing assistance program (section 8, United States Housing Act of 1937, as amended): *Provided further,* That of the foregoing amounts, $152,715,200 of contract authority and $3,700,000,000 of budget authority shall be for projects under section 8, United States Housing Act of 1937, as amended, the rents for which are approved pursuant to the note governing financing adjustments (46 Fed. Reg. 51903, October 23, 1981) or any published amendment thereto or successor note, except that the Secretary shall include in the determination of the fair market rental a debt service factor reflecting the lesser of (A) 14 percent or (B)(i) where the rate of interest on the permanent instrument sold to finance the project is 12 percent or less, such rate of interest or (ii) where the rate of interest on the permanent instrument sold to finance the project is more than 12 percent, one-half percent below such rate of interest but not less than 12 percent, and except that the Agreement to Enter into a Housing Assistance Payments Contract shall not be required to include a provision requiring that construction must be in progress prior to October 1, 1982: *Provided further,* That with respect to newly constructed and substantially rehabilitated projects under section 8, United States Housing Act of 1937, as amended, during 1982, the Secretary shall not impose a percentage or other arbitrary limitation on the cost and rent increases resulting from increased construction cost in exercising the authority to approve cost and rent increases set forth in section 8(1) of such Act: *Provided further,* That none of the merged amounts available for obligation in 1982 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): *Provided further,* That no funds provided under this or any other Act shall be used to terminate a reservation of contract authority for any project under section 8 of the United States Housing Act of 1937, as amended, on account of the inability of the developer or owner of that project to obtain firm financing, unless such termination occurs no less than twenty-four months following the date of initial reservation of contract authority for such project: *Provided further,* That $74,375,000 of contract authority and $1,750,000,000 of budget authority provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, shall not become available for obligation until October 1, 1982, and $89,321,727 of the foregoing budget authority shall be for the modernization of 5,073 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act: *Provided further,* That to the extent that the amount of budget authority which is recaptured or deobligated, including budget authority internally transferred by State Housing Finance Development agencies pursuant to 24 C.F.R. part 883.207, does not equal $5,000,000,000 on June 30, 1982, the amounts deferred in the immediately preceding proviso may be used in accordance with, and in addition to, the amounts provided in the third proviso of this paragraph, except that to the extent such amounts are used, an equivalent amount of such recaptured or deobligated contract authority and budget authority, which become available on or after July 1, 1982, through September 30, 1982, if any, shall be deferred until October 1, 1982.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for Operation of Low-Income Housing Projects", $198,000,000: *Provided,* That of the total amount available in fiscal year 1982 for "Payments for Operation of Low-Income Housing Projects", $1,215,275,400 shall be made available pro rata solely in accordance with the Performance Funding System (as set forth in 24 C.F.R. part 890, as of February 8, 1982). $198,000,000

RENT SUPPLEMENT

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is further reduced in fiscal year 1982 by not more than $3,340,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts. *−3,340,000 (limitation on annual contract authority, indefinite)*

[Total, Department of Housing and Urban Development (net), −$5,480,120,000.] *−1,579,480,000 (recission of contract authority, indefinite)*

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

CONSTRUCTION GRANTS

For necessary expenses to carry out title II of the Federal Water Pollution Control Act, as amended, other than sections 201(m), 205(k), except that for the project authorized by said section the Administrator shall allocate to the State of New York an amount equal to one-third of the total cost from the amount made available under this paragraph to the State of New York, one-third from the amount made available to the State of New Jersey, and one-third from the amounts made available to the remaining States, 206, 208, and 209, $2,400,000,000, including grants for biological treatment facilities to repair or replace small community systems but not to exceed three systems suffering operational problems outside the warranty period where the existing Environmental Protection Agency planned systems have proven to be inoperable by the local municipalities, where determined to be necessary, to remain available until expended: *Provided,* That of such amount, $3,965,426 in additional funds (the amount which was withheld from the State of Kansas by reason of an accounting error by the Federal Government) shall be made available to the State of Kansas: *Provided further,* That nothing herein shall prohibit any project specified in section 201(m) from receiving a grant under section 201(g), in compliance with all relevant procedures under title II of the Federal Water Pollution Control Act, as amended, and paid from funds allotted to the State by section 205 and appropriated by this Act: *Provided further,* That the Administrator, upon application by the Governor of the State of Ohio, with the approval of the Committees on Appropriations, shall before October 1, 1982, commit existing unobligated funds from the State's Wastewater Construction Grant allotments to fund the Solid Waste Energy facility in Akron, Ohio. 2,400,000,000

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, $5,000,000 shall be made available to the Department of Health and Human Services, upon enactment, and up to an additional $2,000,000 may be made available by the Administrator to the Department for the performance of specific activities in accordance with section 111(c)(4) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Management of all funds made available to the Department shall be consistent with the responsibilities of the trustee of the fund, as outlined in section 223(b) of the Act.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

Notwithstanding any other provision of this or any other Act, of the funds appropriated under the heading, "National Aeronautics and Space Administration, Research and development" in Public Law 97-101, not less than the amounts hereinafter set forth shall be made available for the purposes specified: $31,200,000 for expendable launch vehicles; $323,500,000 for physics and astronomy (including $40,000,000 for Shuttle-Spacelab payloads); $205,000,000 for planetary exploration (including $1,700,000 for the midlevel facility in Hawaii); $39,500,000 for life sciences; $328,200,000 for space applications (including $2,300,000 for the search and rescue program, $5,000,000 for technology transfer, $6,000,000 for upper atmospheric research satellite experiments, $16,200,000 for Shuttle-Spacelab payloads, and $15,400,000 for a 30/20 gigahertz test satellite); $8,000,000 for technology utilization; $264,800,000 for aeronautical research and technology; $111,000,000 for space research and technology; and $402,100,000 for tracking and data acquisition: *Provided*, That of the funds available for the Space Shuttle, including space flight operations, not less than $80,000,000 shall be made available for design, development and procurement of liquid hydrogen-liquid oxygen (Centaur) upper stages for use in launching the Galileo and Solar Polar spacecraft in 1986: *Provided further*, That no funds may be obligated for other upper stages, including kick stages, for the Galileo and Solar Polar spacecraft after the enactment of this Act except for work performed prior to the effective date of this Act, together with liability for termination: *Provided further*, That no funds appropriated in this or any other Act may be obligated for a Solar Maximum repair/retrieval mission until the Secretary of the Air Force enters into an agreement with the Administrator to reimburse the National Aeronautics and Space Administration 50 per centum of the costs of such mission (exclusive of the costs attributable solely to equipment for the Solar Maximum spacecraft and to equipment capable of reuse): *Provided further*, That upon request by the Administrator of the National Aeronautics and Space Administration and approval by the Committees on Appropriations not to exceed $50,000,000 from the unobligated balances of funds appropriated under the heading "National Aeronautics and Space Administration, Construction of facilities" or "National Aeronautics and Space Administration, Research and program management" in Public Law 97-101 and Public Law 96-526 shall be available for the Space Shuttle, including space flight operations: *Provided further*, That the Administrator makes sufficient funds available to assure that a second Space Shuttle launch pad at the Kennedy Space Center, Florida, is operational by January 1, 1986.

ADMINISTRATIVE PROVISION

Limitations in section 501(40) of title V of the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, are amended as follows: The limitations on the Department of Housing and Urban Development's Office of the Assistant Secretary for Legislation and Congressional Relations are increased from 26 full-time permanent positions and 27 staff years to 31 full-time permanent positions and 33.5 staff years, the limitation on the National Aeronautics and Space Administration's Office of the Comptroller is increased from 150 full-time permanent positions to 161 full-time permanent positions, the limitation on the National Aeronautics and Space Administration's Office of External Relations is increased from 120 full-time permanent positions to 125 full-time permanent positions, excluding those positions allocated for Technology Utilization activities, and the limitation on the Veterans Administration's Office of Planning and Program Evaluation is increased from $1,500,000 to $2,300,000.

[Total, Chapter II:

[New budget (obligational) authority	*−$3,080,120,000.]*
[Appropriations	*2,598,000,000.]*
[Rescissions (indefinite)	*−1,579,480,000.]*
[Rescission of contract authority	*−4,098,640,000.]*
[Limitation on annual contract authority	*97,722,000.]*

CHAPTER III

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $17,500,000, to remain available until expended. $17,500,000

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAY PROGRAM

Section 3(a) of the Federal-Aid Highway Act of 1981 is amended by striking the period at the end of the first sentence and by inserting the following: "plus, an additional amount not to exceed $19,000,000 in obligation authority to carry out section 310(d)(3) of Public Law 97-102.". 19,000,000

For an additional amount of authority to execute contracts to replace or rehabilitate highway bridges according to Title 23, United States Code, Section 144, $19,000,000 out of the Highway Trust Fund, to remain available until expended: *Provided,* That obligations incurred under this authority shall not be subject to any law limiting obligations for Federal-Aid Highways. 19,000,000

Section 3(a) of the Federal-Aid Highway Act of 1981 is further amended by striking the period at the end of the first sentence and by inserting the following: "plus, an additional amount not to exceed $53,000,000 in obligation authority which the Secretary shall allocate to the States in order to increase such total obligation limitation, so that the reduction of any State's final obligation limitation is held to 15 per centum of the tentative limitation issued by the Secretary on October 1, 1981.". 53,000,000

[Total, Federal Highway Administration, $91,000,000.]

National Scenic and Recreational Highway

(LIQUIDATION OF CONTRACT AUTHORIZATION)

Any amounts previously authorized to be derived from the Highway Trust Fund for payment of obligations in carrying out the provisions of 23 U.S.C. 148 are to be transferred to and administered under the appropriation "Federal-aid highways".

Federal Railroad Administration

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Section 303(d) of the Rail Passenger Service Act, 45 U.S.C. 543(d), is amended by changing the period at the end thereof to a semicolon and adding the following: "except that the holding of securities issued by a railroad shall not be deemed to be violative of this prohibition: *Provided*, That the officer who holds such securities recuses himself from any decisions which bear directly on such railroad, and makes full public disclosure of such holdings.".

[Total, Department of Transportation, $108,500,000.]

RELATED AGENCIES

Civil Aeronautics Board

PAYMENTS TO AIR CARRIERS

For an additional amount for "Payments to air carriers", $28,400,000 to remain available until expended: *Provided*, That $8,242,000 shall be used to liquidate obligations incurred during September 1981, to provide for subsidy payments under 49 U.S.C. 1376 and 1389: *Provided further*, That notwithstanding any other provision of law any funds appropriated for "Payments to air carriers" in this or any other Act which are not obligated by September 30, 1982, shall be available for obligations only for section 419 (49 U.S.C. 1389) subsidies, except for adjustments to section 406 (49 U.S.C. 1376) payments for service provided prior to September 30, 1982. $20,158,000 *8,242,000 (liquidation of FY 1981 obligations)*

Interstate Commerce Commission

PAYMENTS FOR DIRECTED RAIL SERVICE

For an additional amount for "Payments for directed rail service", $8,000,000, to remain available until expended. 8,000,000

Section 120 of the Rock Island Railroad Transition and Employee Assistance Act is amended—

(1) in subsection (a)—

(A) by striking out "the Rock Island Railroad" the first place it appears and inserting in lieu thereof "any railroad subject to section 77 of the Bankruptcy Act, or subchapter IV of chapter 11 of title 11, United States Code, which has ceased to provide passenger commuter service over any line of the railroad";

(B) by striking out "2-year" and inserting in lieu thereof "3-year"; and

(C) by striking out "Rock Island Railroad" each place it appears (other than the first time it appears) and inserting in lieu thereof "railroad"; and

(2) in subsection (b), by striking out "the Rock Island Railroad" and inserting in lieu thereof "any railroad".

[Total, Related Agencies, $28,158,000.]
[Total, Chapter III:
[New budget (obligational) authority .... $136,658,000]
[Liquidation of FY 1981 obligations .... 8,242,000.]

CHAPTER IV

DEPARTMENT OF THE TREASURY

Bureau of Government Financial Operations

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $81,604,000. $81,604,000

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $23,825,000: *Provided*, That no funds made available by this Act or Public Law 97-161 may be used to accomplish or implement any proposed reorganization of the Bureau of Alcohol, Tobacco and Firearms or the transfer of the Bureau's functions, missions, or activities to other agencies within the Department of the Treasury in the fiscal year ending on September 30, 1982: *Provided further*, That no reorganization of the Bureau of Alcohol, Tobacco and Firearms or the transfer of the Bureau's functions, missions, or activities to other agencies within the Department of the Treasury subsequent to September 30, 1982, shall be accomplished or implemented without the specific, express approval of both the House and Senate Committees on Appropriations. 23,825,000

United States Customs Service

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $14,865,000, of which $8,000,000 shall be used for salaries, expenses, equipment, and other related expenses for Operation Exodus. 14,865,000

[Total, Department of the Treasury, $120,294,000.]

U.S. POSTAL SERVICE

Payment to the Postal Service Fund

For an additional amount for payment to the Postal Service Fund for revenue foregone on free and reduced rates of mail, pursuant to 39 U.S.C. 2401(c), $42,000,000: *Provided*, That notwithstanding any other provision of law, the Postal Service shall use these funds promptly to revise the adjustment to preferred rates made pursuant to section 108 of Public Law 97-92 so that all mail covered by the 16-year phasing schedule established pursuant to section 3626 of title 39, United States Code, shall benefit from step 13 on such schedule through September 30, 1982. This provision shall take effect ten days after enactment of this Act. 42,000,000

Effective October 1, 1982, section 1723 of the Omnibus Reconciliation Act, Public Law 97-35, is amended by striking out "(a)" before "Notwithstanding" in subsection (a) and by striking out subsection (b).

INDEPENDENT AGENCIES

General Services Administration

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $500,000. $500,000

FEDERAL BUILDINGS FUND

Notwithstanding the provision immediately following the repairs and improvements line item projects under the heading "General Services Administration, Federal buildings fund, Limitations on availability of revenue" in H.R. 4121 as passed by the House and in H.R. 4121 as reported by the Senate on September 22, 1981, funds presently available for repairs and alterations nonprospectus projects shall be used to initiate the design and related work required to begin the repairs and alterations of the U.S. Court of Appeals building, Atlanta, Georgia.

Merit Systems Protection Board

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,006,000. 4,006,000

Office of Special Counsel

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $238,000. 238,000

U.S. Tax Court

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,530,000. 1,530,000

[Total, Independent Agencies, $6,274,000.]

[Total, Chapter IV, new budget (obligational) authority, $168,568,000.]

CHAPTER V

DEPARTMENT OF COMMERCE

General Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,171,000. 3,171,000

Economic Development Administration

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $3,500,000 to be derived by transfer from the Economic Development Revolving Fund. *3,500,000 (by transfer)*

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $2,000,000, to remain available until expended. $2,000,000

[Total, Department of Commerce, $5,171,000.]

RELATED AGENCY

International Communication Agency

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

Appropriations made available under this heading for fiscal year 1982 may be used for lease of real property for periods of up to twenty-five years in Africa, Asia, the Caribbean area, and Europe.

[Total, Chapter V:

[New budget (obligational) authority	*$5,171,000.]*
[By transfer	*3,500,000.]*

CHAPTER VI

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

FOOD STAMP PROGRAM

For an additional amount for the "Food Stamp Program", $1,006,616,000. 1,006,616,000

CHAPTER VII

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", $40,000,000, to remain available until expended: *Provided*, That $18,000,000 of the funds provided shall be for flood control measures and features on the Cowlitz and Toutle Rivers in the State of Washington. 40,000,000

[Total, title 1:

[New budget (obligational) authority	*−$229,668,000.]*
[Appropriations, 1982	*5,424,052,000.]*
[Appropriations, 1984	*24,400,000.]*
[Rescissions, 1982	*−5,678,120,000.]*
[By transfer	*36,065,000.]*
[Liquidation of FY 1981 obligations	*8,242,000.]*
[Limitation on annual contract authority	*−97,722,000.]*

TITLE II

GENERAL PROVISIONS

Sec. 201. Any institution of higher education specifically cited in the conference report on the Education Amendments of 1980 (report numbered 96-1337) as a unique institution which the conference committee for that legislation intended to be recognized as a developing institution eligible to apply for funds under title III of the Higher Education Act of 1965, shall be treated as an eligible institution for such purpose for fiscal year 1982, notwithstanding section 322(a)(2)(A) of such Act.

SEC. 202. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 203. Notwithstanding any other provision of law, none of the funds provided for International Organizations and Programs in Public Law 97-121, the Foreign Assistance and Related Programs Appropriation Act for Fiscal Year 1982, shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the South West Africa Peoples Organization, or Cuba.

SEC. 204. No funds appropriated or otherwise made available for fiscal year 1982 shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Federal Mine Safety and Health Act of 1977 on any State or political subdivision thereof. Notwithstanding section 101(a)(3) of Public Law 97-92 or any similar or comparable provision of any other law, during fiscal year 1982 the Mine Safety and Health Administration shall have the same enforcement authorities vested in such Administration on September 30, 1981.

SEC. 205. Effective upon enactment of this Act and for the remainder of fiscal year 1982, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

SEC. 206. Notwithstanding any other provision of law, the amounts appropriated for fiscal year 1982 under Public Law 97-51 (as amended by Public Law 97-85) and Public Law 97-92 (as amended by Public Law 97-161) for purposes of section 340 of the Public Health Service Act shall be available for funding grants and contracts under such section in areas that are not urbanized areas and in urbanized areas.

SEC. 207. Notwithstanding any other provision of this Act, any other Act, or section 413D of the Higher Education Act of 1965, the Secretary shall apportion the sums appropriated pursuant to section 413A(b) of the Higher Education Act of 1965 for the fiscal year 1982 among the States so that each State's apportionment bears the same ratio to the total amount appropriated as that State's apportionment in the fiscal year 1981 bears to the total amount appropriated pursuant to section 413A(b) for that fiscal year: *Provided*, That the Secretary shall allocate sums to institutions in each State notwithstanding section 413D(b)(1)(B)(ii)(I) of the Higher Education Act of 1965.

SEC. 208. Notwithstanding any other provision of this Act, any other Act, or section 442 of the Higher Education Act of 1965, the Secretary shall allot the sums appropriated pursuant to section 441 of the Higher Education Act of 1965 for the fiscal year 1982 among Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the States (including the District of Columbia and the Commonwealth of Puerto Rico) so that the allotment of Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and each State (including the District of Columbia and the Commonwealth of Puerto Rico) bears the same ratio to the amount appropriated as the allotment of Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and each State (including the District of Columbia and the Commonwealth of Puerto Rico) for the fiscal year 1981 bears to the total amount appropriated pursuant to section 441 for that fiscal year: *Provided*, That the Secretary shall allocate sums to institutions in each jurisdiction notwithstanding the second sentence of section 446(a) of the Higher Education Act of 1965.

SEC. 209. The Secretary of Education and the Director of the National Institute of Education shall not terminate any long-term special institutional agreement (or any other grant agreement or contract which incorporates by reference such long-term special institutional agreement) which—

(1) was entered into under section 405(f) of the General Education Provisions Act, relating to laboratories and centers, and

(2) is in effect on the date of enactment of this Act,

prior to the original completion date established by such long-term special institutional agreement (or any other grant agreement or contract which incorporates by reference such long-term special institutional agreement).

SEC. 210. (a) The Secretary of Agriculture shall initiate construction on not less than fifteen new projects under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) during fiscal year 1982.

(b) Any project proposed for construction pursuant to the Act referred to in subsection (a) and submitted to the Director of the Office of Management and Budget for review shall be deemed to be approved by the Director unless disapproved by him within ninety days after submission.

SEC. 211. (a) Subsection (a) of section 112 of the Act of December 15, 1981 (95 Stat. 1194), is amended by inserting after "in connection with a qualified issue" the following: ", except to the extent such funds are used in connection with the consideration or granting of an exemption from the application of such revenue ruling or regulation under proposed income tax regulation section 1.103-7(b)(6)(ii) or any similar statute or regulation".

(b) Subsection (d) of section 112 of the Act of December 15, 1981 (95 Stat. 1196), is amended to read as follows:

"(d) It is the sense of the Congress that after August 23, 1981, the Secretary of the Treasury or his delegate, in all cases, should enforce any revenue ruling or regulation described in paragraph (1) or (2) of subsection (a) in a manner consistent with the provisions of this section. Nothing in the preceding sentence shall prevent the Secretary of the Treasury or his delegate from granting or considering an exemption from the application of such a revenue ruling or regulation under proposed income tax regulation section 1.103-7(b)(6)(ii) or any similar statute or regulation.".

SEC. 212. Notwithstanding any provision of this or any other Act, none of the funds appropriated for the Department of Labor, Mine Safety and Health Administration, shall be used to classify a mine in the potash industry as gassy based upon air samples containing concentrations of methane gas, unless such classification standard has been adopted through formal rulemaking on or after November 5, 1981.

SEC. 213. None of the funds provided in this or any other Act shall be used to implement an apportionment and staffing plan to specifically phase down the Public Health Service Commissioned Corps.

SEC. 214. The Department of Agriculture, U.S. Forest Service, within available funds, shall expend not less than $1,000,000 for research on the cyclocrane concept of a lighter-than-air heavy lift vehicle for use in logging operations.

SEC. 215. (a) The last sentence of section 162(a) of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by inserting ", but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000" after "home".

(b) Paragraph (4) of section 280A(f) of such Code (relating to coordination with section 162(a)(2)) is amended to read as follows:

> "(4) COORDINATION WITH SECTION 162(a)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

(c) Subsection (a) of section 139 of the Act of October 1, 1981 (95 Stat. 967), is hereby repealed.

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1981.

SEC. 216. For an additional amount for National Guard Personnel, Army, such amount as is necessary to make 850 man-days available to the Kentucky Army National Guard to implement and operate the Medical Assistance to Safety and Traffic program in Kentucky through August 1, 1982, to be derived by transfer from Operations and Maintenance, Army National Guard.

SEC. 217. (a) None of the funds which are made available by this or any other Act shall be used to study, plan, or implement the termination of the operation of the Southwestern Indian Polytechnic Institute located in Albuquerque, New Mexico, in fiscal year 1982.

(b) The Secretary of the Interior shall use funds made available to the Department of the Interior under the Act of December 23, 1981 (95 Stat. 1391), to operate Southwestern Indian Polytechnic Institute through fiscal year 1982.

SEC. 218. Notwithstanding the provisions of section 4(b) of the Federal-Aid Highway Act of 1981, and section 102(c) of the Federal-Aid Highway Act of 1976, the Secretary may approve the use of interstate construction funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, on projects for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System in accordance with the provisions of 23 U.S.C. 119, or for those purposes for which funds apportioned under 23 U.S.C. 104(b) (1), (2), and (6) may be expended, in a State which received no more than one-half of 1 per centum of the total apportionment under 23 U.S.C. 104(b)(5)(A) for the fiscal year ending September 30, 1983, where necessary in order to fully utilize funds apportioned under 23 U.S.C. 104(b)(5)(A) through the fiscal year ending September 30, 1982, but within the obligational limitation established by section 3 of the Federal-Aid Highway Act of 1981.

Approved July 18, 1982.

LEGISLATIVE HISTORY—H.R. 6685

HOUSE REPORT No. 97-632 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 24, considered and passed House.
June 29, considered and passed Senate, amended.
July 15, House concurred in Senate amendment, with an amendment; Senate agreed to conference report and concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 29 (1982):

July 19, Presidential statement.

Grand total, titles I and II:	
New budget (obligational) authority	–$229,668,000
Appropriations, 1982	(5,424,052,000)
Appropriations, 1984	(24,400,000)
Rescissions, 1982	(–5,678,120,000)
By transfer	*36,065,000*
Liquidation of fiscal year 1981 obligations	*8,242,000*
Limitation on annual contract authority	*–97,722,000*

NOTE.—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made in the foregoing act:

Chapter	Department or establishment	Amount
I	Departments of Labor—Health and Human Services and Education and Related Agencies	[1] $1,493,439,000
	By transfer	*(32,565,000)*
II	Department of Housing and Urban Development and Independent Agencies (net)	–3,080,120,000
	Appropriations	*(–2,598,000,000)*
	Rescissions	*(–5,678,120,000)*
	Limitation of annual contract authority	*(–97,722,000)*
III	Department of Transportation and Related Agencies	136,658,000
	Liquidation of FY 1981 obligations	*(8,242,000)*
IV	Department of the Treasury, Postal Service, and Independent Agencies	168,568,000
V	Department of Commerce and Related Agencies	5,171,000
	By transfer	*(3,500,000)*
VI	Department of Agriculture	1,006,616,000
VII	Department of Defense--Civil	40,000,000
	Grand total:	
	New budget (obligational) authority	[1] –229,668,000
	Appropriations, 1982	(5,424,052,000)
	Appropriations, 1984	(24,400,000)
	Rescissions, 1982	(–5,678,120,000)
	By transfer	*(36,065,000)*
	Liquidation of 1981 obligations	*(8,242,000)*
	Limitation of annual contract authority	*(–97,722,000)*

---

[1] Includes advance appropriation for 1984 in the amount of $24,400,000 for the Corporation for Public Broadcasting (see p. 7).

SUPPLEMENTAL APPROPRIATIONS ACT, 1982

Public Law 97-257

97th Congress, H.R. 6863

September 10, 1982

AN ACT

Making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

AUTHORITY TO BORROW

As authorized by section 301 of Public Law 95-279, $5,000,000,000 shall be available to the Commodity Credit Corporation for necessary expenses in carrying out its authorized programs, to remain available without regard to fiscal year limitations: *Provided,* That not more than $500,000,000 of this amount shall be available for export credit loans as authorized by the Charter of the Commodity Credit Corporation.

$5,000,000,000 *(authority to borrow)*

CONSERVATION

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

Funds appropriated for fiscal year 1982 under this account may be used under the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f), for the acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

If the funds available for Nutrition Education and Training grants authorized under section 19 of the Child Nutrition Act of 1966, as amended, require a ratable reduction in those grants, the minimum grant for each State shall be $50,000.

[Total, Chapter I, new budget (obligational) authority, $5,000,000,000.]

CHAPTER II

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves $100,000 of the proposed deferral D82-225 relating to the Department of Commerce, Bureau of the Census, "Periodic censuses and programs" as set forth in the message of February 5, 1982, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

[1] *–$915,000 (deferral)*

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

During fiscal year 1982, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $30,000,000. During fiscal year 1982, total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal. The unobligated balances in the Economic Development Revolving Fund shall be available for necessary expenses of protecting the Government's liability in federally guaranteed loans made prior to October 1, 1981, under the authority of title II of the Trade Act of 1974, as amended, including defaults of loan guarantees and care and protection of collateral and such other costs as may be necessary to protect the Government's investments.

30,000,000 (limitation on direct loans)

150,000,000 (limitation on guaranteed loans)

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

During fiscal year 1982, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $12,484,000.

12,484,000 (limitation on direct loans)

During fiscal year 1982, total commitments to guarantee loans shall not exceed $28,250,000 of contingent liability for loan principal.

28,250,000 (limitation on guaranteed loans)

PARTICIPATION IN UNITED STATES EXPOSITIONS

For necessary expenses for designing, fabricating, installing and dismantling exhibits, and operating a Federal Pavilion in the Louisiana World Exposition, $10,000,000, to remain available through September 30, 1985, including not to exceed $65,000 for official entertainment of officials of other countries when specifically authorized by the Commissioner General: *Provided*, That no additional Federal funds shall be made available for this purpose: *Provided further*, That these funds shall be available only upon enactment into law of authorizing legislation.

10,000,000

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

(DEFERRAL)

Of the funds appropriated under this head in Public Law 97-161, $12,000,000 are deferred for obligation until October 1, 1982.

–12,000,000 (deferral)

---

[1] Reflects actual deferral rather than amount of deferral disapproved.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $2,163,000, to remain available until expended: *Provided*, That of the funds appropriated under this head, $200,000 shall be for necessary expenses for research to develop life history information on the bowhead whale in high level and low level area surveys and not to exceed $50,000 shall be for implementation of the 1982 Cooperative Agreement between the National Oceanic and Atmospheric Administration and the Alaska Eskimo Whaling Commission as amended in July 1982.

$2,163,000

COASTAL ZONE MANAGEMENT

(TRANSFER OF FUNDS)

For an additional amount for "Coastal zone management", $3,000,000, to be derived by transfer from repayments of principal and interest on outstanding loans in the fund entitled "Coastal Energy Impact Fund", to remain available until expended.

3,000,000
(by transfer)

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Fishery Conservation and Management Act of 1976, as amended (Public Law 96-339), there are appropriated from the fees imposed under the foreign fishing observer program authorized by that Act, not to exceed $1,000,000, to remain available until expended.

1,000,000

Patent and Trademark Office

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,500,000, to remain available until expended.

2,500,000

All appropriations under this head for fiscal year 1982 and all fees collected shall remain available until expended.

[Total, Department of Commerce, $15,663,000.]

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Maritime Administration

FEDERAL SHIP FINANCING FUND

During 1982, total commitments to guarantee loans shall not exceed $675,000,000 of contingent liability for loan principal.

675,000,000
(limitation on
guaranteed
loans)

DEPARTMENT OF THE TREASURY

Bureau of Government Financial Operations

FISHERMEN'S PROTECTIVE FUND

For payment to the Fishermen's Protective Fund, in accordance with section 5 of Public Law 92-569 approved October 26, 1972, $2,000,000, to remain available until expended.

2,000,000

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $400,000.

$400,000

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

Of the amount appropriated for "Salaries and expenses" for fiscal year 1982, $11,200,000 shall be available only for grants for Small Business Development Centers as authorized by section 20(a) of the Small Business Act, as amended.

BUSINESS LOAN AND INVESTMENT FUND

During fiscal year 1982, within resources and authority available, total commitments to guarantee loans shall not exceed $3,000,000,000 of contingent liability for loan principal.

3,000,000,000 (limitation on guaranteed loans)

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves $2,500,000 of the proposed deferral D82-233A relating to the Small Business Administration, "Business Loan and Investment Fund" as set forth in the message of May 18, 1982, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

(1)

SURETY BOND GUARANTEES REVOLVING FUND

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D82-234 relating to the Small Business Administration, "Surety Bond Guarantees Revolving Fund" as set forth in the message of February 5, 1982, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation.

(1)

POLLUTION CONTROL EQUIPMENT CONTRACT GUARANTEE REVOLVING FUND

During fiscal year 1982, within resources and authority available, total commitments to guarantee loans shall not exceed $250,000,000 of contingent liability for loan principal.

250,000,000 (limitation on guaranteed loans)

[Total, Department of Commerce and Related Agencies, $18,063,000.]

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, general legal activities", $383,000; and in addition, $1,800,000 which shall be derived by transfer from "Salaries and expenses, Antitrust Division".

383,000
1,800,000 (by transfer)

---

[1] Reflects actual deferral rather than amount of deferral disapproved.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

Amounts appropriated under this head for fiscal year 1982 may be used to pay allowances and benefits similar to those allowed under the Foreign Service Act of 1980, as determined by the Commission.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For an additional amount for "Salaries and expenses, United States attorneys and marshals", $9,015,000, of which $500,000 shall be available only for bankruptcy trustees. $9,015,000

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States prisoners", $7,423,000, of which $1,600,000 is appropriated to fund fiscal year 1981 obligations in excess of amounts available: *Provided*, That not to exceed $3,000,000 of the current year appropriation shall be available for the purpose of renovating and equipping State and local jails that confine Federal prisoners. 7,423,000

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", $4,750,000. 4,750,000

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

Of the funds provided under the above heading for fiscal year 1982, not to exceed $80,290 shall be available to satisfy a settlement pursuant to the Back Pay Act (5 U.S.C. 5596 and 29 CFR 1613.217(a), 271 (a), (b), and (c)) for back wages from prior fiscal years.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,400,000: *Provided*, That amounts appropriated under this head for fiscal year 1982 may be used to purchase one thousand five hundred police-type passenger motor vehicles for replacement only: *Provided further*, That not to exceed $5,000,000 for automated data processing and telecommunications and $600,000 for undercover operations shall be available until September 30, 1983: *Provided further*, That notwithstanding the provisions of title 31 U.S.C. 483(a) and 484, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further*, That the funds available for carrying out these services shall be available only to the extent provided in advance in appropriation Acts. 4,400,000

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

From amounts appropriated under this head for fiscal year 1982, $400,000 for research and $1,821,000 for construction shall remain available until expended: *Provided*, That funds appropriated under this head for fiscal year 1982 may be used to purchase not to exceed five hundred ten police-type passenger motor vehicles of which four hundred thirty shall be for replacement only.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,860,000: *Provided,* That of amounts appropriated under this head for fiscal year 1982, $1,200,000 for research shall remain available until expended and $1,700,000 for the purchase of evidence and payments for information shall remain available until September 30, 1983: *Provided further,* That funds appropriated under this head for fiscal year 1982 may be used to purchase not to exceed two hundred seventy-seven police-type passenger motor vehicles for replacement only. $4,860,000

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $130,000: *Provided,* That the amounts appropriated under this head for fiscal year 1982 may be used to purchase thirty-one law enforcement and passenger motor vehicles, of which twenty-seven are for replacement only. 130,000

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", $41,750,000, of which $1,000,000 shall be derived by transfer from "Salaries and expenses, Antitrust Division", to remain available until expended: *Provided,* That sites for location of an alien processing facility not be excluded from consideration by the Department of Justice solely because such sites are not presently federally owned: *And provided further,* That the building to house aliens be constructed in a separate building from an existing Bureau of Prisons building housing Federal prisoners. 40,750,000 *1,000,000 (by transfer)*

FEDERAL PRISON INDUSTRIES, INCORPORATED

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,417,000 of the funds of the Corporation shall be available for its administrative expenses and not to exceed $2,983,000 shall be available for the vocational training of prisoners. *5,400,000 (limitation on expenses)*

OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS

RESEARCH AND STATISTICS

(TRANSFER OF FUNDS)

For an additional amount for "Research and statistics", $450,000, to be derived by transfer from "Law enforcement assistance" for a study of the victims of crime in the District of Columbia to be submitted to the Congress not later than September 30, 1983. *450,000 (by transfer)*

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Notwithstanding section 501(e)(2)(B) of Public Law 96–422, funds made available to the Department of Justice for fiscal year 1982 may be expended for assistance to Cuban-Haitian entrants as authorized under section 501(c) of said Act.

[Total, Department of Justice, $71,711,000.]

DEPARTMENT OF STATE

Administration of Foreign Affairs

SALARIES AND EXPENSES

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for an additional amount for "Salaries and expenses", $37,978,000, of which $31,228,000 shall remain available until September 30, 1984. $37,978,000

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for an additional amount for "Acquisition, operation, and maintenance of buildings abroad", $17,655,000, to remain available until September 30, 1984. 17,655,000

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for an additional amount for "Payment to the American Institute in Taiwan", $244,000. 244,000

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", $4,615,000. 4,615,000

International Commissions

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

Of the amount appropriated under this head for fiscal year 1982, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, not to exceed $95,000 for the International Joint Commission shall remain available until September 30, 1983. 95,000 *(reappropriation for fiscal year 1983)*

[Total, Department of State, $60,587,000.]

RELATED AGENCIES

Board for International Broadcasting

GRANTS AND EXPENSES

(DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D82-248 relating to the Board for International Broadcasting, "Grants and expenses", as set forth in the message of June 2, 1982, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligation. ([1])

(RESCISSION)

Of the funds appropriated for the Board for International Broadcasting, "Grants and expenses" in Public Law 97-161, $2,000,000 are rescinded. —2,000,000 *(rescission)*

---

[1] Reflects actual deferral rather than amount of deferral disapproved.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

SALARIES AND EXPENSES

Funds appropriated under this head in Public Law 96-536 shall remain available until December 31, 1982. $90,000 *(reappropriation for fiscal year 1983)*

[Total, Department of State and Related Agencies, $58,677,000.]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

For an additional amount for "Defender services", $1,500,000, to remain available until expended. 1,500,000

[Total, chapter II:

[New budget (obligational) authority	*$149,951,000.]*
[Appropriations	*151,766,000.]*
[Reappropriations, fiscal year 1983	*185,000.]*
[Rescission	*−2,000,000.]*
[By transfer	*6,250,000.]*
[Limitation on direct loans	*42,484,000.]*
[Limitation on guaranteed loans	*4,103,250,000.]*
[Deferrals	*-12,915,000.]*
[Limitation on expenses	*5,400,000.]*

CHAPTER III

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", $53,700,000. 53,700,000

MILITARY PERSONNEL, NAVY

For an additional amount for "Military personnel, Navy", $57,474,000. 57,474,000

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military personnel, Marine Corps", $37,145,000. 37,145,000

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military personnel, Air Force", $4,500,000. 4,500,000

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve personnel, Army", $9,000,000. 9,000,000

RESERVE PERSONNEL, NAVY

(TRANSFER OF FUNDS)

Funds made available for fiscal year 1982 for "Reserve personnel, Navy" may be transferred to the appropriation "Reserve personnel, Navy" for fiscal year 1979, in an additional amount of $300,000, for a total not to exceed $400,000 to liquidate obligations incurred and chargeable to that account. *$300,000 (liquidation of obligations)*

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve personnel, Marine Corps", $2,000,000. 2,000,000

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve personnel, Air Force", $3,650,000. 3,650,000

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard personnel, Army", $9,600,000. 9,600,000

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard personnel, Air Force", $2,000,000. 2,000,000

[Total, Military Personnel, $179,069,000.]

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense", $47,685,000. 47,685,000

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and maintenance, Army", $4,300,000; and in addition, $23,500,000 of which $5,700,000 shall be derived by transfer from "Missile procurement, Army 1982/1984", $6,300,000 shall be derived by transfer from "Procurement of weapons and tracked combat vehicles, Army, 1982/1984", $1,500,000 shall be derived by transfer from "Procurement of ammunition, Army, 1982/1984", and $10,000,000 shall be derived by transfer from "Other procurement, Army, 1982/1984". 4,300,000 *23,500,000 (by transfer)*

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and maintenance, Navy", $117,400,000 of which $19,600,000 shall be derived by transfer from "Research, development, test, and evaluation, Navy, 1982/1983", $71,100,000 shall be derived by transfer from "Aircraft procurement, Navy, 1982/1984", $7,500,000 shall be derived by transfer from "Weapons procurement, Navy, 1982/1984", and $19,200,000 shall be derived by transfer from "Other procurement, Navy, 1982/1984"; and in addition, $43,641,000 for liquidation of contract authority in "Operation and maintenance, Navy" for fiscal year 1980. *117,400,000 (by transfer)* *43,641,000 (liquidation of contract authority)*

OPERATION AND MAINTENANCE, MARINE CORPS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and maintenance, Marine Corps", $4,800,000; and in addition, $2,000,000 which shall be derived by transfer from "Procurement, Marine Corps, 1982/1984".

$4,800,000
2,000,000
(by transfer)

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $23,000,000.

23,000,000

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $25,800,000.

25,800,000

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve", $800,000.

800,000

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and maintenance, Navy Reserve", $200,000.

200,000

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and maintenance, Air Force Reserve", $600,000.

600,000

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", $1,500,000.

1,500,000

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard", $1,400,000.

1,400,000

[Total, Operation and maintenance, $62,400,000.]

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft procurement, Air Force", $120,000,000, to remain available until September 30, 1984, only for the purchase of two new KC-10 aircraft or for fully funding the purchase and modification of an appropriate number of used DC-10 aircraft to the KC-10 configuration.

120,000,000

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other procurement, Air Force", $19,700,000, to remain available until September 30, 1984.

19,700,000

PROCUREMENT, DEFENSE AGENCIES

For an additional amount for "Procurement, defense agencies", $6,500,000, to remain available until September 30, 1984.

6,500,000

ADMINISTRATIVE PROVISIONS

The limitation contained in section 728 of the Department of Defense Appropriation Act, 1982, is increased to $8,000,000.

The limitation contained in section 747 of the Department of Defense Appropriation Act, 1982, is increased to $31,000,000.

Appropriations or funds available to the Department of Defense may be transferred to fiscal year 1982 Department of Defense appropriations for Research, development, test, and evaluation to the extent necessary to meet increased pay costs authorized by or pursuant to law.

All obligations incurred in anticipation of the appropriations and authority provided in this Act by the Department of Defense for pay and allowances for military personnel are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

None of the funds available to the Department of Defense during the current fiscal year shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

The transfer authority limitation contained in section 733 of Public Law 97-114 is increased to $800,000,000.

[Total, Procurement, $146,200,000.]

[Total, Chapter III:

[New budget (obligational) authority	*$435,354,000.]*
[By transfer	*142,900,000.]*
[Liquidation of contract authority	*43,941,000.]*

CHAPTER IV

DISTRICT OF COLUMBIA

District of Columbia Funds

GOVERNMENTAL DIRECTION AND SUPPORT

For an additional amount for "Governmental direction and support", $2,982,400, of which $40,000 for the Council of the District of Columbia shall be available only upon enactment of D.C. Bill 4-35 or equivalent legislation. *($2,982,400)*

ECONOMIC DEVELOPMENT AND REGULATION

For an additional amount for "Economic development and regulation", $4,603,800. *(4,603,800)*

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For an additional amount for "Public safety and justice", $3,401,500, of which $800,000 shall be derived by transfer from the appropriation "Transportation services and assistance" upon approval by resolution of the District of Columbia Council: *Provided*, That the limitation on funds available to the Chief of Police in fiscal year 1982 for the prevention and detection of crime under this heading in Public Law 97-91 is increased to $300,000: *Provided further*, That of the funds appropriated under this heading for the Police and Fire Retirement System for fiscal year 1982 in Public Law 97-91, $14,700,000 are rescinded.

(2,601,500)
(800,000)
(by transfer)

(−14,700,000)
(rescission)

PUBLIC EDUCATION SYSTEM

For an additional amount for "Public education system", $7,768,900, to be allocated as follows: $7,574,900 for the District of Columbia Public Schools, and $194,000 for the Public Library. *(7,768,900)*

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For an additional amount for "Human support services", $40,044,400 of which $1,900,000 shall be derived by transfer from the appropriation "Transportation services and assistance" upon approval by resolution of the District of Columbia Council: *Provided,* That of the amount appropriated under this heading from the revenue sharing trust fund for fiscal year 1982 in Public Law 97-91, $227,400 are rescinded.

($38,144,400)
(1,900,000)
(by transfer)
[1](−227,400)
(rescission)

ENVIRONMENTAL SERVICES AND SUPPLY

For an additional amount for "Environmental services and supply", $368,900. *(368,900)*

PERSONAL SERVICES

For an additional amount for "Personal services", $7,401,500, of which $2,590,300, in addition to $2,774,500 appropriated under this heading in Public Law 97-91, shall be solely for the Metropolitan Police Department. *(7,401,500)*

CAPITAL OUTLAY

For an additional amount for "Capital outlay", to remain available until expended, $10,555,000: *Provided,* That $521,200 shall be available for project management and $477,800 for design by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Mayor. *(10,555,000)*

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For an additional amount for "Washington Convention Center Enterprise Fund", $774,000. *(774,000)*

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

ADMINISTRATIVE PROVISIONS

Title 11 of the District of Columbia Code is amended by adding the following new section:

"§ 11-1732. Hearing commissioners

"(a) The chief judge of the superior court may appoint and may remove hearing commissioners who shall serve in the superior court and shall, in addition to the performance of the duties enumerated in subsection (c) of this section, perform such other duties as are not inconsistent with the Constitution and laws of the United States and of the District of Columbia, or as may be assigned by rule of the superior court.

"(b) No individual may be appointed or serve as a hearing commissioner under this section unless he or she has been a member of the bar of the District of Columbia for at least three years.

"(c) A hearing commissioner, when specifically designated by the chief judge of the superior court, may perform the following functions:

"(1) administer oaths and affirmations and take acknowledgments.

---

[1] Not reflected in totals.

"(2) with the consent of the parties, determine conditions of release and pretrial detention pursuant to the provisions of title 23 of the District of Columbia Code (relating to criminal procedures).

"(3) with the consent of the parties, conduct preliminary examinations in all criminal cases to determine if there is probable cause to believe that an offense has been committed and that the accused committed it.

"(4) with the consent of the parties involved make findings and recommendations in uncontested proceedings, and in contested hearings in the civil, criminal and family divisions of the superior court. A rehearing of the case, or a review of the hearing commissioner's findings and recommendations, may be made by a judge of the appropriate division sua sponte. The findings and recommendations of the hearing commissioner shall when approved by a judge of the appropriate division constitute a final order of the superior court.

"(5) with the consent of the respondent make findings and recommendations in any nonjury traffic infraction matters in the superior court. A rehearing of the case, or a review of the hearing commissioner's findings and recommendations, may be made by a judge of the superior court sua sponte. The findings and recommendations of the hearing commissioner when approved by a judge of the superior court shall constitute a final order of the superior court.

"(d) The provisions contained in this section shall remain in effect until September 30, 1983."

[Total, Chapter IV:

[New budget (obligational) authority	*$60,500,400.]*
[Appropriations	*75,200,400.]*
[Rescission	*−14,700,000.]*
[By transfer	*2,700,000.]*

CHAPTER V

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

For an additional amount for "Operation and maintenance", $2,000,000, to remain available until expended, to be derived by transfer of unobligated balances in the construction program. *$2,000,000 (by transfer)*

DEPARTMENT OF ENERGY

OPERATING EXPENSES

ATOMIC ENERGY DEFENSE ACTIVITIES

For an additional amount for "Operating expenses, atomic energy defense activities", $57,000,000, to remain available until expended. 57,000,000

PLANT AND CAPITAL EQUIPMENT

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

(TRANSFER OF FUNDS)

For an additional amount for "Plant and capital equipment, energy supply, research and development", $14,000,000, to remain available until expended, which shall be derived by transfer from "Geothermal Resources Development Fund". *$14,000,000 (by transfer)*

ATOMIC ENERGY DEFENSE ACTIVITIES

For an additional amount for "Plant and capital equipment, atomic energy defense activities", $7,300,000, to remain available until expended. 7,300,000

ADMINISTRATIVE PROVISIONS

Funds available to the Corps of Engineers under "Operation and maintenance, general" may be used to provide a lump-sum payment as compensation for seepage damages in the Sny Island Levee Drainage District, Illinois, currently estimated to be $2,420,000, attributable to operation of the project.

Appropriations for the Yatesville Lake construction project shall be made available for obligation in the amount designated for that project and without regard to any other designation in the joint explanatory statement of the committee of conference (Report No. 97-345), pursuant to title I of the Energy and Water Development Appropriation Act, 1982.

Appropriations for the execution of work pursuant to section 202 of the 1981 Energy and Water Development Appropriations Act shall be made available for obligation in the amount designated for that purpose with emphasis on the Pineville and Barbourville, Kentucky and Williamson, West Virginia project components and without regard to any other designation in the joint explanatory statement of the committee of conference (Report No. 97-345) pursuant to title I of the Energy and Water Development Appropriations Act, 1982. Flood control measures authorized by section 202 of the 1981 Energy and Water Development Appropriations Act involving high levees and floodwalls in urban areas should provide for a standard project flood level of protection where the consequences from overtopping caused by large floods would be catastrophic.

Without regard to any other provision of law limiting the amounts payable to prevailing wage rate employees, United States Army Corps of Engineers employees paid from Corps of Engineers Special Power Rate Schedules shall be paid, beginning the effective date of each annual wage survey in the region after the date of enactment of this Act, wages as determined by the Department of Defense Wage Fixing Authority to be consistent with wages of the Department of Energy and the Department of the Interior employees performing similar work in the corresponding area whose wage rates are established in accordance with section 9(b) of Public Law 92-392 or section 704 of Public Law 95-454.

[Total, Chapter V:

[New budget (obligational) authority	*$64,300,000.]*
[By transfer	*16,000,000.]*

CHAPTER VI

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

Agency for International Development

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", $1,031,000. $1,031,000

OVERSEAS AND SPECIAL DEVELOPMENT ACTIVITIES

(FOREIGN CURRENCY PROGRAM)

For an additional amount for necessary expenses as authorized by section 612 of the Foreign Assistance Act of 1961, as amended, $920,000 in foreign currencies which the Department of the Treasury declares to be excess to the normal requirements of the United States, to remain available until expended. *920,000 (foreign currency program)*

LEBANON EMERGENCY RELIEF

(TRANSFER OF FUNDS)

For expenses necessary to carry out the provisions of section 495J of the Foreign Assistance Act of 1961, $50,000,000 which shall be derived by transfer from the Department of State, "Migration and Refugee Assistance", to remain available until expended: *Provided*, That of such amount not less than $10,000,000 shall be available only for the American University of Beirut. *50,000,000 (by transfer)*

Economic Support Fund

CARIBBEAN BASIN INITIATIVE

For an additional amount for necessary expenses to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $350,000,000, to remain available until March 31, 1983, notwithstanding section 10 of Public Law 91-672: *Provided*, That the funds in this paragraph shall be available only to the extent and in the manner provided as follows: not less than $20,000,000 for the Eastern Caribbean; not less than $41,000,000 for the Dominican Republic; not less than $10,000,000 for Haiti; not less than $50,000,000 for Jamaica; not less than $10,000,000 for Belize; not less than $70,000,000 for Costa Rica; not more than $10,000,000 for Guatemala; not less than $35,000,000 for Honduras; not more than $75,000,000 for El Salvador; not less than $2,000,000 for the American Institute for Free Labor Development; not less than $2,000,000 for the Inter-American Foundation; and $25,000,000 unallocated: *Provided further*, That none of the funds appropriated for this purpose may be obligated until September 15, 1982, or until the enactment of authorizing legislation, whichever comes first: *Provided further*, That none of the funds appropriated under this heading and made available only for a country referred to in the first proviso may be available for such country while such country is not taking adequate steps to cooperate with the United States, as certified monthly by the President to the Congress, to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812)) which are produced, processed, or transported in such country from entering the United States unlawfully. Notwithstanding any other provision of this Act, none of the funds appropriated in this paragraph may be obligated or ex- 350,000,000 pended in any manner inconsistent with the policy hereby reaffirmed, which is stated in S.J. Res. 230 (76 Stat. 697), to wit:

"Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers 'To extend their system to any portion of this Hemisphere as dangerous to our peace and safety'; and

"Whereas in the Rio Treaty of 1947 the parties agreed that 'an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations'; and

"Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: 'The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union'; and

"Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

"(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

"(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

"(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.".

Nothing in this Act shall be deemed to change or otherwise affect the standards and procedures provided in the National Security Act of 1947, as amended; the Foreign Assistance Act of 1961, as amended; and the War Powers Resolution of 1973. This Act does not constitute the statutory authorization for introduction of United States Armed Forces contemplated by the War Powers Resolution.

[Total, Agency for International Development, $351,031,000.]

MILITARY ASSISTANCE PROGRAM

For an additional amount for necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, $2,000,000, to remain available for obligation until September 30, 1983: *Provided,* That such amount and $25,000,000 of funds reprogrammed during the fiscal year 1982 to carry out such section shall be available only to the extent and in the manner provided as follows: $10,000,000 shall be available only for Honduras; $5,000,000 shall be available only for Somalia; $2,000,000 shall be available only for Costa Rica; and, $10,000,000 shall be available only for Portugal. $2,000,000

International Military Education and Training

For an additional amount for necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $3,512,000. $3,512,000

Foreign Military Credit Sales

For an additional amount for necessary expenses to enable the President to carry out the provisions of sections 23 and 24 of the Arms Export Control Act, $50,000,000, which sum shall be available only for Sudan.

In addition to the total amount of gross obligations for the principal amount of direct loans, exclusive of loan guarantee defaults, which may be made during the fiscal year 1982 pursuant to the heading "Foreign Military Credit Sales" of Public Law 97-121, there may be made $50,000,000 of such gross obligations during such fiscal year. 50,000,000

Special Defense Acquisition Fund

(limitation on obligations)

There are authorized to be made available for the Special Defense Acquisition Fund for the fiscal year 1982, $125,000,000. *125,000,000 (limitations on obligations)*

DEPARTMENT OF STATE

Migration and Refugee Assistance

The funds appropriated by the Foreign Assistance and Related Programs Appropriations Act, 1982, for resettlement services and facilities for refugees and displaced persons in Africa shall remain available until expended.

[Total, Military Assistance, $55,512,000.]

[Total, Chapter VI:

[New budget (obligational) authority	*$406,543,000.]*
[By transfer	*50,000,000.]*
[Limitation on obligations	*125,000,000.]*
[Foreign currency program	*920,000.]*

CHAPTER VII

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

annual contributions for assisted housing

The Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216) is amended by striking the seventh and eighth provisos under this heading and inserting in lieu thereof the following: *Provided further,* That to the extent the amount of budget authority (including budget authority internally transferred by State Housing Finance Development agencies pursuant to 24 C.F.R. Section 883.207) which is recaptured or deobligated during fiscal year 1982 exceeds $3,250,000,000, the amount of recaptured or deobligated contract authority and budget authority which exceeds such $3,250,000,000, if any, shall be deferred until October 1, 1982, except that budget authority internally transferred pursuant to 24

C.F.R. Section 883.207 shall not be deferred: *Provided further,* That the first $89,321,727 of budget authority deferred in accordance with the immediately preceding proviso, or such lesser amount as is available on October 1, 1982, shall be made available for the modernization of 5,073 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act.

INDEPENDENT AGENCIES

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $150,000: *Provided,* That the Director of the Selective Service System shall establish at the time of mobilization a Civilian Review Board(s) to review appeals made by alternative service workers to their job assignments or reassignments. $150,000

VETERANS ADMINISTRATION

MEDICAL AND PROSTHETIC RESEARCH

(TRANSFER OF FUNDS)

For an additional amount for "Medical and prosthetic research", $4,198,000, to remain available until September 30, 1983, and which shall be derived by transfer from "Medical care". *4,198,000 (by transfer)*

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Medical administration and miscellaneous operating expenses", $8,000,000, to remain available until September 30, 1983, and which shall be derived by transfer from "Medical care". *8,000,000 (by transfer)*

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

(TRANSFER OF FUNDS)

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1983, and which shall be derived by transfer from "Medical care". *500,000 (by transfer)*

ADMINISTRATIVE PROVISIONS

The limitation in section 501(40) of title V of the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, on the Department of Housing and Urban Development's data processing services is increased from $34,000,000 to $35,500,000.

Gross loan commitments for 1982 to be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q) shall not be subject to the rules of the Department of Housing and Urban Development published on May 11, 1982.

[Total, Chapter VII:
[New budget (obligational) authority .... $150,000.]
[By transfer .... 12,698,000.]

CHAPTER VIII

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $55,000,000: *Provided,* That notwithstanding any other provisions of law, the Secretary of the Interior and Secretary of Agriculture are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction. In addition, any contracts or agreements with the jurisdictions for fire management services listed above which are previously executed shall remain valid. $55,000,000

LAND ACQUISITION

For an additional amount for "Land acquisition", $700,000: *Provided,* That notwithstanding the date cited in section 119(d) of Public Law 96-199, this amount together with $1,920,000 appropriated under this head in Public Law 97-100 shall be available for acquisition of lands in the Yaquina Head Outstanding Natural Area, Oregon, to remain available until expended. 700,000

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $1,800,000. 1,800,000

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for "Construction and anadromous fish", $4,000,000, of which not less than $2,500,000 shall be available for construction and equipping, at Merritt Island NWR, Florida, the Scott J. Manness administrative/visitor facility and the Beau W. Sauselein maintenance center. 4,000,000

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $2,200,000. 2,200,000

CONSTRUCTION

For an additional amount for "Construction", $10,680,000, to remain available until expended: *Provided,* That $2,000,000 for reconstruction of the Filene Center at the Wolf Trap Farm Park for the Performing Arts shall become available for obligation only upon enactment of authorizing legislation: *Provided further,* That notwithstanding any other provisions of law, the Park Service, using the United States Army Corps of Engineers, shall begin providing hydraulic fill to the Sandy Hook area of the Gateway National Recreation Area within 60 days after enactment of this legislation: *Provided further,* That the Park Service shall obligate by November 1, 1982, out of funds available, no more than $160,000 10,680,000 for the rehabilitation of the mounted police training barn at Rock Creek Park Horse Center for use by the National Center for Therapeutic Riding, as directed by the managers of the Committee of Conference on the bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1981 (Public Law 96-514).

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1982 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and State assistance", $30,000,000, to remain available until expended, of which $13,500,000 is for Big Cypress National Preserve, Florida; $4,500,000 is for Big Thicket National Preserve, Texas; $5,500,000 is for Cape Cod National Seashore, Massachusetts; $1,000,000 is for the Cumberland Island National Seashore, Georgia; and $5,500,000 for the Lassen Volcanic National Park, California.

−$30,000,000
(rescission of contract authority)
30,000,000

[Total, Fish and Wildlife and Parks, $18,680,000.]

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $6,200,000.

6,200,000

BUREAU OF MINES

MINES AND MINERALS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Mines and minerals", $5,064,000, to remain available until expended, of which $991,000 shall be derived by transfer from "Drainage of anthracite mines" to carry out the purposes of section 2(b) of Public Law 96-543.

4,073,000
991,000
(by transfer)

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

For an additional amount for "Abandoned Mine Reclamation Fund", $13,251,000 for the purposes of section 406 of Public Law 95-87.

13,251,000

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $18,100,000: *Provided*, That $11,100,000 of such amount shall be immediately available for transfer to the State of Alaska to assist in the basic operation and maintenance during the period ending September 30, 1984, of formerly Bureau-owned schools which have been transferred to the State, such sum to be in addition to assistance otherwise available under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.) or any other Act to such schools on the same basis as other public schools: *Provided further*, That the Act of December 23, 1981 (95 Stat. 1391, 1400) is amended

18,100,000

under the heading "INDIAN AFFAIRS" in the paragraph headed "TRIBAL TRUST FUNDS" by deleting the last sentence of said paragraph and inserting the following in lieu thereof:

"No funds shall be deposited in such 'Indian money, proceeds of labor' (IMPL) accounts after September 30, 1982. The unobligated balance in IMPL accounts as of the close of business on September 30, 1982, including the income resulting from the investment of funds from such accounts prior to such date, shall be transferred to and held in escrow accounts at the locations of the IMPL accounts from which they are transferred. Funds in such escrow accounts may be invested as provided in section 1 of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) and the investment income added to such accounts. The Secretary shall determine no later than September 30, 1985 (after consultation with appropriate tribes and individual Indians) the extent to which the funds held in such escrow accounts represent income from the investment of special deposits relating to specific tribes or individual Indians. Upon such a determination by the Secretary and express acceptance of the determination by the beneficiary, the Secretary shall transfer such funds to trust accounts for such tribes or individual Indians. Not more than ten percent of the funds transferred to trust accounts for any tribe or individual Indian under this provision may be utilized to pay for legal or other representation relating to claims for such funds. Not to exceed two percent of the funds transferred from the IMPL accounts shall be available to reimburse the Bureau of Indian Affairs for administrative expenses incurred in determining ownership of the funds. Acceptance of a determination by the Secretary and the transfer of funds under this provision shall constitute a complete release and waiver of any and all claims by the beneficiary against the United States relating to the unobligated balance of IMPL accounts as of the close of business on September 30, 1982. During the period of October 1, 1985 through September 30, 1987, or earlier if a Secretarial determination on ownership and appropriate fund transfers has been completed, the funds remaining in such escrow accounts because they have not been transferred to trust accounts, may be expended subject to the approval of the Secretary for any purpose authorized under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) and requested by the respective governing bodies of the tribes at the locations where such accounts are maintained. The unobligated balances of such escrow accounts as of the close of business on September 30, 1987, shall be deposited into miscellaneous receipts of the Treasury."

CONSTRUCTION

For an additional amount for "Construction", $1,000,000, to remain available until expended. $1,000,000

OFFICE OF TERRITORIAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For an additional amount for "Administration of territories", $3,402,000, to remain available until expended. 3,402,000

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", $24,957,000, to remain available until expended, of which $1,000,000 shall be available for immediate payment to the people of Bikini under the terms and conditions as set forth in a trust agreement or amendment thereto approved by the Bikini/Kili Council subject only to the disapproval of the Secretary of the Inte- 24,957,000 rior: *Provided*, That $19,600,000 shall be available for the relocation and resettlement of the Bikini people in the Marshall Islands, principally on Kili and Ejit Islands: *Provided further*, That such sum shall be paid to a trustee selected by the Bikini/Kili Council subject only to the disapproval of the Secretary of the Interior to be held in trust pursuant to the provisions of the aforementioned trust agreement or amendment thereto approved by the Bikini/Kili Council subject only to the disapproval of the Secretary of the Interior: *Provided further*, That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State, or local taxation: *Provided further*, That $2,000,000 of such fund shall remain available for future ex gratia distribution to the people of Bikini Atoll pursuant to the provisions of the trust agreement: *Provided further*, That the Governments of the United States and Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds: *Provided further*, That of the remaining funds, $2,500,000 shall be transferred to the "Administration of territories" account for technical assistance activities, to remain available until expended.

[Total, Office of Territorial Affairs, $28,359,000.]

OFFICE OF THE SECRETARY

INSPECTOR GENERAL

For additional amount for "Inspector General", $3,150,000. $3,150,000

[Total, Department of the Interior, $148,513,000.]

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", $64,900,000. 64,900,000

CONSTRUCTION AND LAND ACQUISITION

For an additional amount for "Construction and land acquisition", $3,000,000, to remain available until expended, for partial payment, subject to the execution of a memorandum of understanding by September 30, 1982 between the Secretary of the Interior, the Secretary of Agriculture, and the Chugach Natives, Incorporated, for the settlement of land claims of the Chugach Natives, Incorporated as authorized by section 1302(h) and section 1430 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) and section 22(f) of the Alaska Native Claims Settlement Act, as amended (Public Law 94-204): *Provided*, That in the memorandum of understanding, Chugach Natives, Incorporated shall generally describe the lands to be conveyed to it in satisfaction of all its entitlements. 3,000,000

The limitation on obligations provided for construction of forest roads by timber purchasers under this head in Public Law 97-100 shall remain available without fiscal year limitation.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of 5 U.S.C. 5901(a), as amended, the uniform allowance for each uniformed employee of the Forest

Service, U.S. Department of Agriculture shall not exceed $400 annually.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For an additional amount for "Fossil energy research and development", $1,080,000, to remain available until expended: *Provided*, That there are transferred to, and vested in, the Secretary of the Interior all functions vested in, or delegated to, the Secretary of Energy and the Department of Energy under or with respect to (1) the Act of May 16, 1910, and other authorities formerly exercised by the Bureau of Mines, but limited to research and development relating to increased efficiency of production technology of solid fuel minerals; (2) section 908 of the Surface Mining Control and Reclamation Act of 1977, relating to research and development concerning alternative coal mining technologies (30 U.S.C. 1328); (3) sections 5(g)(2), 8(a)(4), 8(a)(9), 27(b)(2)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(g)(2) and 1337(a)(4) and 1337(a)(9)); and (4) section 105 of the Energy Policy and Conservation Act (42 U.S.C. 6213): *Provided further*, That the personnel employed, personnel positions, equipment, facilities, and unexpended balances of the aforementioned transferred programs shall be merged with the "Mines and minerals" account of the Bureau of Mines.

$1,080,000

FOSSIL ENERGY CONSTRUCTION

(DEFERRAL)

Of the funds made available for obligation under this heading in the Department of the Interior and Related Agencies Appropriation Act, 1982 (Public Law 97-100) for the continued design of the Solvent Refined Coal-I (SRC-I) demonstration facility (Project No. 78-2-d), $64,000,000 is hereby deferred until the enactment of the Department of the Interior and Related Agencies Appropriation Act, 1983. Of the remaining funds, $28,100,000 shall be used to undertake SRC-I post-baseline activities of the type specified in ICRC-DOE letter numbered 1629 entitled Technical Scope of Work for the Post-Baseline Period; $22,000,000 shall be used for the termination costs of SRC-I; and $5,000,000 shall be used for administrative expenses incurred by the Department of Energy in carrying out the aforementioned activities.

−64,000,000 (deferral)

ECONOMIC REGULATION

(DEFERRAL)

Of the $38,200,000 made available for "Economic regulation" until September 30, 1982, in Public Law 97-12, $3,000,000 shall not become available for obligation until October 1, 1982, and shall remain available for obligation until September 30, 1983.

3,000,000 *(reappropriation for fiscal year 1983)*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH FACILITIES

For an additional amount for "Indian health facilities", $11,200,000, to remain available until expended.

11,200,000

Navajo and Hopi Indian Relocation Commission

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 97-100, $7,831,000 for relocation operations shall remain available until expended.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $246,000, which shall be available for administering the functions of the Act, to remain available for obligation until September 30, 1983.

$246,000

Institute of Museum Services

Of the funds made available under this heading in Public Law 97-100, $720,000 shall remain available for obligation until September 30, 1983.

FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE

PERMITTING AND ENFORCEMENT

(RESCISSION)

Of the funds appropriated under this head in the Interior and Related Agencies Appropriations Act, 1982 (Public Law 97-100), $8,000,000 is rescinded.

–8,000,000
(rescission)

ADMINISTRATIVE PROVISION

None of the funds provided by this chapter or by Public Law 97-100 shall be used to evaluate, consider, process or award oil, gas or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7 and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

[Total, Chapter VIII:	
[New budget (obligational) authority	*$223,939,000.]*
[Appropriations	*258,939,000.]*
[Reappropriations, fiscal year 1983	*3,000,000.]*
[Rescissions	*–38,000,000.]*
[By transfer	*991,000.]*
[Deferrals	*–64,000,000.]*

CHAPTER IX

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT AND TRAINING ASSISTANCE

For an additional amount for "Employment and training assistance", $4,000,000, to remain available until September 30, 1983,

4,000,000

and which shall be available only for construction of facilities at the Joliet, Illinois Job Corps Center.

(RESCISSION)

Of the amounts available for obligation in fiscal year 1982 for "Employment and training assistance", $48,186,000 is rescinded. −$48,186,000 *(rescission)*

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $210,572,000: *Provided*, That not more than $46.325,840 shall be for grants to States under paragraph (3) of section 506(a) of the Older Americans Act of 1965, as amended. 210,572,000

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For an additional amount for "Grants to States for Unemployment Insurance and Employment Services", $20,000,000, to remain available until September 30, 1983, to be used only for necessary administrative expenses for carrying out a Federal supplemental benefits program, subject to enactment of authorizing legislation. 20,000,000

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

Funds appropriated under this head shall be available for nonrepayable advances for a Federal supplemental benefits program, subject to enactment of authorizing legislation.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $400,000, to be derived by transfer from Employment and Training Administration, "Employment and training assistance". *$400,000 (by transfer)*

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

In addition to the amounts made available under Public Law 97-92, making further continuing appropriations for fiscal year 1982, for grants to States under section 23(g) of the Occupational Safety and Health Act of 1970, $3,800,000 shall be available for such expenses: *Provided*, That none of the funds made available under this head for fiscal year 1982 may be obligated or expended to enforce or prescribe as a condition for initial, continuing, or final approval of State plans under section 18 of the Occupational Safety and Health Act of 1970, State administrative or enforcement staffing levels which are greater than levels which are determined by the Secretary to be equivalent to Federal staffing levels.

[Total, Department of Labor, $186,386,000.]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

For an additional amount for "Preventive health services", $11,500,000. 11,500,000

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for "Alcohol, drug abuse, and mental health", $10,000,000.

$10,000,000

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

For an additional amount for "Health resources", $7,000,000, to remain available until expended for a grant for construction or expansion of a teaching facility under section 720(a)(1) of the Public Health Service Act.

7,000,000

Funds appropriated for fiscal year 1982 pursuant to section 1537 of the Public Health Service Act shall not be denied to a health systems agency solely because it fails to meet the numerical criteria for staffing under section 1512(b)(2)(B) of the Act if the minimum size of its professional staff is three, or, if the quotient of the population (rounded to the nearest three hundred thousand) of the health service area which the agency serves divided by three hundred thousand is greater than three, the minimum size of the professional staff is the lesser of (i) such quotient, or (ii) twenty-five.

ASSISTANT SECRETARY FOR HEALTH

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for carrying out title XX of the Public Health Service Act, $10,313,000: *Provided*, That section 2008(g) of the Public Health Service Act does not apply to this program.

10,313,000

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For an additional amount for "Health Maintenance Organization Loan and Loan Guarantee Fund", $17,500,000, to be used solely for obligations resulting from defaulted loans guaranteed by the fund.

17,500,000

[Total, Assistant Secretary for Health, $27,813,000.]

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For an additional amount for "Grants to States for Medicaid", $112,000,000, to remain available until expended.

112,000,000

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The limitation on administrative expenses is increased to $3,059,900,000, of which $123,436,000 for automatic data processing and telecommunication activities and $24,591,000 for construction activities shall remain available until expended.

42,900,000 (increase in limitation on administrative expenses)

[Total, Department of Health and Human Services, $168,313,000.]

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for "Compensatory education for the disadvantaged" for carrying out title I, part A, subpart 1, of the Elementary and Secondary Education Act, as amended, $148,000,000

148,000,000

to remain available until September 30, 1983: *Provided,* That in addition to the amount otherwise made available for making allocations under such subpart for the 1982-1983 school year, the amount appropriated herein shall be allocated to each county on the basis of the 1970 census data or the 1980 census data whichever yields the higher allocation: *Provided further,* That if the amount appropriated herein is insufficient to make such higher allocations, the allocation to each county shall be ratably reduced: *Provided further,* That in the case of Puerto Rico, poverty data gathered by the Bureau of the Census in the 1975 Survey of Income and Education shall be used if 1980 census data are not available.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Funds appropriated in Public Law 94-303 for fiscal year 1976 payments under subparagraphs (A), (B), (C), and (D) of section 305 of the Education Amendments of 1974 remaining available after all claims have been paid shall be available, without fiscal year limitation, for fiscal year 1982 payments under section 3 of the Act of September 30, 1950, as amended (20 U.S.C. ch 13), in accordance with Public Law 97-92, as amended, and funds made available in fiscal year 1982 for section 7 of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), shall remain available until September 30, 1983.

For an additional amount under section 7 of Public Law 874, Eighty-first Congress, to be made available to the Waubay School District, Waubay, South Dakota, $200,000. $200,000

EDUCATION FOR THE HANDICAPPED

For an additional amount for "Education for the handicapped", $26,500,000 for carrying out the Education of the Handicapped Act, of which $7,200,000 shall be for part C, section 623, $15,700,000 shall be for part D, and $3,600,000 shall be for part E. 26,500,000

VOCATIONAL AND ADULT EDUCATION

For an additional amount for "Vocational and adult education", $2,520,000 to remain available until September 30, 1983 for carrying out the Vocational Education Act, of which $1,000,000 shall be for part B, subpart 2, section 171(a)(2), and $1,520,000 shall be for part A, subpart 1, section 105: *Provided,* That $6,500,000 appropriated for fiscal year 1982 for State advisory councils under section 105 of the Vocational Education Act shall be used to provide to each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands an amount equal to the amount it received in the previous fiscal year. 2,520,000

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance", $217,000,000 to remain available until September 30, 1983 for carrying out the Higher Education Act, of which $140,000,000 shall be for title IV, part A, subpart 1 and $77,000,000 shall be for title IV, part A, subpart 2. 217,000,000

HIGHER AND CONTINUING EDUCATION

For an additional amount to carry out title III of the Higher Education Act, notwithstanding section 516(c)(1) of the Omnibus Reconciliation Act of 1981, $10,000,000 which shall remain available for obligation by the Secretary of Education through September 30, 1983, of which $5,000,000 shall enable the Secretary 10,000,000

(1) to award grants under title III of the Higher Education Act notwithstanding section 347 of that Act and (2) to pay expenditures of the Secretary in connection with the awarding of such grants: *Provided,* That the Secretary may award these funds to an eligible institution only if the institution is not eligible to receive title III funds under section 347(e) of the Act in fiscal year 1982 and its enrollment of Hispanic and Native American students, as reported on the latest available Education Department Higher Education General Information Survey (HEGIS), is at least 45 per centum: *Provided further,* That the remaining $5,000,000 shall enable the Secretary to award grants under parts A and B of title III of the Act to eligible institutions which had an application approved, but did not receive a grant in fiscal year 1982: *Provided further,* That any funds that were appropriated for part B of title III of the Higher Education Act for fiscal year 1982 and were reserved in accordance with section 347(e) of the Act but not awarded in fiscal year 1982 to institutions with special needs that historically serve substantial numbers of black students, shall remain available for obligation by the Secretary of Education through September 30, 1983 to enable the Secretary (1) to award such funds to those institutions with special needs that historically serve black students that were not selected for funding by the Secretary under title III of the Act in fiscal year 1982, and (2) to provide technical assistance to such institutions to assist them in applying for such funds, notwithstanding section 321(b) of the Act: *Provided further,* That of the amounts that shall remain available for obligation under part B of title III of the Higher Education Act, $300,000 shall be for two institutions of higher learning in Vermont under part A of title III of that Act.

HIGHER EDUCATION FACILITIES LOAN AND INSURANCE

For an additional amount for "Higher education facilities loan and insurance", $9,746,000. $9,746,000

COLLEGE HOUSING LOANS

The college housing loan program shall operate under the terms and conditions as contained in H.R. 4560 as passed by the House of Representatives on October 6, 1981, except that the gross commitments for the principal amount of direct loans shall be $40,000,000.

Special Institutions

AMERICAN PRINTING HOUSE FOR THE BLIND

For an additional amount for the "American Printing House for the Blind", $200,000. 200,000

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For an additional amount for the "National Technical Institute for the Deaf", $1,052,000. 1,052,000

GALLAUDET COLLEGE

For an additional amount for "Gallaudet College", $2,080,000. 2,080,000

HOWARD UNIVERSITY

For an additional amount for "Howard University", $5,808,000 of which $810,000 shall be for construction and shall remain available until expended. 5,808,000

Office of the Inspector General

SALARIES AND EXPENSES

For an additional amount for "Office of the Inspector General, salaries and expenses", $430,000. $430,000

[Total, Department of Education, $423,536,000.]

RELATED AGENCIES

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For an additional amount for payment of windfall benefits, as provided under section 15(d) of the Railroad Retirement Act of 1974, $11,000,000, which, together with the amounts appropriated in Public Law 97-92, as amended, shall be the maximum amount available for payments through September 30, 1982. 11,000,000

Soldiers' and Airmen's Home

OPERATION AND MAINTENANCE

For an additional amount for "Operation and maintenance", $796,000, to be paid from the Soldiers' and Airmen's Home permanent fund. 796,000

CAPITAL OUTLAY

For renovation of buildings and facilities, including plans and specifications, to be paid from the Soldiers' and Airmen's Home permanent fund, $953,000, to remain available until expended. 953,000

[Total, Related Agencies, $12,749,000.]

[Total, Chapter IX:

[New budget (obligational) authority	*$790,984,000.]*
[Appropriations	*839,170,000.]*
[Rescission	*−48,186,000.]*
[Increase in limitation on administrative expenses	*42,900,000.]*
[By transfer	*400,000.]*

CHAPTER X

LEGISLATIVE BRANCH

Senate

Salaries, Officers and Employees

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For an additional amount for "Offices of the Majority and Minority Leaders", $120,000. 120,000

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For an additional amount for "Administrative, clerical, and legislative assistance to Senators", $80,000. 80,000

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For an additional amount for "Offices of the Secretaries for the Majority and Minority", $100,000. 100,000

[Total, Salaries, Officers and Employees, $300,000.]

CONTINGENT EXPENSES OF THE SENATE

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", $938,000.	$938,000

ADMINISTRATIVE PROVISIONS

SEC. 101. Effective October 1, 1981, the allowance for administrative and clerical assistance of each Senator from the State of Florida is increased to that allowed Senators from States having a population of ten million but less than eleven million, the population of said State having exceeded ten million inhabitants.

SEC. 102. The third sentence of section 105(b) of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 123b(b)) is amended by striking out "and committees of the Senate" and inserting in lieu thereof "committees of the Senate, the Secretary of the Senate, and the Sergeant at Arms of the Senate".

SEC. 103. Clause (1) of section 117 of Public Law 97-51 (2 U.S.C. 61f-8) is amended to read as follows:

> "(1) the procurement of the services, on a temporary basis, of individual consultants, or organizations thereof, with the prior consent of the Committee on Rules and Administration; such services may be procured by contract with the providers acting as independent contractors, or in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate; and any such contract shall not be subject to the provisions of section 5 of title 41, United States Code, or any other provision of law requiring advertising; and".

SEC. 104. (a) Paragraph (2) of subsection (b) of section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)) is amended to read as follows:

"(2) In the event that the term of office of a Senator begins after the first month of any such calendar year or ends (except by reason of death, resignation, or expulsion) before the last month of any such calendar year, the aggregate amount available to such Senator for such year shall be the aggregate amount computed under paragraph (1) of this subsection, divided by 12, and multiplied by the number of months in such year which are included in the Senator's term of office, counting any fraction of a month as a full month.".

(b) The amendment made by subsection (a) of this section shall be effective on and after January 1, 1982.

SEC. 105. (a) The first sentence of the first section of the joint resolution relating to the payment of salaries of employees of the Senate, approved April 20, 1960 (Public Law 86-426; 2 U.S.C. 60c-1), is amended by striking out "Senators and officers and employees" and inserting in lieu thereof "the Vice President, Senators, and officers and employees".

(b) The third sentence of section 104 of title 3, United States Code, is repealed.

(c) Amendments and repeals made by the preceding provisions of this section shall be effective in the case of compensation payable for months after December 1981.

SEC. 106. If at the close of any fiscal year there is an unexpended balance of funds which were appropriated for such year (or for prior fiscal years) and which are subject to disbursement by the Secretary of the Senate for any purpose, then, if such unexpended balance is by law rescinded, any unpaid obligations chargeable to the balance so rescinded (or to appropriations for such purpose for prior years) shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

Sec. 107. For the fiscal year ending September 30, 1982, and for each of the next three succeeding fiscal years, the Secretary of the Senate is authorized to pay to the General Services Administration such amounts as may be necessary to reimburse the Archivist of the United States for expenditures made to conduct a project to provide for the proper preservation of the Senate's records of continuing value, which expenditures cannot be defrayed from funds otherwise available for such purpose. The aggregate of the sums paid to the General Services Administration under this section shall not exceed $300,000. Amounts paid under this section shall be paid from the contingent fund of the Senate on vouchers approved by the Secretary of the Senate.

House of Representatives

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Elizabeth C. Adinolfi, sister of William R. Cotter, late a Representative from the State of Connecticut, $60,662.50. For payment to Emily Jean Spencer Ashbrook, widow of John M. Ashbrook, late a Representative from the State of Ohio, $60,662.50. $121,325

ALLOWANCES AND EXPENSES

For an additional amount for "Official expenses of Members", $5,987,000. 5,987,000

[Total, House of Representatives, $6,108,325.]

Architect of the Capitol

CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", $1,200,000. 1,200,000

Copyright Royalty Tribunal

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $51,000. 51,000

Administrative Provisions

Section 101(c) of Public Law 97-51 is amended by inserting before the second semicolon the following: "; except that in applying the provisions under the heading 'Capitol Police Board' the term 'for obligations for fiscal years 1982 and 1983' shall be substituted for the term 'for obligations of Fiscal Year 1982' and".

Not to exceed $125,000 of the unobligated balance of that part of the appropriation "Salaries and expenses, Library of Congress" initially for the fiscal year 1980 and continued until September 30, 1982, for moving costs to the James Madison Memorial Building, is hereby further continued available until September 30, 1983.

[Total, Chapter X, new budget (obligational) authority, $8,597,325.]

CHAPTER XI

MILITARY CONSTRUCTION

Military Construction, Air Force

For an additional amount for "Military construction, Air Force", $12,700,000, to remain available until September 30, 1986. 12,700,000

FAMILY HOUSING, DEFENSE

For an additional amount for "Family housing, Defense", $32,300,000 (and an increase of $32,300,000 in the limitation for operation, maintenance). $32,300,000

[Total, Chapter XI, new budget (obligational) authority, $45,000,000.]

CHAPTER XII

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $30,500,000. 30,500,000

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Of the unobligated balances available under this heading, not to exceed $16,000,000 shall be reprogrammed upon the approval of the House and Senate Committees on Appropriations for the acquisition of an aircraft to replace a C–130 aircraft which had been based at Kodiak, Alaska.

ALTERATION OF BRIDGES

For an additional amount for "Alteration of bridges", $3,000,000, to remain available until expended. 3,000,000

[Total, Coast Guard, $33,500,000.]

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operations", $93,200,000, of which $57,500,000 shall remain available until September 30, 1983, together with not to exceed $9,945,000 to remain available until expended and to be derived from the Airport and Airway Trust Fund for reimbursement of expenses incurred by certificated air carriers in the security screening of passengers moving in foreign air transportation and not to exceed $10,000,000 to continue to remain available until expended and to be derived by transfer from the appropriation "Construction, Metropolitan Washington airports": *Provided*, That not to exceed $10,000,000 shall be available for reimbursement to the Department of Defense to finance personnel compensation for military controllers. 93,200,000 9,945,000 *10,000,000 (by transfer)*

RESEARCH, ENGINEERING AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Research, engineering and development", $16,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended. 16,000,000 *(trust fund)*

[Total, Federal Aviation Administration, $119,145,000.]

FEDERAL HIGHWAY ADMINISTRATION

INTERSTATE TRANSFER GRANTS—HIGHWAYS

For an additional amount for "Interstate transfer grants—highways", $112,500,000, to remain available until expended. 112,500,000

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

For an additional amount for "Access highways to public recreation areas on certain lakes", $6,875,000, to remain available until expended.

$6,875,000

Appropriations under this heading for fiscal year 1980 shall remain available until September 30, 1984.

[Total, Federal Highway Administration, $119,375,000.]

Federal Railroad Administration

RAIL SERVICE ASSISTANCE

For an additional amount for "Rail service assistance", $1,355,000 for payment to the Secretary of the Treasury for debt reduction, and together with the appropriations under "Rail service assistance" contained in Public Law 97-102, to remain available until expended.

1,355,000
−1,355,000
(debt reduction)
−5,000,000
(rescission)
5,000,000

Unobligated balances of appropriations under this heading in the Department of Transportation and Related Agencies Appropriation Act, 1982 (Public Law 97-102; 95 Stat. 1442) are hereby rescinded, and an amount equal to such balances is appropriated, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Notwithstanding any other provision of law, the National Railroad Passenger Corporation (the "Corporation") shall be exempt from any taxes or other fees imposed by any State, political subdivision of a State, or local taxing authority which are levied on the Corporation, or any railroad subsidiary thereof, from and after October 1, 1981, including such taxes and fees levied after September 30, 1982: *Provided, however,* That notwithstanding any provision of law, the Corporation shall not be exempt from any taxes or other fees which it is authorized to pay as of the date of enactment of this provision. Taxes and fees levied on the Corporation or any railroad subsidiary thereof by States, political subdivisions of States, or local taxing authorities with respect to periods beginning prior to October 1, 1981, shall be payable in proportion to the part of the relevant tax period which elapsed prior to such date. Notwithstanding the provision of 28 U.S.C. § 1341, the United States district courts shall have original jurisdiction over any civil actions brought by the Corporation to enforce the exemption conferred hereunder and may grant equitable or declaratory relief as requested by the Corporation.

REDEEMABLE PREFERENCE SHARES

The Secretary of Transportation is hereby authorized to expend proceeds from the sale of fund anticipation notes to the Secretary of the Treasury and any other moneys deposited in the Railroad Rehabilitation and Improvement Fund pursuant to sections 502, 505 through 507, and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, and section 803 of Public Law 95-620, for uses authorized for the Fund, in amounts not to exceed $20,000,000 to remain available until expended. Notwithstanding any other provision of law, the authority granted under this heading in the Department of Transportation and Related Agencies Appropriation Act, 1982 (Public Law 97-102; 95 Stat. 1442) and prior Acts shall continue during the period in which appropriations remain available for this purpose under the heading: "Department of the Treasury, Office of the Secretary, Investment in Fund Anticipation Notes".

20,000,000
−99,000,000
(rescission)
99,000,000

SETTLEMENTS OF RAILROAD LITIGATION

For liquidation of promissory notes pursuant to section 210(f) of the Regional Rail Reorganization Act of 1973 (Public Law 93-236), as amended, $639,424,275, to remain available until expended.

$639,424,275
−639,424,275
(debt reduction)

COMMUTER RAIL SERVICE

(INCLUDING DISAPPROVAL OF DEFERRAL)

The Congress disapproves the proposed deferral D82-243 relating to the Federal Railroad Administration, commuter rail service, as set forth in the message of April 23, 1982, which was transmitted to the Congress by the President. This disapproval shall be effective upon the enactment into law of this bill.

(deferral disapproval)

For necessary expenses to carry out the commuter rail activities authorized by section 601(d) of the Rail Passenger Service Act (45 U.S.C. 601), as amended $5,000,000, and for necessary expenses to carry out section 1139(b) of Public Law 97-35, $5,000,000, to remain available until expended.

5,000,000
5,000,000

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

For an additional amount for "Railroad rehabilitation and improvement financing funds", $24,766,000, to remain available until expended, for payment to the Secretary of the Treasury for debt reduction: *Provided,* That total commitments to guarantee loans shall not exceed $100,000,000 of contingent liability for loan principal during fiscal year 1982.

24,766,000
−24,766,000
(debt reduction)
−170,000,000
(decrease in limitation on guaranteed loans)

RAIL LABOR ASSISTANCE

(TRANSFER OF FUNDS)

For payment of remaining benefits under title V of the Regional Rail Reorganization Act of 1973, as authorized by section 1144 of the Northeast Rail Service Act of 1981, $9,000,000, to remain available until expended, to be derived from the unobligated balances of "Payments for purchase of Conrail securities": *Provided,* That notwithstanding any other provision of law, funds appropriated herein shall not be available for payment of any benefit with respect to any arbitration claim filed after September 30, 1982.

9,000,000
(by transfer)

[Total, Federal Railroad Administration, $30,000,000.]

URBAN MASS TRANSPORTATION ADMINISTRATION

URBAN DISCRETIONARY GRANTS

For an additional amount for "Urban discretionary grants", $15,000,000, to remain available until expended.

15,000,000

From funds previously appropriated for the Urban Mass Transportation Administration, Urban discretionary grants, advances shall be made immediately, upon the approval of the House and Senate Committees on Appropriations, toward extraordinary costs permitted under full funding contracts as necessary to insure project continuity.

INTERSTATE TRANSFER GRANTS—TRANSIT

For an additional amount for "Interstate transfer grants—transit", $22,000,000, to remain available until expended.

22,000,000

[Total, Urban Mass Transportation Administration, $37,000,000.]

RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

EMERGENCY FUND

For necessary expenses, not otherwise provided for, of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); $1,000,000, to remain available until expended. $1,000,000

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

For the acquisition, in accordance with section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, and section 803 of Public Law 95-620, of fund anticipation notes, $20,000,000 to remain available until expended. Unexpended balances under this heading in the Department of Transportation and Related Agencies Appropriation Act, 1982 (Public Law 97-102; 95 Stat. 1442) and prior Acts are hereby rescinded, and an amount equal to such balances is appropriated, to remain available until expended.

20,000,000 (investment in fund anticipation notes)
−99,000,000 *(rescission)*
99,000,000

[Total, Related Agencies, $1,000,000.]

[Total, Chapter XII:

[New budget (obligational) authority	*$340,020,000.]*
[Appropriations	*1,109,565,275.]*
[Rescissions	*−104,000,000.]*
[Appropriation for debt reduction	*−665,545,275.]*
[By transfer	*19,000,000.]*
[Decrease in limitation on guaranteed loans.	*−170,000,000.]*

CHAPTER XIII

DEPARTMENT OF THE TREASURY

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

POSTAL SAVINGS SYSTEM LIQUIDATION

For necessary funds to be held in trust for payment of claims by or on behalf of depositors to the Postal savings system, as authorized by section 2 of Public Law 92-117, approved August 13, 1971, $200,000. 200,000

PAYMENT TO THE CITY OF FAIRFAX, VIRGINIA

For payment to the city of Fairfax, Virginia, in accordance with Public Law 96-559, $41,958.78. 41,959

[Total, Bureau of Government Financial Operations, $241,959.]

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,084,000: *Provided*, That none of the funds appropriated by this 8,084,000

Act shall be used to impose or assess any tax due on custom-made firearms under subchapter D of chapter 32 of the Internal Revenue Code of 1954, as amended, sections 4161 and 4181, in all cases where less than fifty items are manufactured or produced per annum.

TAXPAYER SERVICE AND RETURNS PROCESSING

For an additional amount for "Taxpayer service and returns processing", $72,354,000, of which $340,000 shall be used for the tax counseling for the elderly program (TCE) to retroactively reimburse volunteer tax counselors for personal and administrative expenses incurred during the past 1981 filing season. $72,354,000

EXAMINATIONS AND APPEALS

For an additional amount for "Examinations and appeals", $15,563,000. 15,563,000

INVESTIGATIONS AND COLLECTIONS

For an additional amount for "Investigations and collections", $19,121,000. 19,121,000

ADMINISTRATIVE PROVISION

None of the funds provided in this Act or Public Law 97-161 shall be used for the redecoration, refurbishment, or remodeling of the office of the Commissioner of the Internal Revenue Service or the office of the Chief Counsel of the Internal Revenue Service.

[Total, Internal Revenue Service, $115,122,000.]

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,998,000: *Provided,* That $1,400,000 appropriated in Public Law 97-12, for the costs of construction and installation of a White House complex security system shall remain available until expended: *Provided further,* That $1,518,000 appropriated herein for expansion of the Beltsville, Maryland, training facility shall remain available until expended.

8,998,000
1,400,000
(reappropriation for fiscal year 1982)

ADMINISTRATIVE PROVISION

None of the funds made available by this Act shall be available to initiate, implement, or administer the program proposed by the Treasury Department to modify service charges for allotments of pay to savings accounts of Federal civilian employees as proposed in the Federal Register, volume 47, No. 45, dated March 8, 1982: *Provided,* That none of the funds made available by this or any other Act may be used to place the United States Secret Service, the United States Customs Service, and the Bureau of Alcohol, Tobacco and Firearms under the operation, oversight, or jurisdiction of the Inspector General of the Department of the Treasury.

[Total, United States Secret Service, $10,398,000.]

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for payment to the Postal Service Fund for revenue forgone on free and reduced rates of mail, pursuant to 39 U.S.C. 2401(c), $39,000,000. 39,000,000

PAYMENT TO THE POSTAL SERVICE FUND

(RESCISSION)

Of the funds provided for the "Payment to the Postal Service Fund" for fiscal year 1982 in Public Law 97-92, making further continuing appropriations for fiscal year 1982, $208,660,000 are rescinded.

−$208,660,000 *(rescission)*

[Total, United States Postal Service, −$169,660,000.]

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1982, $857,000 shall be made available for such purposes and shall remain available until expended for the construction and acquisition of facilities, as follows:

857,000 (increase in limitations on availability of revenue)

Payment of Construction Claims:

Alaska: Juneau, United States Post Office and Courthouse, $11,300;

Florida: Fort Lauderdale, Courthouse and Federal Office Building and Parking Facility, $643,000;

Mississippi: Jackson, Federal Office Building, $202,700.

Provided, That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects but by not to exceed 10 per centum: *Provided further*, That claims against the Government less than $10,000 arising from direct construction projects, acquisitions of buildings, and purchase contract projects pursuant to Public Law 92-313 may be liquidated with prior notification of the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects: *Provided further*, That any revenues and collections and any other sums accruing to this fund during fiscal year 1982, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)6)), in excess of $1,869,168,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts.

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For an additional amount for "Operating expenses", $4,100,000, to remain available until expended, of which $1,500,000 shall be for allocations and grants for historical publications and records, and $600,000 shall be for the preservation of House and Senate historical records.

4,100,000

OFFICE OF PERSONNEL MANAGEMENT

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Civil Service Retirement and Disability Fund", $303,257,000.

303,257,000

Government Payment for Annuitants, Employees Health Benefits

For an additional amount for "Government payment for annuitants, employees health benefits", $303,806,000.	$303,806,000

[Total, Office of Personnel Management, $607,063,000.]

[Total, Chapter XIII:	
[New budget (obligational) authority	*$567,264,959.]*
[Appropriations	*774,524,959.]*
[Rescissions	*−208,660,000.]*
[Reappropriation, fiscal year 1982	*1,400,000.]*
[Increase in limitation on availability of revenue	*857,000.]*
[Total, all chapters, Title I, General Supplementals:	
[New budget (obligational) authority	*$8,032,103,284.]*
[Appropriations	*(4,093,909,559).]*
[Rescissions	*(−400,846,000).]*
[Reappropriation, fiscal year 1982	*(1,400,000).]*
[Reappropriation, fiscal year 1983	*(3,185,000).]*
[Authority to borrow	*(5,000,000,000).]*
[Appropriation for debt reduction	*(−665,545,275).]*
[By transfer	*248,239,000.]*
[Limitation on direct loans	*42,484,000.]*
[Limitation on guaranteed loans	*3,933,250,000.]*
[Deferrals	*−76,915,000.]*
[Liquidation of contract authority	*43,941,000.]*
[Limitation on obligations	*125,000,000.]*
[Foreign currency program	*920,000.]*
[Increase in limitation on administrative expenses	*42,900,000.]*
[Increase in limitation of availability of revenue	*857,000.]*
[Limitation on expenses	*5,400,000.]*
[District of Columbia Funds (net)	*60,500,400.]*

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1982

For additional amounts for appropriations for the fiscal year 1982, for increased pay costs authorized by or pursuant to law as follows:

LEGISLATIVE BRANCH

Senate

"Salaries, officers and employees", $8,771,000;	8,771,000
"Office of the Legislative Counsel of the Senate", $66,000;	66,000
"Office of Senate Legal Counsel", $13,000;	13,000
"Senate Policy Committees", $110,000;	110,000
"Inquiries and investigations", $1,975,000;	1,975,000
"Folding documents", $6,000;	6,000

[Total, Senate, $10,941,000.]

House of Representatives

"House leadership offices", $141,000;	141,000
"Salaries, officers and employees", $1,651,000;	1,651,000
"Committee employees", $1,955,000;	1,955,000

"Committee on Appropriations (studies and investigations)", $16,000;	$16,000
"Office of the Legislative Counsel", $137,000;	137,000
"Office of the Law Revision Counsel", $29,000;	29,000
"Members' clerk hire", $4,902,000;	4,902,000
"Allowances and expenses", $1,279,000;	1,279,000
"Special and select committees", $374,000;	374,000

[Total, House of Representatives, $10,484,000.]

JOINT ITEMS

"Joint Economic Committee", $55,000;	55,000
"Joint Committee on Taxation", $169,000;	169,000
"Education of Pages", $11,000;	11,000

[Total, Joint items, $235,000.]

OFFICE OF TECHNOLOGY ASSESSMENT

"Salaries and expenses", $150,000.	150,000

CONGRESSIONAL BUDGET OFFICE

"Salaries and expenses", $358,000;	358,000

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", $137,000;	137,000
"Capitol buildings", $230,000;	230,000
"Capitol grounds", $50,000;	50,000
"Senate office buildings", $200,000;	200,000
"House office buildings", $200,000;	200,000
"Capitol power plant", $106,000;	106,000
"Library buildings and grounds: structural and mechanical care", $70,000;	70,000

[Total, Architect of the Capitol, $993,000.]

BOTANIC GARDEN

"Salaries and expenses", $40,000;	40,000

LIBRARY OF CONGRESS

"Salaries and expenses", $3,187,000;	3,187,000
Copyright Office: "Salaries and expenses", $504,000;	504,000
Congressional Research Service: "Salaries and expenses", $1,605,000;	1,605,000

[Total, Library of Congress, $5,296,000.]

COPYRIGHT ROYALTY TRIBUNAL

"Salaries and expenses", $36,000;	36,000

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", $6,700,000;	6,700,000

[Total, Legislative Branch, $35,233,000.]

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

"Salaries and expenses", $427,000;	427,000

COURT OF CUSTOMS AND PATENT APPEALS

"Salaries and expenses", $58,000;	$58,000

UNITED STATES COURT OF INTERNATIONAL TRADE

"Salaries and expenses", $86,000;	86,000

COURT OF CLAIMS

"Salaries and expenses", $270,000;	270,000

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

(INCLUDING TRANSFERS OF FUNDS)

"Salaries of judges", $2,850,000; and in addition, $50,000 shall be derived by transfer from "Space and Facilities";	2,850,000 *50,000* *(by transfer)*
"Salaries of supporting personnel", $2,400,000; and in addition, $4,500,000 which shall be derived by transfer from "Fees of jurors and commissioners", and $6,000,000 shall be derived by transfer from "Space and facilities";	2,400,000 *10,500,000* *(by transfer)*
"Defender services", $670,000;	670,000
"Bankruptcy courts, salaries and expenses", $3,500,000;	3,500,000

[Total, Court of Appeals, District Courts, and Other Judicial Services, $9,420,000.]

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

"Salaries and expenses", $750,000;	750,000

FEDERAL JUDICIAL CENTER

"Salaries and expenses", $170,000.	170,000

[Total, the Judiciary:

[New budget (obligational) authority	*$11,181,000.]*
[By transfer	*10,550,000.]*

EXECUTIVE OFFICE OF THE PRESIDENT

WHITE HOUSE OFFICE

"Salaries and expenses", $775,000;	775,000

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

"Operating expenses", $122,980;	122,980

SPECIAL ASSISTANCE TO THE PRESIDENT

"Salaries and expenses", $48,160;	48,160

COUNCIL OF ECONOMIC ADVISERS

"Salaries and expenses", $31,820;	31,820

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

"Council on Environmental Quality and Office of Environmental Quality", $17,000;	17,000

OFFICE OF POLICY DEVELOPMENT

"Salaries and expenses", $104,060;	104,060

NATIONAL SECURITY COUNCIL

"Salaries and expenses", $200,380; $200,380

OFFICE OF ADMINISTRATION

"Salaries and expenses", $190,060; 190,060

OFFICE OF MANAGEMENT AND BUDGET

"Salaries and expenses", $1,442,220; 1,442,220

OFFICE OF FEDERAL PROCUREMENT POLICY

"Salaries and expenses", $73,960; 73,960

[Total, Office of Management and Budget, $1,516,180.]

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

"Salaries and expenses", $188,000. 188,000

[Total, Executive Office of the President, $3,193,640.]

DEPARTMENT OF AGRICULTURE

(INCLUDING TRANSFERS OF FUNDS)

"Office of the Secretary", $284,000; 284,000

"Departmental Administration", for budget and program analysis, and public participation, $110,000; for operations and finance, personnel, equal opportunity, safety and health management, and small and disadvantaged business utilization, $440,000; making a total of $550,000; 550,000

"Office of the Inspector General", $693,000 and in addition $385,000 shall be derived by transfer from the appropriation "Food stamp program" and merged with this appropriation; 693,000 *385,000 (by transfer)*

"Office of the General Counsel", $441,000; 441,000

"World Agricultural Outlook Board", $69,000; 69,000

"Foreign Agricultural Service", $542,000; 542,000

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

"Salaries and expenses", $1,077,000. In addition, not to exceed an additional $5,681,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund; 1,077,000 *5,681,000 (by transfer)*

RURAL ELECTRIFICATION ADMINISTRATION

"Salaries and expenses", $600,000; 600,000

FARMERS HOME ADMINISTRATION

"Salaries and expenses", $5,092,000; 5,092,000

SOIL CONSERVATION SERVICE

"Conservation operations", $7,849,000 to be derived by transfer from unobligated balances appropriated by Public Law 96-304 for emergency measures under "Watershed and flood prevention operations"; *7,849,000 (by tranfer)* "River basin surveys and investigations", $618,000 to be derived by transfer from unobligated balances appropriated by Public Law 96-304 for emergency measures under "Watershed and flood prevention operations"; *618,000 (by transfer)* "Watershed planning", $355,000 to be derived by transfer from unobligated balances appropriated by Public Law 96-304 for emergency measures under "Watershed and flood prevention operations"; *355,000 (by transfer)*

"Watershed and flood prevention operations", $2,000,000;	$2,000,000
"Resource conservation and development", $500,000;	500,000
[Total, Soil Conservation Service, $2,500,000]	

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

"Salaries and expenses", $4,585,000;	4,585,000

AGRICULTURAL MARKETING SERVICE

"Marketing services", $800,000;	800,000
"Funds for strengthening markets, income, and supply (section 32)", (increase of $190,000 in the limitation, "marketing agreements and orders");	*190,000 (increase in limitation)*

FOOD SAFETY AND INSPECTION SERVICE

"Salaries and expenses", $10,022,000;	10,022,000

PACKERS AND STOCKYARDS ADMINISTRATION

"Salaries and expenses", $377,000;	377,000

FOREST SERVICE

"Forest research", $1,753,000;	1,753,000
"State and private forestry", $486,000;	486,000
"National forest system", $18,813,000;	18,813,000
"Construction and land acquisition", $3,598,000;	3,598,000

[Total, Forest Service, $24,650,000.]

[Total, Department of Agriculture:

[New budget (obligational) authority	*$52,282,000.]*
[By transfer	*14,888,000.]*
[Increase in limitation	*190,000.]*

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $1,467,000, to be derived by transfer from "Regional development programs";	*1,467,000 (by transfer)*

BUREAU OF THE CENSUS

(TRANSFER OF FUNDS)

"Salaries and expenses", $2,200,000, to be derived by transfer from "Regional development programs";	*2,200,000 (by transfer)*

ECONOMIC AND STATISTICAL ANALYSIS

(TRANSFER OF FUNDS)

"Salaries and expenses", $1,295,000, to be derived by transfer from "Regional development programs";	*1,295,000 (by transfer)*

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"Operations, research, and facilities", $21,294,000, to remain available until expended;	21,294,000

PATENT AND TRADEMARK OFFICE

"Salaries and expenses", $3,874,000, to remain available until expended;	3,874,000

[Total, Department of Commerce:

[New budget (obligational) authority	*$25,168,000.]*
[By transfer	*4,962,000.]*

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

"Military personnel, Army", $1,476,573,000;	$1,476,573,000
"Military personnel, Navy", $1,073,144,000;	1,073,144,000
"Military personnel, Marine Corps", $316,634,000;	316,634,000
"Military personnel, Air Force", $1,198,858,000;	1,198,858,000
"Reserve personnel, Army", $104,800,000;	104,800,000
"Reserve personnel, Navy", $28,230,000;	28,230,000
"Reserve personnel, Marine Corps", $12,880,000;	12,880,000
"Reserve personnel, Air Force", $32,403,000;	32,403,000
"National Guard personnel, Army", $162,300,000;	162,300,000
"National Guard personnel, Air Force", $54,033,000;	54,033,000

[Total, Military Personnel, $4,459,855,000.]

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

"Operation and maintenance, Army", $180,000,000;	180,000,000
"Operation and maintenance, Navy", $238,400,000;	238,400,000
"Operation and maintenance, Marine Corps", $12,700,000;	12,700,000
"Operation and maintenance, Air Force", $86,774,000; and in addition, $75,726,000 of which $36,100,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1980/1982", $10,000,000 shall be derived by transfer from "Missile procurement, Air Force, 1982/1984", $12,000,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1982/1984", and $17,626,000 shall be derived by transfer from "Research, development, test, and evaluation, Navy, 1982/1983";	86,774,000 *75,726,000* *(by transfer)*
"Operation and maintenance, Defense Agencies", $144,800,000;	144,800,000
"Operation and maintenance, Army Reserve", $11,211,000;	11,211,000
"Operation and maintenance, Navy Reserve", $3,247,000;	3,247,000
"Operation and maintenance, Marine Corps Reserve", $145,000;	145,000
"Operation and maintenance, Air Force Reserve", $9,500,000;	9,500,000
"Operation and maintenance, Army National Guard", $20,247,000;	20,247,000
"Operation and maintenance, Air National Guard", $23,400,000;	23,400,000
"National Board for the Promotion of Rifle Practice, Army", $16,000;	16,000
"Court of Military Appeals, Defense", $93,000;	93,000

[Total, Operation and Maintenance, $730,533,000.]

FAMILY HOUSING, DEFENSE

"Family housing, Defense", $9,800,000 (and an increase of $9,800,000 in the limitation on Department of Defense, operation, maintenance);	9,800,000

[Total, Department of Defense—Military:

[New budget (obligational) authority	*$5,200,188,000.]*
[By transfer	*75,726,000.]*

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

"Construction, general", $13,000,000, to remain available until expended;	13,000,000
"Operation and maintenance, general", $17,000,000, to remain available until expended;	17,000,000
"General expenses", $5,000,000;	5,000,000

[Total, Corps of Engineers, $35,000,000.]

CEMETERIAL EXPENSES, ARMY

"Salaries and expenses", $79,000; $79,000

SOLDIERS' AND AIRMEN'S HOME

"Operation and maintenance", $753,000. 753,000

[Total, Department of Defense—Civil, $35,832,000.]

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

"Salaries and expenses", $4,676,000; 4,676,000

"Office of the Inspector General, Salaries and expenses", $559,000. 559,000

[Total, Department of Education, $5,235,000.]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

"Salaries and expenses", $10,300,000; 10,300,000

HEALTH SERVICES ADMINISTRATION

"Indian health services", $18,160,000; 18,160,000

CENTERS FOR DISEASE CONTROL

"Preventive health services", $7,132,000, of which $2,300,000 is to be derived from unobligated swine-flu funds provided under Public Law 94-266; 4,832,000 *2,300,000 (by transfer)*

NATIONAL INSTITUTES OF HEALTH

"National Library of Medicine", $633,000; 633,000

"Office of the Director", $1,056,000; 1,056,000

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

(TRANSFER OF FUNDS)

"Saint Elizabeths Hospital" $4,454,000, of which $3,454,000 is to be derived by transfer from deobligated prior year funds in "Health resources"; 1,000,000 *3,454,000 (by transfer)*

HEALTH RESOURCES ADMINISTRATION

"Health resources", $1,270,000, to be derived by transfer from deobligated prior year funds; *1,270,000 (by transfer)*

ASSISTANT SECRETARY FOR HEALTH

"Salaries and expenses", $2,858,000; 2,858,000

HEALTH CARE FINANCING ADMINISTRATION

(TRANSFER OF FUNDS)

"Program management", $8,060,000, of which $4,800,000 is to be derived by transfer from the "Federal Hospital Insurance Trust Fund" and the "Federal Supplementary Medical Insurance Trust Fund"; 3,260,000 *4,800,000 (by transfer)*

Social Security Administration

"Assistance payments program", $1,600,000;	$1,600,000
"Special benefits for disabled coal miners", $300,000;	300,000
"Supplemental security income program", $20,711,000;	20,711,000
"Refugee assistance", $123,000;	123,000
"Limitation on administrative expenses" (increase of $71,100,000 in the limitation on administrative expenses paid from the trust funds and supplemental security income program);	*71,100,000 (increase in limitation on administrative expenses)*

[Total, Social Security Administration, $22,734,000.]

Assistant Secretary for Human Development Services

"Human development services", $2,497,000;	2,497,000

Departmental Management

"General departmental management", $6,473,000;	6,473,000
"Office of the Inspector General", $1,559,000;	1,559,000
"Office for Civil Rights", $397,000;	397,000
"Office of Consumer Affairs", $88,000;	88,000

[Total, Departmental Management, $8,517,000.]

[Total, Department of Health and Human Services:]

[New budget (obligational) authority	*$75,847,000.]*
[Increase in limitation	*71,100,000.]*
[By transfer	*11,824,000.]*

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

"Management of lands and resources", $3,728,000;	3,728,000

United States Fish and Wildlife Service

"Resource management", $4,572,000;	4,572,000

National Park Service

"Operation of the national park system", $6,446,000;	6,446,000
"National recreation and preservation", $235,000;	235,000
"John F. Kennedy Center for the Performing Arts", $70,000;	70,000

[Total, National Park Service, $6,751,000.]

Geological Survey

"Surveys, investigations, and research", $7,042,000;	7,042,000

Bureau of Indian Affairs

"Operation of Indian programs", $8,252,000;	8,252,000

Office of the Solicitor

"Salaries and expenses", $150,000;	150,000

Office of the Secretary

"Departmental management", $775,000;	775,000

[Total, Department of the Interior, $31,270,000.]

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

“Salaries and expenses”, $1,041,000; $ 1,041,000

UNITED STATES PAROLE COMMISSION

“Salaries and expenses”, $206,000; 206,000

LEGAL ACTIVITIES

“Salaries and expenses, general legal activities”, $5,022,000; 5,022,000

“Salaries and expenses, Foreign Claims Settlement Commission”, $29,000; 29,000

“Salaries and expenses, United States attorneys and marshals”, $12,167,000; 12,167,000

“Salaries and expenses, Community Relations Service”, $227,000; 227,000

[Total, legal activities, $17,445,000.]

FEDERAL BUREAU OF INVESTIGATION

“Salaries and expenses”, $23,000,000; 23,000,000

IMMIGRATION AND NATURALIZATION SERVICE

“Salaries and expenses”, $12,000,000; 12,000,000

DRUG ENFORCEMENT ADMINISTRATION

“Salaries and expenses”, $6,000,000; 6,000,000

FEDERAL PRISON SYSTEM

“Salaries and expenses”, $6,700,000; 6,700,000

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

(TRANSFER OF FUNDS)

“Research and statistics”, $232,000, to be derived by transfer of reversionary funds from “Law Enforcement Assistance”; *232,000 (by transfer)*

[Total, Department of Justice:
[New budget (obligational) authority............. $66,392,000.]
[By transfer... 232,000.]

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

(TRANSFER OF FUNDS)

“Program administration”, $4,847,000, to be derived by transfer from “Employment and training assistance”; *4,847,000 (by transfer)*

LABOR-MANAGEMENT SERVICES ADMINISTRATION

(TRANSFER OF FUNDS)

“Salaries and expenses”, $1,710,000, to be derived by transfer from Employment and Training Administration, “Employment and training assistance”; *1,710,000 (by transfer)*

EMPLOYMENT STANDARDS ADMINISTRATION

(TRANSFER OF FUNDS)

“Salaries and expenses”, $4,974,000, to be derived by transfer from Employment and Training Administration, “Employment and training assistance”; *4,974,000 (by transfer)*

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $2,927,000, to be derived by transfer from Employment and Training Administration, "Employment and training assistance"; *$ 2,927,000 (by transfer)*

BUREAU OF LABOR STATISTICS

(TRANSFER OF FUNDS)

"Salaries and expenses", $3,498,000, to be derived by transfer from Employment and Training Administration, "Employment and training assistance"; *3,498,000 (by transfer)*

DEPARTMENTAL MANAGEMENT

(TRANSFER OF FUNDS)

"Salaries and expenses", $3,377,000, to be derived by transfer from Employment and Training Administration, "Employment and training assistance"; *3,377,000 (by transfer)*

[Total, Department of Labor (by transfer), $21,333,000.]

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses", $22,078,000, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956. 22,078,000

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

"Limitation on general operating expenses" (increase of $2,500,000 in the limitation on general operating expenses): *Provided*, That none of the funds in this or any other Act shall be available for the implementation of the Federal Highway Administration's rule "Design standards for highways; resurfacing, restoration, and rehabilitation of streets and highways other than freeways"; *2,500,000 (increase in limitation)*

FEDERAL RAILROAD ADMINISTRATION

"Office of the Administrator", $200,000; 200,000

URBAN MASS TRANSPORTATION ADMINISTRATION

"Administrative expenses", $500,000; 500,000

FEDERAL AVIATION ADMINISTRATION

"Operations", $83,794,000; 83,794,000

"Operation and maintenance, Metropolitan Washington airports", $456,000; 456,000

[Total, Federal Aviation Administration, $84,250,000.]

COAST GUARD

"Operating expenses", $78,100,000, of which $14,000,000 shall be derived by transfer from the appropriation "Coast Guard, Retired pay"; 64,100,000 *14,000,000 (by transfer)*

"Reserve training", $2,868,000, of which $650,000 shall be derived by transfer from the appropriation "Research and Special Programs Administration, Research and special programs" and $218,000 shall be derived by transfer from the unobligated balances of "Cooperative automotive research"; 2,000,000 *868,000 (by transfer)*

[Total, Coast Guard:
[New budget (obligational authority) .... *$66,100,000.]*
[By transfer .... *14,868,000.]*

Saint Lawrence Seaway Development Corporation

"Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation" (increase of $38,000 in the limitation on administrative expenses);	*$38,000 (increase in limitation)*

Office of the Inspector General

"Salaries and expenses", $445,000 together with $155,000 derived from funds available pursuant to 23 U.S.C. 104(a) for payment of obligations;	445,000 *155,000 (by transfer)*

Office of the Secretary

"Salaries and expenses", $700,000 together with $74,543 of unobligated balances originally appropriated in Public Law 93-240 for carrying out the responsibilities of the Regional Rail Reorganization Act of 1973.	700,000

[Total, Department of Transportation:
[New budget (obligational) authority .... *$152,195,000.]*
[By transfer .... *15,023,000.]*
[Increase in limitations .... *2,538,000.]*

DEPARTMENT OF THE TREASURY

Office of the Secretary

"Salaries and expenses", $1,766,000;	1,766,000
"International affairs", $992,000;	992,000

[Total, Office of the Secretary, $2,758,000.]

Office of Revenue Sharing

"Salaries and expenses", $61,000;	61,000

Federal Law Enforcement Training Center

"Salaries and expenses", $255,000;	255,000

Bureau of Government Financial Operations

"Salaries and expenses", $2,588,000;	2,588,000

Bureau of Alcohol, Tobacco and Firearms

"Salaries and expenses", $2,685,000;	2,685,000

United States Customs Service

"Salaries and expenses", $18,565,000;	18,565,000

Bureau of the Mint

"Salaries and expenses", $3,386,000;	3,386,000

Bureau of the Public Debt

"Administering the public debt", $1,594,000;	1,594,000

Internal Revenue Service

"Salaries and expenses", $8,068,000;	8,068,000
"Taxpayer service and returns processing", $25,222,000;	25,222,000
"Examination and appeals", $34,846,000;	34,846,000
"Investigation and collections", $23,117,000;	23,117,000

[Total, Internal Revenue Service, $91,253,000.]

Administrative provision—Internal Revenue Service: Any appropriation made available to the Internal Revenue Service for fiscal year 1982 may be transferred to any other Internal Revenue Service appropriation to the extent made necessary by increased pay costs authorized by law.

United States Secret Service

"Salaries and expenses", $5,855,000. $5,855,000

[Total, Department of the Treasury, $129,000,000.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", $80,000,000, of which $50,000,000 shall remain available until September 30, 1983; 80,000,000

VETERANS ADMINISTRATION

"Medical care", $147,308,000; 147,308,000

"Medical and prosthetic research", $4,244,000, to remain available until September 30, 1983; 4,244,000

"General operating expenses", $21,925,000; 21,925,000

[Total, Veterans Administration, $173,477,000.]

OTHER INDEPENDENT AGENCIES

Action

"Operating expenses, domestic programs", $952,000; 952,000

Administrative Conference of the United States

"Salaries and expenses", $52,000; 52,000

Civil Aeronautics Board

"Salaries and expenses", $375,000; 375,000

Commission of Fine Arts

"Salaries and expenses", $12,000; 12,000

Committee for Purchase From the Blind and Other Severely Handicapped

"Salaries and expenses", $19,000; 19,000

Commodity Futures Trading Commission

"Salaries and expenses", $788,000; 788,000

Consumer Product Safety Commission

"Salaries and expenses", $500,000; 500,000

Equal Employment Opportunity Commission

"Salaries and expenses", $4,850,000; 4,850,000

Farm Credit Administration

"Limitation on administrative expenses" (increase of $259,000 in the limitation on administrative expenses); *259,000 (increase in limitation)*

Federal Communications Commission

"Salaries and expenses", $3,000,000; 3,000,000

FEDERAL ELECTION COMMISSION

"Salaries and expenses", $184,000;

$184,000

FEDERAL EMERGENCY MANAGEMENT AGENCY

(TRANSFER OF FUNDS)

"Salaries and expenses", $2,084,000, to be derived by transfer from "State and local assistance" and an additional $500,000 to be derived by transfer from "Emergency planning and assistance", for a total available by transfer of $2,584,000;

2,584,000 (by transfer)

FEDERAL HOME LOAN BANK BOARD

"Limitation on administrative and nonadministrative expenses, Federal Home Loan Bank Board" (increase of $400,000 in the limitation on administrative expenses and an increase of $300,000 in the limitation on nonadministrative expenses);

400,000 (increase in limitation)
300,000 (increase in limitation)

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

"Limitation on administrative expenses, Federal Savings and Loan Insurance Corporation" (increase of $30,000 in the limitation on administrative expenses);

30,000 (increase in limitation)

FEDERAL LABOR RELATIONS AUTHORITY

"Salaries and expenses", $645,000;

645,000

FEDERAL MARITIME COMMISSION

"Salaries and expenses", $273,000;

273,000

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

"Salaries and expenses", $225,000;

225,000

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1982, $3,022,000 shall be available for such purposes and the limitation on the amount available for program direction and centralized services is increased to $91,607,000: *Provided*, That any revenues and collections and any other sums accruing to this fund during fiscal year 1982, excluding reimbursement under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $1,871,333,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts.

3,022,000 (increase in limitation)

FEDERAL SUPPLY SERVICE

"Operating expenses", $4,088,000;

4,088,000

TRANSPORTATION AND PUBLIC UTILITIES SERVICE

"Operating expenses", $611,000;

611,000

NATIONAL ARCHIVES AND RECORDS SERVICE

"Operating expenses", $1,681,000;

1,681,000

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

"Operating expenses", $488,000;	$ 488,000

FEDERAL PROPERTY RESOURCES SERVICE

(TRANSFER OF FUNDS)

"Operating expenses", $1,079,000; of which $501,000 shall be transferred from the appropriation "Rare silver dollars";	578,000 *501,000* *(by transfer)*

GENERAL MANAGEMENT AND ADMINISTRATION

"Salaries and expenses", $4,994,000;	4,994,000
"Office of Inspector General", $677,000;	677,000

HOLOCAUST MEMORIAL COUNCIL

"Holocaust memorial council", $17,000;	17,000

INTELLIGENCE COMMUNITY STAFF

"Intelligence community staff", $632,000;	632,000

INTERGOVERNMENTAL AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"Salaries and expenses", $82,000;	82,000

INTERNATIONAL COMMUNICATION AGENCY

"Salaries and expenses", $7,115,000, notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948, as amended;	7,115,000

INTERNATIONAL TRADE COMMISSION

"Salaries and expenses", $603,000;	603,000

MERIT SYSTEMS PROTECTION BOARD

"Salaries and expenses", $326,000;	326,000
Office of Special Counsel: "Salaries and expenses", $104,000;	104,000

[Total, Merit Systems Protection Board, $430,000.]

NATIONAL CAPITAL PLANNING COMMISSION

"Salaries and expenses", $106,000;	106,000

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

"Salaries and expenses", $170,000;	170,000

NATIONAL LABOR RELATIONS BOARD

"Salaries and expenses", $2,400,000;	2,400,000

NATIONAL SCIENCE FOUNDATION

"Research and related activities", $1,900,000 (and an increase of $300,000 in the limitation on program development and management), to remain available until September 30, 1983;	1,900,000

NATIONAL TRANSPORTATION SAFETY BOARD

"Salaries and expenses", $580,000;	580,000

OFFICE OF PERSONNEL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $3,312,000 together with an additional amount of $803,000 for current fiscal year administration expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts to be determined by the Office of Personnel Management without regard to other statutes. $3,312,000 *803,000* *(by transfer)*

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

"Salaries and expenses", $48,000; 48,000

RAILROAD RETIREMENT BOARD

"Limitation on administration" (increase of $661,000 in use limitation on administration paid from the railroad retirement account): *Provided*, That the total number of full-time equivalent employees available to the Railroad Retirement Board under this heading and other appropriations of funds and other limitations on administration to pay expenses for activities required by law to be performed by the Board shall not be less than 1,578; *661,000* *(limitation on administration)*

SELECTIVE SERVICE SYSTEM

"Salaries and expenses", $938,000; 938,000

SMITHSONIAN INSTITUTION

"Salaries and expenses", $2,700,000; 2,700,000

"Salaries and expenses, Woodrow Wilson International Center for Scholars", $25,000; 25,000

UNITED STATES TAX COURT

"Salaries and expenses", $381,000. 381,000

[Total, Other Independent Agencies:	
[New budget (obligational) authority	*$46,431,000.]*
[Increase in limitation	*4,011,000.]*
[By transfer	*3,888,000.]*
[Limitation on administration	*661,000.]*
[Total, title II, Increased Pay Costs:	
[New budget (obligational) authority	*6,145,002,640.]*
[By transfer	*158,426,000.]*
[Increase in limitations on administrative expenses	*77,839,000.]*
[Limitation on administration	*661,000.]*

TITLE III

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1982, limiting the amount which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

SEC. 303. Notwithstanding any other provision of law, funds provided to the Department of Energy by this Act or any other Act for any fiscal year shall be used to maintain not less than the number of full-time permanent Federal employees specified herein for each of the following offices, agencies, or categories of activity: (1) the Office of the Assistant Secretary for Conservation and Renewables, 352 employees, of which not less than 154 employees shall be assigned to conservation research and development activities, and not less than 180 employees shall be assigned to State and local conservation activities; (2) the Office of the Assistant Secretary for Fossil Energy, 754 employees, of which not less than 150 employees shall be assigned to activities of the headquarters organization, not less than 280 employees shall be assigned to the Pittsburgh Energy Technology Center, and not less than 250 employees shall be assigned to the Morgantown Energy Technology Center; (3) the Economic Regulatory Administration, 450 employees, of which not less than 40 employees shall be assigned to the Office of Fuels Conversion; and (4) the Energy Information Administration, 490 employees: *Provided,* That, notwithstanding any other provision of law, in any case in which the President proposes to rescind, reserve, or defer funds which are available to maintain the Federal personnel levels required by this section, the President shall continue to obligate such funds in order to maintain such levels until a period of 45 days of continuous session of Congress has expired after the President has transmitted to the Congress a special message with respect to such rescission, reservation, or deferral under section 1012 or 1013 of the Impoundment Control Act of 1974, as the case may be: *Provided further,* That if, within such 45-day period, the Congress passes a rescission bill with respect to any such rescission or reservation or fails to pass an impoundment resolution with respect to any such reservation, the President may withhold from obligation the funds for which such special message was transmitted with respect to such rescission, reservation, or deferral: *Provided further,* That nothing in the foregoing provisions shall permit the transfer of funding or full-time permanent positions provided for programs and activities funded in Energy and Water Development Appropriation Acts to programs or activities funded in Interior and Related Agencies Appropriation Acts or vice versa.

SEC. 304. Funds appropriated by chapter VII of the Urgent Supplemental Appropriations Act of 1982, Public Law 97-216, in the amount of $18,000,000 earmarked for use for flood control and related measures on the Cowlitz and Toutle Rivers shall be obligated or expended as expeditiously as practicable due to a declared state of emergency in the State of Washington as a result of a serious threat of catastrophic flooding.

SEC. 305. (a) The Congress finds that—

(1) since the enactment of Public Law 94-142, the Education for All Handicapped Children Act of 1975, amending part B of the Education of the Handicapped Act, significant numbers of handicapped youngsters have been successfully brought into the Nation's educational system;

(2) part B of the Education of the Handicapped Act has been consistently upheld since its enactment and any attempt to weaken the rights of handicapped children or the rights of parents of handicapped children has been rejected by the Congress;

(3) handicapped children have consistently demonstrated that they can and do take full advantage of the educational opportunities afforded to them;

(4) the success of part B of the Education of the Handicapped Act in States where it is in effect can be attributed in large measure to the statutory and regulatory provisions assuring the rights and participation of parents in determining the education of their children; and

(5) the Department of Education has on August 4, 1982 published proposed changes in the regulations implementing part B of the Education of the Handicapped Act designed to eliminate the assurances that the rights and participation of parents and handicapped school children be recognized.

(b) It is the sense of the Congress that—

(1) the proposed final regulations implementing part B of the Education of the Handicapped Act should not become effective, and should not be transmitted to the Congress under paragraph (1) of section 431(d) of the General Education Provisions Act, until—

(A) after the 97th Congress has returned from the recess which is scheduled to begin in October 1982, or

(B) after the 98th Congress is convened,

whichever first occurs;

(2) the forty-five day period specified in such paragraph (1) should begin on the day that such regulations are transmitted to the Congress in accordance with clause (1) of this subsection; and

(3) paragraph (2) (except the first sentence) of section 431(d) of such Act should not apply to such forty-five day period.

Sec. 306. Effective upon enactment of this Act and for the remainder of fiscal year 1983, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

Sec. 307. Notwithstanding any other provision of law, none of the funds made available by this or any other Act, heretofore or hereafter enacted, may be used to carry out section 103 and section 305(d)(3) of S. 1193 "An Act to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency and the Board for International Broadcasting, and for other purposes", unless reprogrammed in accordance with the procedures established by the Committees on Appropriations of the House and Senate.

This Act may be cited as the "Supplemental Appropriations Act, 1982".

Melvin Price
Speaker of the House of Representatives Pro Tempore

Strom Thurmond
President of the Senate Pro Tempore

IN THE HOUSE OF REPRESENTATIVES, U.S.,

September 9, 1982.

The House of Representatives having proceeded to reconsider the bill (H.R. 6863) entitled "An Act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Edmund L. Henshaw, Jr.
Clerk.

I certify that this Act originated in the House of Representatives.

Edmund L. Henshaw, Jr.
Clerk.
By W. Raymond Colley
Deputy Clerk.

IN THE SENATE OF THE UNITED STATES

September 10 (legislative day, September 8), 1982.

The Senate having proceeded to reconsider the bill (H.R. 6863) entitled "An Act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

William F. Hildenbrand
Secretary.

LEGISLATIVE HISTORY—H.R. 6863

HOUSE REPORTS: No. 97-673 (Comm. on Appropriations) and No. 97-747 (Comm. of Conference).
SENATE REPORT No. 97-516 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  July 29, considered and passed House.
  Aug. 5, 9-11, considered and passed Senate, amended.
  Aug. 18, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments, and disagreed to certain Senate amendments.
  Aug. 20, Senate agreed to conference report; resolved amendments in disagreement.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 35 (1982):
  Aug. 28, Presidential veto message.
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Sept. 9, House overrode veto.
  Sept. 10, Senate overrode veto.

Grand total, titles I and II:	
New budget (obligational) authority (net)	$14,177,105,924
Appropriations, 1982	(10,238,912,199)
Reappropriations, fiscal year 1982	(1,400,000)
Reappropriations, fiscal year 1983	(3,185,000)
Appropriations for debt reduction	(−665,545,275)
Rescissions	(−400,846,000)
Authority to borrow	(5,000,000,000)
Deferrals	*(−76,915,000)*
Liquidation of contract authority	*(43,941,000)*
By transfer	*(406,665,000)*

Grand totals, titles I and II—Continued:

Increase in limitations on administrative expenses	*($120,739,000)*
Increase in limitation on availability of revenue	*(857,000)*
District of Columbia funds	*(60,500,400)*
Limitations on direct loans	*(42,484,000)*
Limitations on guaranteed loans	*(3,933,250,000)*
Limitations on obligations	*(125,000,000)*
Limitation on expenses	*(5,400,000)*
Limitation administration	*(661,000)*
Foreign currency program	*(920,000)*

NOTE.—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made or rescinded in the foregoing act:

Chapter	Department or Establishment	Amount
	TITLE I—GENERAL SUPPLEMENTALS	
I	Department of Agriculture:	
	New budget (obligational) authority	$5,000,000,000
	Authority to borrow	*5,000,000,000*
II	Department of Commerce:	
	New budget (obligational) authority	149,951,000
	Appropriations	(151,766,000)
	Reappropriations, fiscal year 1983	185,000
	Rescissions	(−2,000,000)
	Deferrals	*−12,915,000*
	By transfer	*6,250,000*
	Limitation on direct loans	*42,484,000*
	Limitation on guaranteed loans	*4,103,250,000*
	Limitation on expenses	*5,400,000*
III	Department of Defense—Military:	
	New budget (obligational) authority	435,354,000
	Liquidation of contract authority	*43,941,000*
	By transfer	*142,900,000*
IV	District of Columbia:	
	New budget (obligational) authority (net)	(60,500,400)
	Appropriations	(75,200,400)
	Rescission	(−14,700,000)
	By transfer	*2,700,000*
V	Department of Energy:	
	New budget (obligational) authority	64,300,000
	By transfer	*16,000,000*
VI	Foreign Operations:	
	New budget (obligational) authority	406,543,000
	Limitation on obligations	*125,000,000*
	By transfer	*50,000,000*
	Foreign Currency Program	*920,000*
VII	Department of Housing and Urban Development:	
	New budget (obligational) authority	150,000
	By transfer	*12,698,000*
VIII	Department of the Interior:	
	New budget (obligational) authority (net)	223,939,000
	Appropriations	*(258,939,000)*
	Reappropriations, fiscal year 1983	*(3,000,000)*
	Rescissions	*(−38,000,000)*
	Deferrals	*−64,000,000*
	By transfer	*991,000*
IX	Department of Labor:	
	New budget (obligational) authority (net)	790,984,000
	Appropriations	*(839,170,000)*
	Rescissions	*(−48,186,000)*
	Increase in limitation on administrative expenses	*42,900,000*
	By transfer	*400,000*
X	Legislative Branch	8,597,325
XI	Military Construction	45,000,000
XII	Department of Transportation:	
	New budget (obligational) authority (net)	340,020,000
	Appropriations	(1,109,565,275)
	Appropriations for debt reduction	(−665,545,275)
	Rescissions	(−104,000,000)
	By transfer	*19,000,000*
	Reduction in limitation on guaranteed loans	*−170,000,000*

Chapter	Department or Establishment	Amount
	TITLE I—General Supplementals—Continued	
XIII	Department of the Treasury:	
	New budget (obligational) authority (net)	$567,264,959
	Appropriations	(774,524,959)
	Reappropriation, fiscal year 1982	(1,400,000)
	Rescissions	(−208,660,000)
	Increase in limitation on availability of revenue	*857,000*
	Total, title I General Supplementals:	
	New budget (obligational) authority (net)	8,032,103,284
	Appropriations	(4,093,909,559)
	Reappropriations, fiscal year 1982	(1,400,000)
	Reappropriation, fiscal year 1983	(3,185,000)
	Appropriation for debt reduction	(−665,545,275)
	Rescissions	(−400,846,000)
	Authority to borrow	(5,000,000,000)
	Deferrals	*−76,915,000*
	Liquidation of contract authority	*43,941,000*
	By transfer	*248,239,000*
	Increase in limitation on administrative expenses	*42,900,000*
	District of Columbia funds	*60,500,400*
	Limitation on direct loans	*42,484,000*
	Limitation on guaranteed loans	*3,933,250,000*
	Foreign Currency Program	*920,000*
	Limitation on obligations	*125,000,000*
	Limitation on expenses	*5,400,000*
	Increase in limitation on availability of revenue	*857,000*
	TITLE III—INCREASED PAY COSTS	
	Legislative Branch	35,233,000
	The Judiciary	11,181,000
	By transfer	*10,550,000*
	Executive Office of the President	3,193,640
	Department of Agriculture	52,282,000
	By transfer	*14,888,000*
	Increase in limitation	*190,000*
	Department of Commerce	25,168,000
	By transfer	*4,962,000*
	Department of Defense—Military	5,200,188,000
	By transfer	*75,726,000*
	Department of Defense—Civil	35,832,000
	Department of Education	5,235,000
	Department of Health and Human Services	75,847,000
	By transfer	*11,824,000*
	Increase in limitations	*71,100,000*
	Department of the Interior	31,270,000
	Department of Justice	66,392,000
	By transfer	*232,000*
	Department of Labor	....
	By transfer	*21,333,000*
	Department of State	22,078,000
	Department of Transportation	152,195,000
	By transfer	*15,023,000*
	Increase in limitations	*2,538,000*
	Department of the Treasury	129,000,000
	National Aeronautics and Space Administration	80,000,000
	Veterans Administration	173,477,000
	Other Independent Agencies	46,431,000
	By transfer	*3,888,000*
	Increase in limitations	*4,011,000*
	Limitation on administration	*661,000*
	Total, title II—Increased Pay Costs:	
	New budget (obligational) authority	6,145,002,640
	By transfer	*158,426,000*
	Increase in limitations on administrative expenses	*77,839,000*
	Limitation on administration	*661,000*

Chapter	Department or Establishment	Amount
	RECAPITULATION	
	Grand total, titles I and II:	
	New budget (obligational) authority (net)	($14,177,105,924)
	Appropriations	(10,238,912,199)
	Appropriations for debt reduction	(−665,545,275)
	Reappropriations, fiscal year 1982	(1,400,000)
	Reappropriations, fiscal year 1983	(3,185,000)
	Rescissions	(−400,846,000)
	Authority to borrow	(5,000,000,000)
	Deferrals (net)	*(−76,915,000)*
	Liquidation of contract authority	*(43,941,000)*
	By transfer	*(406,665,000)*
	Increase in limitations on administrative expenses	*(120,739,000)*
	Limitation on direct loans	*(42,484,000)*
	Limitation on guaranteed loans	*(3,933,250,000)*
	Foreign Currency Program	*(920,000)*
	District of Columbia funds	*(60,500,400)*
	Limitation on availability of revenue	*(857,000)*
	Limitations on obligations	*(125,000,000)*
	Limitations on expenses	*(5,400,000)*
	Limitation on administration	*(661,000)*

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 1983

Public Law 97-370

97th Congress, H.R. 7072

December 18, 1982

AN ACT

Making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes; namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, including not to exceed $75,000 for employment under 5 U.S.C. 3109, $3,884,000: *Provided,* That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

$3,884,000

STANDARD LEVEL USER CHARGES (USDA)

For payment of standard level user charges pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, $56,377,000.

56,377,000

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of Advisory Committees of the Department of Agriculture which are included in this Act, $1,398,000: *Provided,* That no other funds in this Act shall be available to the Department of Agriculture for support of activities of Advisory Committees.

1,398,000

DEPARTMENTAL ADMINISTRATION

For Budget and Program Analysis, and Public Participation, $3,529,000; for Energy, $185,000; for Operations and Finance, Personnel, Regulatory Hearings, Equal Opportunity, Safety and Health Management, and Small and Disadvantaged Business Utilization, $9,452,000; making a total of $13,166,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient

13,166,000

work of the Department of Agriculture, of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

Office of Governmental and Public Affairs

For necessary expenses to carry on services relating to the coordination of programs involving governmental and public affairs and emergency preparedness; acting as liaison within the executive branch; and for the dissemination of agricultural information and the coordination of information work and programs authorized by Congress in the Department, $6,677,000; of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and, not to exceed $2,000,000 may be used for farmers' bulletins and not less than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided,* That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

$6,677,000

Office of Congressional Affairs

For necessary expenses for liaison with the Congress on legislative matters, $439,000.

439,000

Office of the Inspector General

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), $27,943,000 including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978 (Public Law 95-452), and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and in addition, $14,270,000 shall be derived by transfer from the appropriation, "Food Stamp Program" and merged with this appropriation.

27,943,000

14,270,000
(by transfer)

Office of the General Counsel

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, $12,386,000; and in addition, $628,000 shall be derived by transfer from the appropriation, "Food Stamp Program" and merged with this appropriation.

12,386,000
628,000
(by transfer)

Federal Grain Inspection Service

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109, $5,369,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize pay-

5,369,000

ments from fee-supported funds to persons or persons who require, nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $44,313,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services.

$44,313,000 (limitation on administrative expenses from fees collected)

Agricultural Research Service

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $452,378,000: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That of the appropriations hereunder not less than $10,526,600 shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $110,000, except for headhouses connecting greenhouses which shall each be limited to $500,000, and except for ten buildings to be constructed or improved at a cost not to exceed $200,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $110,000 whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of $110,000 for facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the limitations on construction contained in this Act shall not apply to the establishment of a fruit and nut germplasm repository at Geneva, New York.

452,378,000

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,000,000.

2,000,000 (reappropriation, indefinite)

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Agricultural Research Service, where not otherwise provided, $1,927,000.

1,927,000

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(1), (3)), $2,977,000: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed, and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed $25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109. $2,977,000

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $149,295,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a–361i), and further amended by Public Law 92–318 approved June 23, 1972, and further amended by Public Law 93-471 approved October 26, 1974, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $12,452,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a—582a-7), as amended by Public Law 92-318 approved June 23, 1972, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $22,394,000 for payments to the 1890 land-grant colleges, including Tuskegee Institute, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95–113), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee Institute; $26,533,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); $17,000,000 for competitive research grants, including administrative expenses; $5,760,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; $540,000 for grants in accordance with section 1419 of Public Law 95–113, as amended; $702,000 for research authorized by the Native Latex Commercialization and Economic Development Act of 1978; $10,000,000 for grants to upgrade 1890 land-grant college research facilities as authorized by section 1433 of Public Law 97–98; and $290,000 for necessary expenses of Cooperative State Research Service activities, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109; in all, $244,966,000. 244,966,000

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, the Virgin Islands, American Samoa, and Micronesia: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341–349), section 506 of the Act of June 23, 1972, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), to be distributed under sections 3(b) and 3(c) of the Act, for retirement and employees' compensation costs for extension agents, and for costs of penalty mail for cooperative extension agents and State extension directors, $230,376,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $60,354,000; payments for the urban gardening programs under section 3(d) of the Act, $3,000,000; payments for the pest management program under section 3(d) of the Act, $7,531,000; payments for the farm safety program under section 3(d) of the Act, $1,020,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $1,716,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $2,000,000; payments for extension work under section 209(c) of Public Law 93–471, $983,000; payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee Institute, $16,241,000; in all, $323,221,000, of which not less than $79,400,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands, American Samoa, and Micronesia prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

$323,221,000

Federal administration and coordination: For Administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962, section 506 of the Act of June 23, 1972, section 209(d) of Public Law 93–471, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension and higher education work of the Department and the several States and insular possessions, $5,451,000, of which not less than $2,300,000 is for Home Economics.

5,451,000

[Total, Extension Activities, $328,672,000.]

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, $8,849,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $575,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

8,849,000

[Total, Agricultural Research Service, $1,041,769,000.]

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $267,915,000 of which $1,000,000 shall be available for the control of outbreaks of insects, plant diseases and animal diseases to the extent necessary to meet emergency conditions: *Provided*, That $1,000,000 of the funds for control of the fire ant shall be placed in

267,915,000

reserve for matching purposes with States which may come into the program: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two, of which one shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious diseases or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

BUILDINGS AND FACILITIES

For plans, construction, repair, extension, alterations, purchase and improvement of fixed equipment or facilities, $2,386,000: *Provided,* That this appropriation shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements: *Provided further,* That unless otherwise provided, the cost of constructing any one building (except greenhouses) shall not exceed $115,000, and four buildings to be constructed or improved at a cost not to exceed $230,000 each: *Provided further,* That the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $90,000 whichever is greater: *Provided further,* That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100.

$2,386,000

[Total, Animal and Plant Health Inspection Service, $270,301,000.]

Food Safety and Inspection Service

For necessary expenses to carry on services to ensure that the Nation's commercial supply of meat and poultry products is safe, wholesome, and correctly labeled, as authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $315,557,000: *Provided,* That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building shall not exceed $90,000, except for two buildings to be constructed or improved at a cost not to exceed $150,000, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100.

315,557,000

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmers cooperatives; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; $37,751,000, of which not less than $200,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That not less than $350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not less than $145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further*, That not less than $66,000 of the funds contained in this appropriation shall be available for preparing and disseminating forecasts of farm sector receipts, production expenses, and net income indicators for crop year 1983 on a quarterly basis commencing prior to December 31, 1982. $37,751,000

STATISTICAL REPORTING SERVICE

For necessary expenses of the Statistical Reporting Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $51,035,000: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109. 51,035,000

AGRICULTURAL COOPERATIVE SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451–457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), $4,639,000, of which $139,000 shall be available for establishing a field office in Hawaii: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109.

$4,639,000

World Agricultural Outlook Board

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $1,403,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109.

1,403,000

Agricultural Marketing Service

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution and regulatory programs as authorized by law, and for administration and coordination of payment to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $70,000 for employment under 5 U.S.C. 3109, $31,912,000; of which not less than $1,480,000 shall be available for the Wholesale Market Development Program: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

31,912,000

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $30,910,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses.

30,910,000 (limitation on administrative expenses from fees, collected)

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $5,670,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

5,670,000 (by transfer)

TRANSPORTATION OFFICE

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,367,000: *Provided,* That this appropriation shall be

2,367,000

available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,000,000. $1,000,000

[Total, Agricultural Marketing Service, $35,279,000.]

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, $8,668,000. 8,668,000

[Total, Production, Processing and Marketing, $1,894,041,000.]

FARM INCOME STABILIZATION

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q); sections 1001 to 1008 and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1508 and 1510); the Water Bank Act, as amended (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); and laws pertaining to the Commodity Credit Corporation, $55,962,000: *Provided*, That, in addition, not to exceed *$314,818,000* may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund for a total of $370,780,000: *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

55,962,000
314,818,000
(by transfer)

DAIRY INDEMNITY PROGRAM

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $7,000,000: *Provided,* That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government. $7,000,000

[Total, Agricultural Stabilization and Conservation Service:

[New budget (obligational) authority	*$62,962,000.]*
[By transfer	*314,818,000.]*

CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $235,200,000. 235,200,000

SUBSCRIPTION TO CAPITAL STOCK

To enable the Secretary of the Treasury to subscribe and pay for capital stock of the Federal Crop Insurance Corporation, as provided in section 504(a) of the Federal Crop Insurance Act (7 U.S.C. 1504), $150,000,000. 150,000,000

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, $115,575,000, and for an additional amount of $27,658,000, to reimburse the Federal Crop Insurance Corporation Fund for agents' commission obligations incurred during prior years, but not previously reimbursed, as provided for under the provisions of section 516(a) of the Act. 115,575,000 27,658,000

[Total, Federal Crop Insurance Corporation Fund, $143,233,000.]

[Total, Federal Crop Insurance Corporation, $528,433,000.]

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained in prior years, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a–11, 713a–12), $3,783,244,000 [1] $10,466,057,000

DIRECT LOAN LEVELS

As authorized by law, the Commodity Credit Corporation shall carry out an Export Credit Sales direct loan program of not less than $500,000,000 in fiscal year 1983: *Provided,* That none of the [1] *$500,000,000 (within funds available)* funds in this Act may be used to carry out a program of loan guarantees by the Corporation for the production and marketing of industrial hydrocarbons and alcohols from agricultural commodities and forest products.

[1] *500,000,000 (limitation on direct loans)*

[Total, Farm Income Stabilization:	
Definite appropriations	*$11,057,452,000.]*
[By transfer	*314,818,000.]*
[Limitation on direct loans	*500,000,000.]*
[Total, new budget (obligational) authority, Farm Income Stabilization	*11,057,452,000.]*
[Total, title I, Agricultural Programs:	
[Definite appropriations	*$12,949,493,000.]*
[Indefinite appropriations	*2,000,000.]*
[By transfer	*335,386,000.]*
[Limitation on direct loans	*500,000,000.]*
[Limitation on administrative expenses from fees collected	*75,223,000.]*
[Total, new budget (obligational) authority, Agricultural Programs	*12,951,493,000.]*

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

OFFICE OF RURAL DEVELOPMENT POLICY

For necessary expenses, not otherwise provided for, of the Office of Rural Development Policy in providing leadership, coordination, and related services in carrying out the rural development activities of the Department of Agriculture, as authorized by section 603 of the Rural Development Act of 1972, as amended (7 U.S.C. 2204b); and section 2 of the Rural Development Policy Act of 1980 (7 U.S.C. 1921), and for monitoring Rural Development Planning Grants pursuant to section 306(a)(11) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(11)), $2,000,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 of this appropriation shall be available for employment under 5 U.S.C. 3109.

2,000,000

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

For direct loans and related advances pursuant to section 517(m) of the Housing Act of 1949, as amended, $24,000,000 shall be avail-

24,000,000 (loan authorization)

---

[1] Revised by sec. 625 of this Act (see p. 104, this volume).

able from funds in the rural housing insurance fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, $3,261,000,000 of which not less than $3,259,000,000 shall be available for subsidized interest loans to low-income borrowers as determined by the Secretary; and not to exceed $5,000,000 for advances as authorized by section 501(e) of such Act.

$3,261,000,000 (loan authorization)

5,000,000 (payment authorization)

During fiscal year 1983, no more than 22,310 units may be assisted under rental assistance agreements entered into or extended during the year pursuant to authority under section 521(a)(2) of the Housing Act of 1949, as amended, and the total new obligation incurred over the life of these agreements shall not exceed $123,745,000 to be added to and merged with the authority provided for this purpose in prior fiscal years: *Provided*, That the life of the agreements entered into or extended during fiscal year 1983 shall not exceed five years.

123,745,000 (limitation on obligations)

For an additional amount to reimburse the rural housing insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act of 1949, as amended (42 U.S.C. 1483, 1487e, and 1490a(c)), including $6,728,000, as authorized by section 521(c) of the Act, $1,109,722,000, and for an additional amount as authorized by section 521(c) of the Act as may be necessary to reimburse the fund to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

1,109,722,000

[Total, Rural Housing Insurance Fund:

[Definite appropriations	*$1,109,722,000.]*
[Loan authorization	*3,285,000,000.]*
[Payment authorization	*5,000,000.]*
[Limitation on obligations	*123,745,000.]*
[Total, new budget (obligational) authority, Rural Housing Insurance Fund	*1,109,722,000.]*

AGRICULTURAL CREDIT INSURANCE FUND

Loans may be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928–1929, or guaranteed, as follows: real estate loans, $840,100,000, including not less than $775,000,000 for farm ownership loans of which $75,000,000 shall be guaranteed loans; and not less than $53,100,000 for water development, use, and conservation loans of which $6,000,000 shall be guaranteed loans; operating loans, $1,510,000,000 of which $50,000,000 shall be guaranteed loans; and emergency insured and guaranteed loans in amounts necessary to meet the needs resulting from natural disasters: *Provided*, That 20 per centum of the farm ownership loans and 20 per centum of the operating loans insured, or made to be sold and insured, under this provision may be for low-income limited resource borrowers; guaranteed economic emergency loans under the Emergency Agricultural Credit Adjustment Act of 1978, $600,000,000.

840,100,000 (loan authorization)

1,510,000,000 (loan authorization)

1,540,000,000 (loan authorization indefinite)

600,000,000 (loan authorization)

For an additional amount to reimburse the agricultural credit insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $682,074,000.

682,074,000

[Total, Agricultural Credit Insurance Fund:

[Definite appropriations	*$682,074,000.]*
[Loan authorization	*2,950,100,000.]*
[Loan authorization, indefinite	*1,540,000,000.]*
[Total, new budget (obligational) authority, Agricultural Credit Insurance Fund	*682,074,000.]*

RURAL DEVELOPMENT INSURANCE FUND

For loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661-664, as follows: insured water and sewer facility loans, $375,000,000; guaranteed industrial development loans, $300,000,000; and insured community facility loans, $130,000,000.

$375,000,000 (loan authorization)
300,000,000 (loan authorization)
130,000,000 (loan authorization)

For an additional amount to reimburse the rural development insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $336,217,000. 336,217,000

[Total, Rural Development Insurance Fund:
[Definite appropriations .... $336,217,000.]
[Loan authorization .... 805,000,000.]
[Total, new budget (obligational) authority, Rural Development Insurance Fund .... 336,217,000.]

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $125,000,000, to remain available until expended, pursuant to section 306(d) of the above Act. 125,000,000

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $12,500,000. 12,500,000

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $12,500,000, to be derived from the unexpended balances of amounts appropriated under this head in prior years. *12,500,000 (from unexpended balances)*

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1940(c)), $12,500,000. 12,500,000

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), $3,250,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments. 3,250,000

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $2,000,000. 2,000,000

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490h); the Rural Rehabilitation Corporation Trust Liquidation Act approved May 3, 1950 (40 U.S.C. 440-

444), for administering the loan program authorized by title III A of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), as amended, and such other programs for which Farmers Home Administration has the responsibility for administering, $289,288,000, together with not more than $5,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farm and Rural Development Act, as amended, and section 517(i) of the Housing Act of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed $1,000,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further*, That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided further*, That if the security instrument securing such loan is foreclosed such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

$289,288,000
5,000,000
(by transfer)

1,000,000
(by transfer)

Total, Farmers Home Administration:

[New budget (obligational) authority	*$2,572,551,000.]*
[By transfer	*6,000,000.]*
[Loan authorization	*7,040,100,000.]*
[Loan authorization, indefinite	*1,540,000,000.]*
[Payment authorization	*5,000,000.]*
[Limitation on obligations	*123,745,000.]*

Rural Electrification Administration

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than $850,000,000 nor more than $1,100,000,000, and rural telephone loans, not less than $250,000,000 nor more than $325,000,000, to

[1] *$850,000,000*
(loan authorization)
[1] *250,000,000*
(loan authorization)

---

[1] Excluded from budget totals by Public Law 93-32.

remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts but during 1983, total commitments to guarantee loans pursuant to section 306, shall be not less than $4,745,000,000, nor more than $5,950,000,000 of contingent liability for total loan principal: *Provided further*, That as a condition of approval of insured electric loans during fiscal year 1983, borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982. [1] *$4,745,000,000 (loan authorization)*

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, $30,000,000, to remain available until expended (7 U.S.C. 901-950(b)). [1] *30,000,000*

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During 1983, and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than $185,000,000 nor more than $220,000,000. [1] *185,000,000 (limitation on obligations)*

RURAL COMMUNICATION DEVELOPMENT FUND

To reimburse the Rural Communication Development Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in making Community Antenna Television loans and loan guarantees under sections 306 and 310B of the Consolidated Farm and Rural Development Act, as amended, $91,000. 91,000

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), and for which commitments were made prior to fiscal year 1983, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 for employment under 5 U.S.C. 3109, $28,945,000. 28,945,000

[Total, Rural Development Assistance:

[Definite appropriations	*$2,603,587,000]*
[Loan authorization	*12,885,100,000.]*
[Loan authorization, indefinite	*1,540,000,000.]*
[Payment authorization	*5,000,000.]*
[Limitation on obligations	*308,745,000.]*

---

[1] Excluded from budget totals by Public Law 93-32

[By transfer .... *$6,000,000.]*

[Total, new budget (obligational) authority, Rural Development Assistance .. *2,603,587,000.]*

CONSERVATION

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant material centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, $326,198,000, of which not less than $3,742,000 is for snow survey and water forecasting and not less than $3,757,000 is for operation of the plant materials centers: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $7,500, except for one building to be constructed at a cost not to exceed $75,000 and eight buildings to be constructed or improved at a cost not to exceed $45,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $1,500 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

$326,198,000

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigations, and surveys of the watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $16,068,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

16,068,000

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), $8,675,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

$8,675,000

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, $194,925,000 (of which $23,200,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $10,000,000 shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That $26,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

194,925,000

26,000,000
(loan authorization)

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), $25,744,000: *Provided*, That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

25,744,000
4,000,000
(loan authorization)

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $21,315,000, to remain available until expended.

21,315,000

[Total, Soil Conservation Service, $592,925,000.]

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q), and sections 1001-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $190,000,000, to remain available until expended for agreements, excluding administration but including technical assistance and related expenses, except that no participant in the Agricultural Conservation Program shall receive more than $3,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels. $190,000,000

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,500,000, to remain available until expended, as authorized by that Act.

$12,500,000

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), $8,800,000, to remain available until expended.

8,800,000

[Total, Agricultural Stabilization and Conservation Service, $211,300,000.]

[Total, Conservation:	
[Definite appropriations	*$804,225,000]*
[Loan authorization	*30,000,000.]*
[Total, new budget (obligational) authority, Conservation	*804,225,000.]*
[Total, title II, Rural Development Programs:	
[Definite appropriations	*3,407,812,000.]*
[By transfer	*6,000,000.]*
[Loan authorization	*12,915,100,000.]*
[Loan authorization, indefinite	*1,540,000,000.]*
[Limitation on obligations	*308,745,000.]*
[Payment authorization	*5,000,000.]*
[From unexpended balances	*12,500,000.]*
[Total, new budget (obligational) authority, Rural Development Programs	*3,407,812,000.]*

TITLE III—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1761, and 1766), and the applicable provisions other than section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1773-1785, and 1788); $3,178,000,000, of which $896,324,000 is hereby appropriated, and $2,281,676,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), including $80,000,000 for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act: *Provided,* That funds provided herein shall remain available until September 30, 1984: *Provided further,* That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further,* That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds with-

896,324,000
2,281,676,000
(by transfer)

held may be allocated: *Provided further*, That if the funds available for Nutrition Education and Training grants authorized under section 19 of the Child Nutrition Act of 1966, as amended, require a ratable reduction in those grants, the minimum grant for each State shall be $50,000: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the claiming month shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $20,100,000, to remain available until September 30, 1984: *Provided*, That only claims for reimbursement for milk served during fiscal year 1983 submitted to State agencies prior to January 1, 1984, shall be eligible for reimbursement. $20,100,000

FEEDING PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $1,060,000,000: *Provided*, That funds provided herein shall remain available until September 30, 1984. 1,060,000,000

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including the pilot projects in Detroit, New Orleans, and Des Moines, $32,600,000: *Provided*, That funds provided herein shall remain available until September 30, 1984. 32,600,000

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2027, 2029), $10,565,657,000: *Provided*, That funds provided herein shall remain available until September 30, 1983, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law. 10,565,657,000

For an additional amount to carry out the Food Stamp Act (7 U.S.C. 2011-2027, 2029), $250,000,000 should it become necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste and abuse in the program: *Provided*, That funds provided herein shall remain available until September 30, 1983: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law. 250,000,000

[Total, Food Stamp Program, $10,815,657,000.]

NUTRITION ASSISTANCE FOR PUERTO RICO

For monthly payments to the Commonwealth of Puerto Rico for nutrition assistance as authorized by 7 U.S.C. 2028, $825,000,000. $825,000,000

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)) and section 4(b) of the Food Stamp Act (7 U.S.C. 2013), $156,266,000. 156,266,000

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the Domestic Food Programs funded under this Act, $82,146,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109. 82,146,000

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition, consumer use and economies of food utilization, and for the collection and dissemination of information relating thereto, $8,096,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225). 8,096,000

[Total, title III, Domestic Food Programs:

[Definite appropriations	*$13,896,189,000.]*
[By transfer	*2,281,676,000.]*
[Total, new budget (obligational) authority, Domestic Food Programs	*13,896,189,000.]*

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $110,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $74,454,000: *Provided*, That not less than $255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis. 74,454,000

GENERAL SALES MANAGER

(ALLOTMENT FROM COMMODITY CREDIT CORPORATION)

Not to exceed $5,599,000 may be transferred from the Commodity *$5,599,000* Credit Corporation funds to support the General Sales Manager *(By transfer)* who shall work to expand and strengthen sales of United States commodities (including those of the Corporation) in world markets pursuant to existing authority (including that contained in the Corporation's charter), and that such funds shall be used by the General Sales Manager to carry out the above activities. The General Sales Manager shall report directly to the Board of Directors of the Corporation of which the Secretary of Agriculture is a member. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

PUBLIC LAW 480

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of said Act, not more than $859,000,000, of which $378,000,000 is hereby appropriated 378,000,000 and the balance derived from proceeds from sales of foreign currencies and dollar loan repayments, repayments on long-term credit sales, and carryover balances; and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, not more than $650,000,000, of which $650,000,000 is hereby appro- 650,000,000 priated: *Provided*, That not to exceed 10 percent of the funds made available to carry out any title of this paragraph may be used to carry out any other title of this paragraph.

[Total, Public Law 480, $1,028,000,000.]

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, international scientific and technical cooperation in the Department of Agriculture, $3,578,000, including those authorized by the 3,578,000 Food and Agriculture Act of 1977 (7 U.S.C. 3291), and the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

[Total, title IV, International Programs:
[Definite appropriations .... $1,106,032,000.]
[By transfer .... 5,599,000.]
[Total, new budget (obligational) authority, International Programs .... 1,106,032,000.]

TITLE V—RELATED AGENCIES

Food and Drug Administration

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Food and Drug Administration; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; for rental of special purpose space in the District of Columbia or elsewhere, $330,188,000. $330,188,000

STANDARD LEVEL USER CHARGES

For payment of standard level user charges pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $18,942,000. 18,942,000

[Total, Food and Drug Administration, $349,130,000.]

Commodity Futures Trading Commission

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $22,892,000 to be available as authorized by law: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses. 22,892,000

Farm Credit Administration

REVOLVING FUND FOR ADMINISTRATIVE EXPENSES

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $17,954,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses including the hire of one passenger motor vehicle. *17,954,000 (limitation on obligations)*

[Total, title V, Related Agencies:

[Definite appropriations	*$372,022,000.]*
[Limitation on obligations	*17,954,000.]*
[Total, new budget (obligational) authority, Related Agencies	*372,022,000.]*

TITLE VI—GENERAL PROVISIONS

Sec. 601. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 602. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1983 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed seven hundred thirteen (713) passenger motor vehicles of which six hundred sixty-two (662) shall be for replacement only, and for the hire of such vehicles.

Sec. 603. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 604. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621-1629; 42 U.S.C. 1891-1893), shall be available for contracting in accordance with said Acts.

SEC. 605. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations who harvest or knowingly permit to be harvested for illegal use, marihuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 606. Advances of money from any appropriation in this Act for the Department of Agriculture may be made by authority of the Secretary of Agriculture to chiefs of field parties.

SEC. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $1,500,000: *Provided*, That no funds appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 608. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Scientific Activities Overseas (Foreign Currency Program); Public Law 480; Mutual and Self-Help Housing; Rural Housing for Domestic Farm Labor; Watershed and Flood Prevention Operations; Resource Conservation and Development; Animal and Plant Health Inspection Service, Buildings and Facilities; Agricultural Research Service, Buildings and Facilities; and Agricultural Stabilization and Conservation Service Salaries and Expenses funds made available to county committees.

SEC. 609. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 610. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 611. Notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation County Committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, drought, floods, and other acts of God.

SEC. 612. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

SEC. 613. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

SEC. 614. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 615. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, the Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 75 per centum of the value of the loans closed during the fiscal year.

SEC. 616. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 617. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

SEC. 618. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

SEC. 619. Notwithstanding any other provision of law, watershed projects under Public Law 83-566 are hereby exempted from the requirements of Executive Orders 12113 and 12141.

SEC. 620. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 621. Effective upon enactment of this Act and for the remainder of fiscal year 1983, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

SEC. 622. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of standard level user charges in excess of the fiscal year 1982 level.

SEC. 623. In fiscal year 1983, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

SEC. 624. Funds provided by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest.

SEC. 625. Notwithstanding any other provision of this Act, appropriations under this Act to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, are $10,466,057,000, and, as authorized by law, the Commodity Credit Corporation shall carry out an Export Credit Sales direct loan program of not more than $500,000,000 in fiscal year 1983.

Approved December 18, 1982.

LEGISLATIVE HISTORY—H.R. 7072 (S. 2911)

HOUSE REPORTS: No. 97-800 (Comm. on Appropriations) and 97-957 (Comm. of Conference).

SENATE REPORTS: No. 97-566 (Comm. on Appropriations), No. 97-545 accompanying S. 2911 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 128 (1982):
- Sept. 21, considered and passed House.
- Sept. 28, considered and passed Senate, amended.
- Dec. 15, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments, in others with amendments; Senate agreed to conference report, and concurred in House amendments.

Grand total:		
Definite appropriations	$31,731,548,000	
Indefinite appropriations	2,000,000	
By transfer	*(2,628,661,000)*	
Limitation on direct loans	*(500,000,000)*	
Limitation on administrative expenses from fees collected	*(75,223,000)*	
Loan authorizations	*(12,915,100,000)*	
Loan authorizations, indefinite	*(1,540,000,000)*	
Limitation on obligations	*(308,745,000)*	
Payment authorizations	*(5,000,000)*	
From unexpended balances	*(12,500,000)*	
Total, new budget (obligational) authority, Agriculture, Rural Development, and Related Agencies Appropriation Act, 1983		$31,733,548,000

Note.—In addition to the new budget (obligational) authority for fiscal year 1983 contained in the foregoing annual appropriation act, the following additional amounts are available for the Department of Agriculture for such fiscal year:

Permanent appropriations:		
Federal Funds (pp. 1408-1409)	$3,164,399,000	
Trust Funds (pp. 1420-1421)	230,589,000	
Interior Department Appropriations Act, 1983:		
Forest Service (pp. 185-187)	1,532,883,000	
Subtotal, additions		4,927,871,000
Deduct amounts transferred to Department of Health and Human Services and General Government totals:		
Department of Health and Human Services:		
Food and Drug Administration (p. 101)	$349,130,000	
General Government:		
Commodity Futures Trading Commission (p. 101)	22,892,000	
Subtotal, deductions		−372,022,000
Grand total, Department of Agriculture (net)		36,289,397,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1983

97th Congress, S. 2956

[NOTE.—The following bill is a copy of S. 2956 as reported on September 24, 1982, by the Committee on Appropriations of the Senate. The House bill, H.R. 6957, was reported by the Committee on Appropriations of the House on August 10, 1982, and passed the House on December 9, 1982, but was not considered by the Senate. Funding of items in the Senate bill, with certain adjustments as noted, is provided for the fiscal year ending September 30, 1983 under sec. 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations, 1983. (For specific exceptions to the bill below, see pp. 310-321 for text of continuing resolution and pp. 1500-1507 for the related table VIII.)]

A BILL

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1983, and for other purposes, namely:

TITLE I—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed $2,000 for official entertainment, $31,448,000. [1] ($31,613,000)
[2] (1,500,000)

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $66,319,000. (66,319,000)

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs, provided for by law, $93,594,000, to remain available until expended. [3] (97,294,000) None of the funds made available to the Bureau of the Census under this Act may be expended for prosecution of any person for the failure to return 1978 Agricultural Census forms 78-A40A or 78-A40B, or 78-A40C or 78-A40D, or form 79-A9A, or form 79-A9B, or for the preparation of similar forms for any future agricultural census.

---

[1] Appropriation increased to $31,613,000 for fiscal year 1983 in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 310, this volume).

[2] Provided under Section 158 of Public Law 97-377, Making Further Continuing Appropriations, 1983 for the White House Conference on Productivity (see p. 362, this volume).

[3] Appropriation increased to $97,294,000 for fiscal year 1983, with language changes, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 311, this volume).

[*Total, Bureau of the Census, $163,613,000.*]

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, $34,632,000. [1] ($36,832,000)

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, $168,500,000, and in addition, $30,000,000 shall be available by transfer from the unobligated balances in the Economic Development Revolving Fund, notwithstanding section 203 of such Act.

(168,500,000)
(30,000,000)
(by transfer)
[2] *(170,000,000)*
(limitation on loan guaranties)

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of administering the economic development assistance programs as provided for by law, $24,950,000, and in addition, $2,500,000 shall be available by transfer from the unobligated balances in the Economic Development Revolving Fund, notwithstanding section 203 of the Public Works and Economic Development Act of 1965, as amended: *Provided,* That not to exceed $300,000 may be advanced to the Small Business Administration for processing of loan applications: *Provided further,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-seven permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1983, and such positions shall be maintained in the various States within the approved organizational structure in place on June 1, 1981, and where possible, with those employees who filled those positions on that date.

(24,950,000)
(2,500,000)
(by transfer)

[Total, Economic Development Administration:
[New budget (obligational) authority .... *$193,450,000.]*
[By transfer .... *32,500,000.]*

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $135,200 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use abroad; $163,426,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. During fiscal year 1982 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $12,484,000. During fiscal year 1982, total commitments to guarantee loans shall not exceed $28,250,000 of contingent liability for loan principal.

---

[1] Appropriation increased to $36,832,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 311, this volume).

[2] Appropriation language changes referencing authorizing legislation and a limitation for loan guarantee authority of $150,000,000 and a limitation of $20,000,000 for loan guarantees to steel companies added for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983 (See p. 311, this volume).

[1] ($166,426,000)
(12,484,000) (limitation on direct loans)
(28,250,000) (limitation on guaranteed loans)

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT [2]

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, or other agreements with public or private organizations, $48,000,000, of which $33,463,000 shall remain available until expended: *Provided*, That not to exceed $14,537,000 shall be available for program management.

[2] (48,000,000)

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration, as provided for by law, including employment of aliens by contract for service abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $5,000 for representation expenses abroad; $7,600,000: *Provided*, That the number of offices in foreign countries and the number of employees assigned to such offices in foreign countries, and obligations for the activities of such office in foreign countries, shall not be less than the numbers and amounts for fiscal year 1982.

[3] (8,100,000)

---

[1] Appropriation increased to $166,426,000 for fiscal year 1983, with language changes, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 311, this volume).

[2] Appropriation language changes for fiscal year 1983 made in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 312, this volume.)

[3] Appropriation increased to $8,100,000 for fiscal year 1983, with language changes, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 312, this volume.)

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; $868,786,000, to remain available until expended, of which so much as may become available during the current fiscal year shall be derived from the Pribilof Islands Fund, and, in addition, *$22,600,000* shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries", and *$4,140,000* from repayments of principal and interest on outstanding loans in the fund entitled "Coastal Energy Impact Fund".

[1]($850,127,000)
(22,600,000)
(by transfer)
(4,140,000)
(by transfer)

COASTAL ZONE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of Public Law 92-583, as amended, and section 202 of title II and title III of Public Law 92-532, as amended, $8,409,000, to remain available until expended; and in addition, $7,170,000, to remain available until expended, shall be available by transfer from repayments of principal and interest on outstanding loans in the fund entitled "Coastal Energy Impact Fund".

(8,409,000)
(7,170,000)
(by transfer)

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-367, there are appropriated not to exceed $1,750,000 from the receipts collected pursuant to that Act, to remain available until expended.

(1,750,000)

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, there are appropriated not to exceed $250,000 from the receipts collected pursuant to that Act, to remain available until expended.

(250,000)

FOREIGN FISHING OBSERVER FUND

For necessary expenses to carry out the provisions of the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 96-339), there are appropriated from the fees imposed under the foreign fishing observer program authorized by that Act, not to exceed $6,950,000, to remain available until expended.

(6,950,000)

FISHERMEN'S GUARANTY FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, $1,800,000, to be derived from the receipts collected pursuant to that Act, to remain available until expended.

(1,800,000)
[2](10,000,000)

---

[1] Appropriation decreased to $850,127,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 313, this volume).

[2] Reflects appropriation for "Fisheries Loan Fund" provided under section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 313, this volume).

[Total National Oceanic and Atmospheric Administration:

[New budget (obligational) authority	*$879,286,000.]*
[By transfer	*33,910,000.]*

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, including defense of suits instituted against the Commissioner of Patents and Trademarks, $73,855,000, and, in addition, such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41, 376, to remain available until expended. ($73,855,000)

SCIENCE AND TECHNICAL RESEARCH

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, $116,212,000, to remain available until expended, of which not to exceed $6,286,000, may be transferred to the "Working Capital Fund". [1] (117,861,000)

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $12,667,000, to remain available until expended. [2] (12,164,000) *(503,000) (by transfer)*

PUBLIC TELECOMMUNICATION FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,000,000, to remain available until expended. (15,000,000)

[*Total, National Telecommunications and Information Administration $27,164,000.*]

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE [3]

During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

[Total, Department of Commerce:

[New budget (obligational) authority (all definite appropriations)	*$1,747,700,000.]*
[By transfer	*66,913,000.]*

---

[1] Appropriation increased to $117,861,000 for fiscal year 1983, with language changes, in accordance with Section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 313, this volume).

[2] Appropriation decreased to $12,164,000 for fiscal year 1983 with an additional $503,000 to be provided by transfer in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 313, this volume).

[3] Additional provisions added for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 313, this volume).

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

For construction-differential subsidy under section 510 of the Merchant Marine Act, 1936, as amended; $25,000,000, to remain available until expended. ($25,000,000)

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $454,010,000, to remain available until expended. (454,010,000) *(liquidation of contract authorization)*

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development activities, as authorized by law, $15,300,000, to remain available until expended. (15,300,000)

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, including not to exceed $2,500 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed $2,500 for representation allowances; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; $71,013,000, to remain available until expended: *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program. [1] (78,113,000)

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

None of the funds appropriated in this Act for the Maritime Administration shall be used for construction of any ship in any foreign country.

---

[1] Appropriation increased to $78,113,000 for fiscal year 1983 in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983 (See p. 314, this volume).

[Total, Maritime Administration, $118,413,000.]

DEPARTMENT OF THE TREASURY

CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM

ADMINISTRATIVE EXPENSES

For necessary administrative expenses, as authorized by the Chrysler Corporation Loan Guarantee Act of 1979 (Public Law 96-185), $1,211,000. ($1,211,000)

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed $120,000 for land and structures; not to exceed $385,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed ten for replacement only) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $79,817,000. Not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1984, for research and policy studies. In addition, an amount equivalent to funds deposited into the General Fund of the Treasury by the State of Florida as a result of the expense of construction and relocation of the Fort Lauderdale Monitoring Station shall remain available until expended for the completion of construction and relocation of such monitoring station. (79,817,000)

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; $11,500,000: *Provided*, That not to exceed $1,500 shall be available for official reception and representation expenses. (11,500,000)

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $63,638,000: *Provided*, That notwithstanding any other provision of law, use of the funds appropriated under this Act for the Federal Trade Commission is subject to the limitations and provisions of sections 10 (other than section 10(e)), 11(b), 18, 20, and 21 (other than section 21(i)) of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374). [1](63,638,000)

---

[1] Appropriation language changes made in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 314, this volume).

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $19,150,000. ($19,150,000)

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $822,000. (822,000)

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For expenses necessary for the Office of the United States Trade Representative, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $10,100,000: *Provided*, That not to exceed $60,000 shall be available for official reception and representation expenses. (10,100,000)

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $2,000 for official reception and representation expenses, $88,040,000. (88,040,000)

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed $1,500 for official reception and representation expenses, $202,178,000; and for grants for Small Business Development Centers as authorized by section 21(a) of the Small Business Act, as amended $12,000,000. In addition, $26,600,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster loan fund". [1] (202,029,000) [2] (16,000,000) [3] *(25,600,000) (by transfer)*

REVOLVING FUNDS

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to its revolving funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster loan fund", the "Business loan and investment fund", the "Lease guarantees revolving fund", the "Pollution control equipment contract guarantees revolving fund", and the "Surety bond guarantees revolving fund". *(3,000,000,000) (limitation on guaranteed loans)*

---

[1] Appropriation decreased to $202,029,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 314, this volume).

[2] Appropriation increased to $16,000,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 314, this volume).

[3] Transfer decreased to $25,600,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 314, this volume).

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, $333,700,000,[1] to remain available without fiscal year limitation: [1] ($338,700,000) *Provided*, That $25,000,000 shall be used only for small business loans to be made to disabled veterans and veterans of the Vietnam era as defined in section 1841, title 38, U.S.C., under the general terms and conditions of title III of Public Law 97-72.

POLLUTION CONTROL EQUIPMENT CONTRACT GUARANTEE REVOLVING FUND

During 1982, total commitments to guarantee shall not exceed $250,000,000 of contingent liability for principal. *(250,000,000) (limitation on guaranteed loans)*

This title may be cited as the "Department of Commerce and Related Agencies Appropriation Act, 1983".

[Total, Small Business Administration, $556,729,000.]

[Total, Related Agencies, $949,420,000.]

[Total, Title I, Department of Commerce and Related Agencies:

[New budget (obligational) authority	*$2,697,120,000.]*
[By transfer	*92,513,000.]*
[Appropriation to liquidate contract authorization	*454,010,000.]*
[Limitation on guaranteed loans	*3,448,250,000.]*
[Limitation on direct loans	*12,484,000.]*

TITLE II—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $48,429,000. [2] (54,873,000)

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the United States Parole Commission, as authorized by law, $6,663,000. (6,663,000)

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for; and not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; $136,128,000, including rent of private or Government-owned space (136,128,000) in the District of Columbia.

---

[1] Appropriation increased to $338,700,000 for fiscal year 1983, with language changes, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 314, this volume)

[2] Appropriation increased to $54,873,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 315, this volume.)

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, $43,948,000. [1] ($43,389,000)

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; $774,000. (774,000)

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys, and marshals, and bankruptcy trustees; including acquisition, lease, maintenance, and operation of aircraft, $324,281,000. [2] (330,981,000)

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, $30,704,000: *Provided*. That not to exceed $2,800,000 shall be available for the purpose of renovating, constructing, and equipping State and local jail facilities that confine Federal prisoners. [3] (34,254,000)

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; $35,400,000. [4] (35,700,000)

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,951,000. [5] (5,764,000)

[Total, Legal Activities, $586,990,000.]

---

[1] Appropriation increased to $43,389,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 315, this volume).

[2] Appropriation increased to $330,981,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 315, this volume).

[3] Appropriation increased to $34,254,000 for fiscal year 1983, with language changes, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 315, this volume).

[4] Appropriation increased to $35,700,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 315, this volume).

[5] Appropriation decreased to $5,764,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 315, this volume).

Federal Bureau of Investigation [1]

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use (not to exceed one thousand three hundred for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $806,803,000, of which not to exceed $3,000,000 for automated data processing and telecommunications and $600,000 for undercover operations shall remain available until September 30, 1984: *Provided*, That notwithstanding the provisions of title 31 U.S.C. 483(a) and 484, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit not more than $13,500,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services.

[1] ($127,500,000)

[2] (825,154,000)

Immigration and Naturalization Service

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed four hundred one of which four hundred shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; and for expenses necessary under Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-442) for the processing, care, maintenance, security, transportation, and the initial reception and placement in the United States of Cuban and Haitian entrants; $488,715,000, of which not to exceed $400,000 shall remain available for research until expended: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $20,000 except in such instances when the Commissioner makes a determination that this restriction is impossible to implement.

[3] (484,431,000)

Drug Enforcement Administration

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate;

---

[1] Reflects appropriation for "Organized Crime Drug Enforcement" under Interagency Law Enforcement provided by section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 315, this volume).

[2] Appropriation increased to $825,154,000, for fiscal year 1983, with language changes, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 316, this volume).

[3] Appropriation decreased to $484,431,000 in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983 (See p. 316, this volume).

purchase of not to exceed two hundred seventy-seven passenger motor vehicles (for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $247,187,000, of which not to exceed $1,200,000 for research shall remain available until expended and $1,700,000 for purchase of evidence and payments for information shall remain available until September 30, 1984. [1] ($248,162,000)

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed thirty-one of which twenty-seven are for replacement only) and hire of law enforcement and passenger motor vehicles; $387,049,000: *Provided*, That there may be transferred to the Health Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions. (387,049,000)

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, $11,050,000 to remain available until expended. (11,050,000)

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $6,667,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation. (6,667,000)

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,524,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed $6,216,000 for the expenses of vocational training of prisoners, both amounts to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system *(8,740,000) (limitation on administrative expenses)* requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

---

[1] Appropriation increased to $248,162,000 in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 316, this volume.)

[Total, Federal Prison System, $404,766,000.]

Office of Justice Assistance, Research, and Statistics

LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Justice System Improvement Act of 1979, as amended, including salaries and expenses in connection therewith, $18,388,000, to remain available until expended; and for grants, ($18,388,000) contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $70,000,000, to remain available until expended. (70,000,000)

RESEARCH AND STATISTICS

For research, development, demonstration, statistical and related efforts directed toward the improvement of civil, criminal and juvenile justice systems authorized by the Justice System Improvement Act of 1979, including salaries and other expenses in connection therewith, $37,135,000, to remain available until expended. (37,135,000)

[Total, Office of Justice Assistance, Research and Statistics, $125,523,000.]

General Provisions—Department of Justice [1]

Sec. 201. A total of not to exceed $35,000 from funds appropriated to the Department of Justice in this title shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

Sec. 202. Notwithstanding section 501(e)(2)(B) of Public Law 96-422, funds appropriated to the Department of Justice in this title may be expended for assistance to Cuban-Haitian entrants as authorized under section 501(c) of said Act.

[Total, Department of Justice, $2,864,062,000.]

RELATED AGENCIES

Commission on Civil Rights

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $12,729,000. [2](11,626,000)

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended, 29 U.S.C. 206(d) and 621-634, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $18,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended and sections 6 and 14 of the Age Discrimination in Employment Act; $144,007,000. [1] ($142,771,000)

---

[1] Additional provision added for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 317, this volume).

[2] Appropriation decreased to $11,626,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 317, this volume).

Legal Services Corporation [2]

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $241,000,000: *Provided*, That none of the funds appropriated in this Act shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United State and is— [2] (241,000,000)

(1) an alien lawfully admitted for permanent residence as an immigrant as defied by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a) (15), (20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a0(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007(b)(11) of the Legal Services Corporation Act, to be an alien described in subparagraph (C) of such section: *Provided further*, That none of the funds appropriated in this Act shall be used by the Legal Services Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that any recipient organized primarily for the purpose of providing legal assistance to eligible clients is governed by a body at least 60 per centum of whose membership consists of attorneys who are admitted to practice in the State in which the legal assistance is to be provided and who are appointed to terms of office on the governing body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the recipient is to provide legal assistance. Any such attorney, while serving on such board, shall not receive compensation from a recipient: *Provided further*, That none of the funds appropriated in this Act shall be expended by the Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself: *Provided further*, That none of the funds appropriated in this Act shall be available to any recipient to be used—

---

[1] Appropriation decreased to $142,771,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 317, this volume).

[2] Appropriation language changed in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See pp. 317-319, this volume).

(A) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or

(B) to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official, upon the formal request of such official: *Provided further*, That none of the funds appropriated in this Act shall be used to bring a class action suit against the Federal government or any State or local government except in accordance with policies or regulations adopted by the Board of Directors of the Legal Services Corporation.

[Total, Related Agencies, $395,397,000.]

This title may be cited as the "Department of Justice and Related Agencies Appropriation Act, 1983".

[Total, title II, Department of Justice and Related Agencies:

[New budget (obligational) authority (all definite appropriations)	*$3,259,459,000.]*
[Limitation on expenses	*8,740,000.]*

TITLE III—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 240 et seq.), and section 2 of the Act of August 1, 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard
to any price limitation otherwise established by law; $996,744,000, [1] ($995,000,000)
of which $1,800,000 shall be for reopening and operating certain (1,000,000)

---

[1] Appropriation decreased to $995,000,000 for fiscal yer 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. In addition, a new account, "Reopening Consulates", was included providing $1,000,000 for fiscal year 1983 (See p. 319, this volume).

United States consulates as specified in section 103 of the Department of State Authorization Act, Fiscal years 1982 and 1983, and $25,000,000 shall remain available until September 30, 1984.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and the Organization of American States, $3,876,000. ($3,876,000)

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Building Act of 1926, as amended (22 U.S.C. 292–300), $193,040,000, to remain available until expended. (193,040,000)

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD
(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), $8,360,000, to remain available until expended. (8,360,000)

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), $4,400,000. (4,400,000)

BUYING POWER MAINTENANCE

For the maintenance of the buying power of appropriations available for the overseas operations of the Department of State, $4,500,000, to be available without fiscal year limitation. (4,500,000)

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $8,744,000. (8,744,000)

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $91,312,000. (91,312,000)

[Total, Administration of Foreign Affairs, $1,310,232,000.]

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, including funds for the payment of 1983 assessed contributions to the Inter-American Institute for Co-operation on Agriculture, $444,315,000. [1] (444,315,000)

---

[1] In addition, appropriation language changes for fiscal year 1983 are included under section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 320, this volume).

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of United Nations peacekeeping forces, $73,400,000. [1] ($73,400,000)

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the Act of August 1, 1956, as amended (22 U.S.C. 2669), contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, $9,200,000, to remain available until expended, of which not to exceed $207,000 may be expended for representation as authorized by law. (9,200,000)

[Total, International Organizations and Conferences, $526,915,000.]

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, $8,754,000: *Provided,* That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further,* That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State. (8,754,000)

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, $2,918,000: for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; not to exceed $2,500 for representation; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain. (2,918,000)

---

[1] In addition, appropriation language changes for fiscal year 1983 are included under section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 320, this volume).

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $8,526,000: *Provided,* That the United States share of such expenses may be advanced to the respective commissions. ($8,526,000)

[Total, International Commissions, $20,198,000.]

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For expenses, not otherwise provided for, to enable the United States to participate in programs of scientific and technological cooperation with Yugoslavia and Poland, $1,700,000, to remain available until expended. (1,700,000)

THE ASIA FOUNDATION

For a grant to the Asia Foundation, $4,500,000, to remain available until expended. [1](4,100,000)

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 301. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

SEC. 302. Funds appropriated under this title shall be available for expenses of binational arbitrations arising under treaties or other international agreements, including international air transport agreements, and arbitrations arising under contracts authorized by law for the performance of services or acquisition of property abroad.

SEC. 303. Funds appropriated under this title shall be available, except as otherwise provided, for salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980 (94 Stat. 2071); allowances and differentials as authorized by subchapter III of chapter 59 of 5 U.S.C.; services as authorized by 5 U.S.C. 3109; expenses as authorized by section 2 (a), (c) and (e) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); and hire of passenger or freight transportation.

[Total, Department of State, $1,863,145,000.]

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed $20,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $15,142,000. (15,142,000)

---

[1] Appropriation decreased to $4,100,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 320, this volume).

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc. $90,300,000: *Provided*, That not to exceed $52,000 shall be available for official reception and representation expenses. ($90,300,000)

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For expenses necessary for the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $550,000 to remain available until expended: *Provided*, That not to exceed $6,000 of such amount shall be available for official reception and representation expenses. (550,000)

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Wartime Relocation and Internment of Civilians, as authorized by Public Law 96-317, $500,000 to be available only until June 30, 1983. [1] (300,000)

INTERNATIONAL COMMUNICATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the International Communication Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $20,000); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed $10,000; $499,443,000, of which not to exceed $2,671,000 of the amounts allocated by the International Communication Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided*, That not to exceed $500,000 may be used for representation abroad: *Provided further*, That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended. [2] (492,122,000)

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Department of the Treasury determines to be excess to the normal requirements of the United States, for necessary expenses of the International Communication Agency, as authorized by law, $10,327,000, to remain available until expended. ($10,327,000)

---

[1] Appropriation decreased to $300,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 320, this volume).

[2] Appropriation decreased to $492,122,000, with language changes, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See accounts under heading "United States Information Agency" on pp. 320-321, this volume).

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Director of the International Communication Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $18,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended. (18,000,000)

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio transmission and reception and for lease of real property for periods up to twenty-five years in Thailand, $25,000,000, to remain available until expended. (25,000,000)

[Total, International Communication Agency, $545,449,000.]

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,700,000, to remain available until expended; and an amount of Japanese currency not to exceed the equivalent of $1,200,000 based on exchange rates at the time of payment of such amounts, to remain available until expended: *Provided*, That not to exceed a total of $2,500 of such amounts shall be available for official reception and representation expenses. (1,700,000) *(1,200,000) (foreign currency)*

[Total, Related Agencies $653,441,000.]

This title may be cited as the "Department of State and Related Agencies Appropriation Act, 1983".

[Total, Title III, Department of State and Related Agencies, new budget (obligational) authority, $2,516,586,000.]

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice, hire of passenger motor vehicles; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $12,675,000. (12,675,000)

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); $2,000,000, of which $75,000 shall remain available ($2,000,000) until expended.

[Total, Supreme Court of the United States, $14,675,000.]

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for all necessary expenses of the court, $4,309,000. (4,309,000)

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; $5,372,000: *Provided*, That travel expenses of judges of the (5,372,000) Court of International Trade shall be paid upon written certificate of the judge.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands); judges of the United States Claims Court; and justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; $64,500,000. (64,500,000)

SALARIES OF SUPPORTING PERSONNEL

For the salaries of secretaries and law clerks to circuit and district judges, magistrates and staff, circuit executives, clerks of court, probation officers, pretrial service officers, staff attorneys, librarians, the supporting personnel of the United States Claims Court, and all other officers and employees of the Federal Judiciary, not otherwise specifically provided for, $294,000,000: *Provided*, (294,000,000) That the secretaries and law clerks to circuit and district judges shall be appointed in such number and at such rates of compensation as may be determined by the Judicial Conference of the United States: *Provided further*, That the number of staff attorneys to be appointed in each of the courts of appeals shall not exceed the ratio of one attorney for each authorized judgeship.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by law, $32,215,000, to (32,215,000) remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses and refreshments of jurors, compensation of jury commissioners, and compensation of commissioners appointed in condemnation cases pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure, $42,500,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

($42,500,000)

EXPENSES OF OPERATION AND MAINTENANCE OF THE COURTS

For necessary operation and maintenance expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, $65,000,000.

(65,000,000)

BANKRUPTCY COURTS, SALARIES AND EXPENSES

For salaries and expenses of the judges and other officers and employees of the Bankruptcy Courts of the United States, not otherwise provided for, $90,400,000.

[1] (89,000,000)

SERVICES FOR DRUG DEPENDENT OFFENDERS

For contractual services and expenses relating to the supervision of drug dependent offenders, as authorized by Public Law 95-537, $4,000,000.

(4,000,000)

SPACE AND FACILITIES

For rental of space, alterations, and related services and facilities, including the procurement, transportation, and installation of furniture and furnishings for the United States Courts of Appeals, District Courts, and Bankruptcy Courts, and Claims Court, $132,412,000.

(132,412,000)

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas; $12,000,000, to be available for transfer to the United States Marshals Service which shall be responsible for administering this element of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

(12,000,000)

[Total, Courts of Appeals, District Courts, and Other Judicial Services, $735,627,000.]

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, hire of a passenger motor vehicle, and rent in the District of Columbia and elsewhere, $23,406,000.

(23,406,000)

---

[1] Appropriation decreased to $89,000,000 for fiscal year 1983, in accordance with section 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983. (See p. 321, this volume).

Federal Judicial Center

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $7,618,000. ($7,618,000)

General Provisions—The Judiciary

Sec. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Sec. 402. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210.

Sec. 403. The position of trustee coordinator in the Bankruptcy Courts of the United States shall not be limited to persons with formal legal training.

This title may be cited as the "Judiciary Appropriation Act, 1983".

[Total, Title IV, the Judiciary, new budget (obligational) authority, $791,007,000.]

TITLE V—GENERAL PROVISIONS

Sec. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 502. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

Sec. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 505. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Sec. 506. No funds appropriated under this Act may be used for any action by the Attorney General or by the Secretary of State which is not in compliance with the provisions of the Refugee Act of 1980.

Sec. 507. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Sec. 508. (a) None of the funds provided under this Act shall be available for obligation or expenditure through a reprograming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; or (5) reorganizes offices, programs, or activities; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprograming of funds.

(b) None of the funds provided under this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprograming of funds in excess of $250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces funding for any existing program, project, activity, or personnel by 10 per centum approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects approved by Congress, unless, the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprograming of funds.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1983".

LEGISLATIVE HISTORY—H.R. 6957 (S. 2956)

HOUSE REPORTS: No. 97-721 on H.R. 6957 (Comm. on Appropriations), No. 97-959 on H.J. Res. 631 (Comm. on Appropriations), and No. 97-980 on H.J. Res. 631 (P.L. 97-377) (Comm. of Conference).
SENATE REPORT No. 97-584 on S. 2956 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
- Aug. 10, 1982, reported in the House (H.R. 6957).
- Sept. 24, 1982, reported in the Senate (S. 2956).
- Dec. 9, 1982, passed House (H.R. 6957).
- Dec. 10, 1982, reported in the House (H.J. Res. 631).
- Dec. 14, 1982, passed House (H.J. Res. 631).
- Dec. 15, 1982, reported in the Senate (H.J. Res. 631) (no written report).
- Dec. 19, 1982, passed Senate, amended (H.J. Res. 631).
- Dec. 20, 1982, House agreed to conference report (H.J. Res. 631) (P.L. 97-377).
- Dec. 20, 1982, Senate agreed to conference report (H.J. Res. 631) (P.L. 97-377).

NOTE.—The following summary shows the new budget (obligational) authority available for fiscal year 1983 under section 101(d) of Public Law 97-377 (see "Note" on p. 105, this volume) for programs and activities which would normally have been funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983:

Grand total:		
Appropriations (all definite)	$9,264,172,000	
By transfer	*(92,513,000)*	
Appropriations to liquidate contract authorization	*(454,010,000)*	
Limitation on direct loans	*(12,484,000)*	
Limitations on guaranteed loans	*(3,448,250,000)*	
Limitation on administrative expenses	*(8,740,000)*	
Total new budget (obligation) authority, Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Bill, 1983		[1] $9,264,172,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1983 provided under Sec. 101(d) of Public Law 97-377, Making Further Continuing Appropriations, 1983, the following additional amounts are available for the Departments of Commerce, Justice, and State, and the Judiciary for the fiscal year:

Permanent appropriations:	
Federal funds (pp. 1413-1414)	$218,599,000
Trust funds (pp. 1419, 1421-1422, 1425-1426)	546,719,000
Supplemental Appropriations Act, 1982:	
Department of State: American Sections, International Commissions (reappropriation) (p. 27)	95,000
Continuing appropriations, 1983 (P.L. 97-276):	
Department of Commerce: National Oceanic and Atmospheric Administration (p. 270)	13,555,000

---

[1] The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (H.R. 6957) (S. 2956), was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 105, this volume)

Foreign Assistance and Related Program Appropriation Act, 1983:		
Department of State:		
International narcotics control (p. 1517)	$36,700,000	
Migration and refugee assistance (p. 1518)	395,000,000	
Subtotal, additions		$1,210,668,000
Deduct amounts for independent agencies transferred to General Government total:		
Arms Control and Disarmament Agency (p. 122)	$15,142,000	
Board for International Broadcasting (p. 123)	90,300,000	
Commission on Civil Rights (p. 117)	11,626,000	
Commission on Security and Cooperation in Europe (p. 123)	550,000	
Commission on Wartime Relocation and Internment of Civilians (p. 123)	300,000	
Chrysler Corporation Loan Guarantee Program:		
Administrative expenses (p. 111)	1,211,000	
Equal Employment Opportunity Commission (pp. 117-118)	142,771,000	
Federal Communications Commission (p. 111)	79,817,000	
Federal Maritime Commission (p. 111)	11,500,000	
Federal Trade Commission (p. 111)	63,638,000	
International Communication Agency (pp. 123-124)	545,449,000	
International Trade Commission (p. 112)	19,150,000	
Japan-United States Friendship Commission (p. 124)	1,700,000	
Legal Services Corporation (pp. 118-119)	241,000,000	
Marine Mammal Commission (p. 112)	822,000	
Maritime Administration (pp. 110-111)	118,413,000	
Office of the United States Trade Representative (p. 112)	10,100,000	
Securities and Exchange Commission (p. 112)	88,040,000	
Small Business Administration (pp. 112-113)	556,729,000	
Subtotal, deductions		−1,998,258,000
Grand total, Departments of Commerce, Justice, and State, and the Judiciary		[1] 8,476,582,000

---

[1] The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (H.R. 6957) (S. 2956), was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 105, this volume).

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1983

97th Congress, H.R. 7355

[NOTE.—The Department of Defense Appropriation Bill, 1983 (H.R. 7355), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on December 2, 1982, and was passed by the House on December 8, 1982, but was not considered by the Senate. S. 2951 was reported by the Senate Committee on Appropriations on September 23, 1982, but was not passed by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(c) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see pp. 280-310 for text of relevant part of Public Law 97-377, and pp. 1508-1511 for the related table VIII showing estimates and funding levels by appropriation account.)]

LEGISLATIVE HISTORY—H.R. 7355

HOUSE REPORTS: No. 97-943 on H.R. 7355 (Comm. on Appropriations), No. 97-959 on H.J. Res. 631 (Comm. on Appropriations), and No. 97-980 on H.J. Res. 631 (P.L. 97-377) (Comm. of Conference).
SENATE REPORT No. 97-580 on S. 2951 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Sept. 23, 1982, reported in the Senate (S. 2951).
  Dec. 2, 1982, reported in the House (H.R. 7355).
  Dec. 7, 8, 1982, considered and passed House (H.R. 7355).
  Aug. 10, 1982, reported in the House (H.R. 6957).
  Dec. 10, 1982, reported in the House (H.J. Res. 631).
  Dec. 14, 1982, passed House (H.J. Res. 631).
  Dec. 15, 1982, reported in the Senate (H.J. Res. 631) (no written report).
  Dec. 19, 1982, passed Senate, amended (H.J. Res. 631).
  Dec. 20, 1982, House agreed to conference report (H.J. Res. 631) (P.L. 97-377).
  Dec. 20, 1982, Senate agreed to conference report (H.J. Res. 631) (P.L. 97-377).

NOTE.—The following summary shows the amounts of new budget (obligational) authority available for fiscal year 1983 under section 101(c) of Public Law 97-377, for programs and activities which would normally have been included in the Department of Defense Appropriation Act, 1983:

Grand Total:		
Appropriations—definite	$231,427,361,000	
Reappropriation—definite	176,200,000	
By transfer	*(423,163,000)*	
Transfer authority	*(1,200,000,000)*	
Total, new budget (obligational) authority, Department of Defense Appropriation Bill, 1983		[1] $231,603,561,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1983 for the Department of Defense provided under Sec. 101(c) of Public Law 97-377, Further Continuing Appropriations, 1983, the following additional amounts are available for the fiscal year:

Permanent appropriations:		
Federal funds (p. 1409)	$1,200,000	
Trust funds (pp. 1422-1423)	16,600,000	
Military Construction Appropriations Act, 1983:		
Department of the Army (pp. 223-228)	1,993,164,000	
Department of the Navy (pp. 223-228)	1,814,243,000	
Department of the Air Force (pp. 223-228)	2,554,550,000	
Department of Defense (pp. 224-228)	681,083,000	
Subtotal, additions		7,060,840,000

---

[1] See "note" above.

Deduct amounts for independent agencies transferred to General Government totals:		
Intelligence Community Staff (p. 1509)	$15,856,000	
CIA Retirement and Disability System Fund (p. 1509)	91,300,000	
Subtotal, deductions		–$107,156,000
Grand total, Department of Defense		[1] 238,557,245,000

---

[1] The Department of Defense Appropriation Bill, 1983 (H.R. 7355) (S. 2951) was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 131, this volume).

DISTRICT OF COLUMBIA APPROPRIATION ACT, 1983

Public Law 97-378

97th Congress, H.R. 7144

December 22, 1982

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1983, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1983, $361,000,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code 47-3406): *Provided,* That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982 under qualification standards other than those in effect on such date. $361,000,000

For payment to the District of Columbia for the fiscal year ending September 30, 1983, in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, $11,800,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code 43-1552 and 43-1612). 11,800,000

For the Federal contribution to the Police Officers and Fire Fighters', Teachers' and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, Public Law 96-122, approved November 17, 1979 (93 Stat. 866), $52,070,000. 52,070,000

[Total, Federal Payment, $424,870,000.]

SPECIAL CRIME INITIATIVE

For a Federal contribution to the District of Columbia to aid in the detection and prevention of crime, $2,342,600: *Provided,* That this amount shall be available to the Metropolitan Police Department. 2,342,600

For the Department of Justice for use in the Superior Court Division of the United States Attorney's Office for the District of Columbia, $800,000. 800,000

[Total, Special Crime Initiative, $3,142,600.]

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

(INCLUDING RESCISSION)

For loans to the District of Columbia, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended, $145,000,000, which shall remain available until expended and be advanced upon request of the Mayor: *Provided*, That there is hereby rescinded $48,832,500 in capital loan authority.

$145,000,000

−48,832,500 *(rescission)*

[Total, Federal Funds to the District of Columbia (net), $524,180,100.]

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $69,545,500: *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That none of the funds appropriated for the Office of Financial Management shall be apportioned and payable for debt service for short-term borrowing on the bond market: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That notwithstanding any other provision of law, there is hereby appropriated $1,689,000 to pay legal, management, investment and other fees and administrative expenses of the District of Columbia Retirement Board of which $425,000 shall be derived from the general fund and not to exceed $1,264,000 shall be derived from the earnings of the applicable retirement funds: *Provided further*, That the District of Columbia Retirement Board shall provide to the Congress a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor for transmittal to the Council of the District of Columbia an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

(69,545,500)

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $58,485,400: *Provided*, That the District of Columbia Housing Finance Agency established by section 201 of D.C. Law 2-135, effective March 3, 1979 (D.C. Code 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Agency's annual audited financial statements to the Council of the District of Columbia, shall repay $4,000,000 to the general fund at an interest rate of 4 percent per annum for a term of fifteen years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or a part of the $4,000,000 shall be subject to the rights of the holders of any bonds or notes issued by the Agency and shall be repaid to the District only from available operating rev-

(58,485,400)

enues of the Agency which are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of one hundred and thirty passenger motor vehicles for replacement only for police-type use and five additional passenger motor vehicles for fire-type use without regard to the general purchase price limitation for the current fiscal year, $409,242,100, of which $5,539,000 shall be payable from the revenue sharing trust fund: *Provided,* That the Police Department is authorized to replace not to exceed twenty-five passenger carrying vehicles, and the Fire Department is authorized to replace not to exceed five such vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, Public Law 93-412, approved September 3, 1974 (88 Stat. 1090; D.C. Code 11-2601 et seq.) for fiscal year 1983 shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That not to exceed $300,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further,* That not to exceed $2,500 for the Joint Committee on Judicial Administration shall be available from this appropriation for official purposes: *Provided further,* That $3,000,000 of this appropriation shall be available solely for the settlement of claims and suits provided for by An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, approved February 11, 1929 (45 Stat. 1160; D.C. Code 1-1202). *($409,242,100)*

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $438,724,200, of which $6,000,000 shall be payable from the revenue sharing trust fund: *Provided,* That $515,000 of the funds provided for the District of Columbia Public Schools shall be used exclusively for the operation of the driver education program: *Provided further,* That the District of Columbia Public Schools are authorized to accept not to exceed thirty-one motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts for fiscal year 1983 a tuition rate schedule which will establish the tuition rate for nonresident students at a level no lower than the *(438,724,200)* nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That not less than $7,257,800 of this appropriation shall be used exclusively for maintenance of the public schools.

HUMAN SUPPORT SERVICES

Human support services, including care and treatment of indigent patients in institutions under contracts to be made by the Director of the Department of Human Services, $466,890,500, of which $4,972,600 shall be payable from the revenue sharing trust fund: *Provided*, That the inpatient rate under such contracts shall not exceed $76 per diem and the outpatient rate shall not exceed $12 per visit except for services provided to patients who are eligible for such services under the District of Columbia plan for medical assistance under title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. 1396 et seq.), and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be at the per diem rate established pursuant to section 2 of An Act to authorize certain expenditures from the appropriation of Saint Elizabeths Hospital, and for other purposes, approved August 4, 1947 (61 Stat. 751; 24 U.S.C. 168a): *Provided further*, That total funds paid by the District of Columbia as reimbursements for operating costs of Saint Elizabeths Hospital, including any District of Columbia payments (but excluding the Federal matching share of payments) associated with title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. 1396 et seq.), shall not exceed $24,748,700: *Provided further*, That $14,490,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation. *($466,890,500)*

TRANSPORTATION SERVICES AND ASSISTANCE

Transportation services and assistance, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia, and purchase of passenger-carrying vehicles for replacement only and purchase of twenty-nine additional passenger-carrying vehicles, $135,712,400, of which $2,500,000 shall be payable from the revenue sharing trust fund: *Provided*, That this appropriation shall not be available for the purchase of driver-training vehicles. *(135,712,400)*

ENVIRONMENTAL SERVICES AND SUPPLY

Environmental services and supply, $38,337,000: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses with four or more apartments, or from any building or connected group of buildings operating as a rooming or boarding house as defined in the housing regulations of the District of Columbia: *Provided further*, That $5,427,000 of this appropriation shall be transferred to the Water and Sewer Enterprise Fund as a miscellaneous revenue. *(38,337,000)*

PERSONAL SERVICES

For pay increases and related costs, to be transferred by the Mayor to the appropriate agencies or cost centers for fiscal year

1983 from which employees are properly payable, $17,364,100, of which $1,100,000 shall be solely for the Metropolitan Police Department. *($17,364,100)*

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896); section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act, approved October 13, 1977 (91 Stat. 1156; D.C. Code 9-219, note); the Departments of Labor, and Health, Education, and Welfare Appropriation Act of 1955, approved July 2, 1954 (68 Stat. 443); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; D.C. Code 9-219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211); and section 723 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 821; D.C. Code 47-321, note), including interest as required thereby, $142,204,200. *(142,204,200)*

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of eliminating the cash portion of the $309,000,000 general fund accumulated deficit as of September 30, 1981, $20,000,000. *(20,000,000)*

ENERGY ADJUSTMENT

The Mayor shall reduce authorized appropriations and expenditures within object class 30A (energy) within one or several of the various appropriation headings in this Act by $2,078,500. *(−2,078,500)*

[Total, operating expenses, general fund, $1,794,426,900.]

CAPITAL OUTLAY

For construction projects as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; D.C. Code 43-1512 et seq.); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; D.C. Code 9-219); An Act to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942, as amended, approved August 20, 1958 (72 Stat. 686); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 321; D.C. Code 1-2454 and 9-219); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended, $83,885,600: *Provided*, That $1,560,800 shall be available for project management and $1,631,300 for design by the Director of the Department of General Services or by contract for architectural engineering services, as may be deter- *(83,885,600)* mined by the Mayor, and that the funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all such funds shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, Public Law 90-495, approved August 23, 1968 (82 Stat. 827, D.C. Code 7-134, note), for which funds are provided by this paragraph, shall expire on September 30, 1984, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date: *Provided further,* That upon expiration of any such project authorization the funds provided herein for such project shall lapse: *Provided further,* That the Mayor shall not request the advance of any moneys for new general fund capital improvement projects without the approval by resolution of the Council of the District of Columbia.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $107,195,900, of which $16,726,500 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects. *($107,195,900)*

For construction projects as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; D.C. Code 43-1512 et seq.), $4,575,000: *Provided,* That the requirements and restrictions which are applicable to general fund capital improvement projects and which are set forth in this Act under the heading Capital Outlay shall apply to projects approved under this heading. *(4,575,000)*

[Total, Water and Sewer Enterprise Fund, $111,770,900.]

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $7,574,000: *Provided,* That the Convention Center Board, established by section 3 of the Washington Convention Center Management Act of 1979, D.C. Law 3-36, effective November 3, 1979 (D.C. Code 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual convention center audit. *(7,574,000)*

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund established by Public Law 97-91 (95 Stat. 1174, 1175), as amended, for the purpose of implementing D.C. Law 3-172, effective March 10, 1981 (D.C. Code 22-1516 et seq.), $1,184,500, to be derived from non-Federal District of Columbia revenues: *Provided,* That the District of Columbia shall identify the source of funding for this appropriation from its own locally-generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board. *(1,184,500)*

[Total, enterprise funds, $120,529,400.]
[Total, District of Columbia funds, $1,998,841,900.]

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor, except for the appropriation under the heading "Repayment of General Fund Deficit" which shall be considered as the amount set apart exclusively for and shall be expended solely for that purpose; and those funds and programs for the Metropolitan Police Department under the headings "Public Safety and Justice" and "Personal Services" which shall be considered as the amounts set apart exclusively for and shall be expended solely by that Department.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed from time to time in the Federal Travel Regulations.

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia may expend such funds without authorization by the Mayor.

SEC. 106. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

SEC. 107. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 355; D.C. Code 47-1812.11).

SEC. 108. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 5(b) of the District of Columbia Public Assistance Act of 1962, approved October 15, 1962 (76 Stat. 915; D.C. Code 3-205), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, Public Law 90-445, approved July 31, 1968 (82 Stat. 462; 42 U.S.C. 3801).

SEC. 109. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 110. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personal compensation may be used to pay the cost of overtime or temporary positions.

SEC. 111. The total expenditure of funds appropriated by this Act for authorized travel and per diem costs outside the District of Columbia, Maryland, and Virginia shall not exceed $225,000.

SEC. 112. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1983, for the compensation of any person appointed—

(1) as a full-time employee to a permanent, authorized position in the District of Columbia government during any month when the number of such employees is greater than 33,268, which includes 32,211 for the general fund, 946 for the Water and Sewer Enterprise Fund, 70 for the Washington Convention Center Enterprise Fund, and 41 for the Lottery and Charitable Games Control Board Enterprise Fund: *Provided*, That—

(A) positions within this city employment limitation shall be set aside as the maximum number of permanent, authorized employees for the general fund as follows: Appropriated positions, 28,616, of which 9,248 shall be for Public Schools; intra-District positions, 1,430; District of Columbia General Hospital positions, 2,163; and

(B) the District of Columbia Public Schools and the District of Columbia General Hospital shall not exceed their respective employment limitations and are required to report monthly to the Mayor, for the purpose of maintaining controls on city-wide employment, regarding the total number of current employees and the total number of separations and filling of positions within their respective employment limitations; or

(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

SEC. 113. No funds appropriated in this Act for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 114. The annual budget for the District of Columbia government for fiscal year 1984 shall be transmitted to the Congress by not later than April 15, 1983. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations or their duly authorized representatives.

SEC. 115. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code 47-421 et seq.).

SEC. 116. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 117. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 118. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 119. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowing from the United States Treasury: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 120. The Mayor shall not borrow any funds for capital projects from the United States Treasury unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 121. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 122. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 123. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443) which accompanied the District of Columbia Appropriation Act, 1980 (Public Law 96–93, approved October 30, 1979).

SEC. 124. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 125. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 126. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) for any position for any period during the last quarter of calendar year 1982 shall be deemed to be the rate of pay payable for that position for September 30, 1982.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945 (D.C. Code 5–803(a)) the board members of the

Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

SEC. 127. Notwithstanding any other provision of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act, D.C. Law 2-139, enacted pursuant to the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (Public Law 93-198; 87 Stat. 744), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 128. None of the funds appropriated by this Act may be used to transport any output of the municipal waste system of the District of Columbia for disposal at any public or private landfill located in any State, excepting currently utilized landfills in Maryland and Virginia, until the appropriate State agency has issued the required permits.

This Act may be cited as the "District of Columbia Appropriation Act, 1983".

Approved December 22, 1982.

LEGISLATIVE HISTORY—H.R. 7144 (S. 2917)

HOUSE REPORTS: No. 97-849 (Comm on Appropriations) and No. 97-972 (Comm. of Conference)
SENATE REPORT No. 97-548 accompanying S. 2917 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 30, considered and passed House.
Dec. 7, considered and passed Senate, amended.
Dec. 17, House agreed to conference report; concurred in certain Senate amendments, in others with amendments.
Dec. 18, Senate agreed to conference report; concurred in House amendments.

Grand total:		
Federal funds (net)	$524,180,100	
Appropriations	(573,012,600)	
Rescissions	(−48,832,500)	
District of Columbia funds	*(1,998,841,900)*	
Total, new budget (obligational) authority, District of Columbia Appropriation Act, 1983 (Federal funds) (net)		$524,180,100

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1983

97th Congress, H.R. 7145

[NOTE.—The Energy and Water Development Appropriation Bill, 1983 (H.R. 7145), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 21, 1982, but was not considered by the House. No action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(f) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see p. 347 for text of relevant part of Public Law 97-377, and pp. 1513-1515 for the related table VIII showing estimates and funding levels by appropriation account).]

LEGISLATIVE HISTORY—H.R. 7145

HOUSE REPORTS: No. 97-850 on H.R. 7145 (Comm. on Appropriations), No. 97-959 on H.J. Res. 631 (Comm. on Appropriations), and No. 97-980 on H.J. Res. 631 (P.L. 97-377) (Comm. of Conference).
SENATE REPORT No. 97-673 on S. 3079 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 21, 1982, reported in the House (H.R. 7145).
Dec. 6, 1982, reported in the Senate (S. 3079).
Dec. 10, 1982, reported in the House (H.J. Res. 631).
Dec. 14, 1982, passed House (H.J. Res. 631).
Dec. 15, 1982, reported in the Senate (H.J. Res. 631) (no written report).
Dec. 19, 1982, passed Senate, amended (H.J. Res. 631).
Dec. 20, 1982, House agreed to conference report (H.J. Res. 631) (P.L. 97-377).
Dec. 20, 1982, Senate agreed to conference report (H.J. Res. 631) (P.L. 97-377).

NOTE.—The following summary shows the amounts of new budget (obligational) authority available for fiscal year 1983 under section 101(f) of Public Law 97-377, for programs and activities normally included in the Energy and Water Development Appropriation Bill, 1983:

Grand total:	
New budget (obligational) authority (all definite appropriations)	$13,985,230,000
Limitation on direct loans	*(26,922,000)*
Limitation on contract authority	*(3,000,000)*

Total, new budget (obligational) authority (all definite appropriations), Energy and Water Development Appropriation Bill, 1983	[1] $13,985,230,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1983 provided under Sec. 101(f) of Public Law 97-377, Further Continuing Appropriations, 1983, the following additional amounts are available for the fiscal year:

Permanent appropriations:	
Federal Funds (p. 1410)	$187,849,000
Trust Funds (p. 1423)	71,005,000
Supplemental Appropriations Act, 1982:	
Department of Energy: Economic Regulation (reappropriation) (p. 43)	3,000,000
Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1983:	
Cemeterial Expenses Army (p. 152)	6,682,000
Department of the Interior and Related Agencies Appropriation Act, 1983:	
Department of Energy (pp. 188-191)	808,310,000

---

[1] See "note" above.

Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983:		
Soldiers and Airmen's Home (p. 344)	$26,718,000	
Continuing Appropriations, 1983 (P.L. 97-276):		
Department of Energy:		
Strategic Petroleum Reserve (p. 265)	242,118,000	
Further Continuing Appropriations, 1983 (P.L. 97-377):		
Department of Energy: Fossils Energy Research and Development (p. 349)	2,000,000	
Subtotal, additions (net)		$1,347,682,000
Deduct amounts transferred to the Department of the Interior and General Government Totals:		
Department of the Interior:		
Bureau of Reclamation (p. 1514)	$794,863,000	
General Government:		
Appalachian Regional Commission (p. 1514)	2,900,000	
Appalachian Regional Development Program (p. 1514)	165,133,000	
Delaware River Basin Commission (p. 1514)	390,000	
Interstate Commission on the Potomac River Basin (p. 1514)	55,000	
Nuclear Regulatory Commission (p. 1515)	462,504,000	
Susquehanna River Basin Commission (p. 1515)	337,000	
Tennessee Valley Authority (p. 1515)	176,433,000	
Water Resources Council (p. 1515)	4,083,000	
Subtotal, deductions		−1,606,698,000
Grand total, Departments of Energy and Defense—Civil functions		[1] 13,726,214,000

---

[1] The Energy and Water Development Appropriation Bill, 1983 (H.R. 7145), was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 143, this volume).

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1983

97th Congress, S. 3075

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1983 (S. 3075) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the Senate on December 3, 1982, but was not acted on by the full Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(b)(1) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see pp. 278-280 for text of relevant part of Public Law 97-377, and pp. 1516-1519 for the related table VIII showing estimates and funding levels by appropriation account).]

LEGISLATIVE HISTORY—S. 3075

HOUSE REPORTS: No. 97-959 on H.J. Res. 631 (Comm. on Appropriations), and No. 97-980 on H.J. Res. 631 (P.L. 97-377) (Comm. of Conference).
SENATE REPORT No. 97-672 on S. 3075 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
    Dec. 3, 1982, reported in the Senate (S. 3075).
    Dec. 10, 1982, reported in the House (H.J. Res. 631).
    Dec. 14, 1982, passed House (H.J. Res. 631).
    Dec. 15, 1982, reported in the Senate (H.J. Res. 631) (no written report).
    Dec. 19, 1982, passed Senate, amended (H.J. Res. 631).
    Dec. 20, 1982, House agreed to conference report (H.J. Res. 631) (P.L. 97-377).
    Dec. 20, 1982, Senate agreed to conference report (H.J. Res. 631) (P.L. 97-377).

NOTE.—The following summary shows the amounts of new budget (obligational) authority available for fiscal year 1983 under section 101(b)(1) of Public Law 97-377, for programs and activities normally included in the Foreign Assistance and Related Programs Appropriations Bill, 1983:

Grand total, all titles:		
New budget (obligational) authority	$11,231,729,565	
Limitation on guaranteed loans	*(12,888,000,000)*	
Foreign Currency Program	*(1,700,000)*	
Limitation on direct loans	*(6,977,466,000)*	
Limitation on callable capital	*(2,360,567,466)*	
Total, new budget (obligational) authority, Foreign Assistance and Related Programs Appropriations Bill, 1983		[1] $11,231,729,565

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1983 provided under Public Law 97-377, Further Continuing Appropriations, 1983, the following additional amounts are available for the fiscal year:

Permanent Appropriations:		
Trust funds (p. 1420)	$15,834,302,000	
Subtotal, additions		15,834,302,000
Deduct amounts transferred to Department of State totals:		
International narcotics control (p. 1517)	36,700,000	
Migration and refugee assistance (p. 1518)	395,000,000	
Subtotal, deductions		−431,700,000
Grand total, Foreign Assistance		[1] 26,634,331,565

---

[1] See "note" above.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1983

Public Law 97-272

97th Congress, H.R. 6956

September 30, 1982

AN ACT

Making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING PAYMENTS

For the payment of annual contributions, not otherwise provided for, in accordance with section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c); for payments authorized by title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.); for rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s); and for payments as authorized by sections 235 and 236 of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z-1), $9,538,000,000.

$9,538,000,000 (liquidation of contract authority)

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

In 1983, $453,000,000 of direct loan obligations may be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), utilizing the resources of the fund authorized by subsection (a)(4) of such section, in accordance with paragraph (C) of such subsection: *Provided,* That such commitments shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided further,* That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped: *Pro-*

453,000,000 (limitation on direct loans)
276,617,000 *(authority to borrow)*

vided further, That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: *Provided further,* That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government.

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs authorized under the Congregate Housing Services Act of 1978, $4,000,000, to remain available until expended.

$4,000,000

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $1,350,000,000: *Provided,* That the amount payable to each public housing agency shall be obligated at least forty-five days prior to the beginning of the public housing agency's fiscal year: *Provided further,* That payments made as a result of the amounts so obligated will begin during the first month of the public housing agency's fiscal year, and shall be made in a lump sum payment to public housing agencies receiving $15,000 or less, shall be made quarterly to public housing agencies receiving payments over $15,000 and less than $60,000, and shall be made monthly to public housing agencies receiving payments of $60,000 or more: *Provided further,* That funds heretofore provided under this heading in Public Law 97-101 shall remain available for obligation for the fiscal year ending September 30, 1983, and shall be used by the Secretary for fiscal year 1983 requirements in accordance with section 9(a), notwithstanding section 9(d) of the United States Housing Act of 1937, as amended.

1,350,000,000

TROUBLED PROJECTS OPERATING SUBSIDY

For assistance payments to owners of eligible multifamily housing projects insured, or formerly insured, under the National Housing Act, as amended, in the program of operating subsidies for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, all unobligated balances of excess rental charges and any collections after September 30, 1982, to remain available until September 30, 1984: *Provided,* That assistance payments to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii) and section 106(a)(2) of the Housing and Urban Development Act of 1968, as amended, $3,500,000.

3,500,000

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $240,022,000, to remain available until expended.

$240,022,000
−161,617,000
(applied to debt reduction)

During 1983, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the National Housing Act, as amended.

During 1983, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed $39,800,000,000 of loan principal.

39,800,000,000
(limitation on guaranteed loans)

During fiscal year 1983, gross obligations for direct loans of not to exceed $45,000,000 are authorized for payments under section 230(a) of the National Housing Act, as amended, from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

45,000,000
(limitation on direct loans)

[Total, Federal Housing Administration Fund, $78,405,000]

NONPROFIT SPONSOR ASSISTANCE

During 1983, within the resources and authority available, gross obligations for the principal amounts of direct loans shall not exceed $1,790,000.

1,790,000
(limitation on direct loans)

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717), $2,726,000.

2,726,000

EMERGENCY MORTGAGE PURCHASE ASSISTANCE

During 1983, within the resources and authority available, gross obligations for the principal amounts of direct loans are authorized in such amounts as are necessary for increases to prior year commitment contracts.

GUARANTEES OF MORTGAGE-BACKED SECURITIES

During 1983, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed $68,250,000,000 of loan principal.

68,250,000,000
(limitation on guaranteed loans)

[Total Housing Programs:

[New budget (obligational) authority	*$1,715,248,000.]*
[Appropriations	*1,600,248,000.]*
[Portion applied to debt reduction	*−161,617,000.]*
[Authority to borrow	*276,617,000.]*
[Limitation on direct loans	*499,790,000.]*
[Limitation on guaranteed loans	*108,050,000,000.]*
[Liquidation of contract authority	*9,538,000,000.]*

SOLAR ENERGY AND ENERGY CONSERVATION BANK

ASSISTANCE FOR SOLAR AND CONSERVATION IMPROVEMENTS

For financial assistance and other expenses, not otherwise provided for, to carry out the provisions of the Solar Energy and Energy Conservation Bank Act of 1980 (12 U.S.C. 3601), $20,000,000, to remain available until September 30, 1984. $20,000,000

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grant program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $3,456,000,000, to remain available until September 30, 1985: *Provided*, That not to exceed 20 per centum of any grant made with funds appropriated herein shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development. 3,456,000,000

During 1983, total commitments to guarantee loans, as authorized by section 108 of the aforementioned Act, shall not exceed $225,000,000 of contingent liability for loan principal. *225,000,000 (limitation on guaranteed loans)*

URBAN DEVELOPMENT ACTION GRANTS

For grants to carry out urban development action grant programs authorized in section 119 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), pursuant to section 103 of that Act, $440,000,000, to remain available until September 30, 1986. 440,000,000

REHABILITATION LOAN FUND

During 1983, collections, unexpended balances of prior appropriations (including any recoveries of prior reservations) and any other amounts in the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), after September 30, 1982, are available for commitments for loans and operating costs and the capitalization of delinquent interest on delinquent or defaulted loans.

URBAN HOMESTEADING

For reimbursement to the Federal Housing Administration Fund for losses incurred under the urban homesteading program (12 U.S.C. 1706e), and for reimbursement to the Administrator of Veterans Affairs and the Secretary of Agriculture for properties conveyed by the Administrator of Veterans Affairs and the Secretary of Agriculture, respectively, for use in connection with an urban homesteading program approved by the Secretary of Housing and Urban Development pursuant to section 810 of the Housing and Community Development Act of 1974, as amended, $12,000,000, to remain available until expended. 12,000,000

[Total, Community Planning and Development:
[New budget (obligational) authority.................. $3,908,000,000.]
[Limitation on guaranteed loans......................... 225,000,000.]

New Community Development Corporation

NEW COMMUNITIES FUND

For the redemption of new community debentures and related expenses, authorized by section 713, Housing and Urban Development Act of 1970, as amended (42 U.S.C. 4514), and section 403, Housing and Urban Development Act of 1968, as amended (42 U.S.C. 3902), such sums as may be necessary, to be financed as provided by section 717, Housing and Urban Development Act of 1970, as amended (42 U.S.C. 4518).

Policy Development and Research

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $18,000,000, to remain available until September 30, 1984. $18,000,000

Fair Housing and Equal Opportunity

FAIR HOUSING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, $5,700,000, to remain available until September 30, 1984. 5,700,000

Management and Administration

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $3,000 for official reception and representation expenses, $575,223,000, of which $267,723,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That none of the funds made available in this paragraph may be used prior to January 1, 1983, to plan, design, implement or administer any reorganization of the Department without the prior approval of the Committees on Appropriations. 307,500,000 *267,723,000 (corporate funds)*

[Total, Title I, Department of Housing and Urban Development:

[New budget (obligational) authority	*$5,974,448,000.]*
[Appropriations	*5,859,448,000.]*
[Portion applied to debt reduction	*−161,617,000.]*
[Authority to borrow	*276,617,000.]*
[Limitation on direct loans	*499,790,000.]*
[Limitation on guaranteed loans	*108,275,000,000.]*
[Limitation on corporate funds to be expended	*267,723,000.]*
[Liquidation of contract authority	*9,538,000,000.]*

TITLE II

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; $10,669,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

$10,669,000

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including rent in the District of Columbia, hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed $500 for official reception and representation expenses, $33,508,000: *Provided*, That funds provided by this appropriation for laboratories shall be available only for the acquisition or conversion of existing laboratories.

33,508,000

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, $6,682,000, to remain available until expended: *Provided*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

6,682,000

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5

U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; and not to exceed $3,000 for official reception and representation expenses; $548,613,200: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913). $548,613,200

RESEARCH AND DEVELOPMENT

For research and development activities, $119,000,000, to remain available until September 30, 1984. 119,000,000

ABATEMENT, CONTROL AND COMPLIANCE

For abatement, control and compliance activities, $369,075,000, to remain available until September 30, 1984: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913) or for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009: *Provided further*, That notwithstanding any other provision of law, Inverness, Mississippi shall be reimbursed for the costs incurred for the construction of a hydrological control release lagoon. 369,075,000

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or used by, the Environmental Protection Agency, $3,000,000, to remain available until expended. 3,000,000

PAYMENT TO THE HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For payment to the Hazardous Substance Response Trust Fund as authorized by Public Law 96-510, $40,000,000. 40,000,000

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4), $210,000,000, to be derived from the Hazardous Substance Response Trust Fund, to remain available until expended: *Provided*, That not to exceed $37,380,000 shall be available for administrative expenses. Funds appropriated under this account may be allocated to other Federal agencies in accordance with section 111(a) of Public Law 96-510: *Provided further*, That of the funds appropriated under this head, $8,000,000 shall be made available to the Department of Health and Human Services, upon enactment, and up to an additional $2,000,000 may be made available by the Administrator to the Department for the performance of specific activities in accordance with section 111(c)(4) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980: *Provided further*, That management of all funds made available to the Department shall be consistent with the responsibilities of the Trustee of the Fund, as outlined in section 223(b) of the Act: *Provided further*, That the administrative expenses contained in the first proviso are increased by $4,708,000: *Provided further*, That for purposes of carrying out section 3012 of the Resource Conservation 210,000,000 and Recovery Act of 1976, as amended (42 U.S.C. 6933), as added by Public Law 96-482, $10,000,000, from the funds provided under this head, to remain available until September 30, 1984.

CONSTRUCTION GRANTS

For necessary expenses to carry out title II of the Federal Water Pollution Control Act, as amended, including sections 201(n)(2) and 201(m)(3), other than sections 206, 208, and 209, $2,430,000,000, to remain available until expended. $2,430,000,000

ADMINISTRATIVE PROVISION

With funds appropriated by this Act the Administrator shall cancel, deny, or take any other necessary action to cancel or deny, the registration of any pesticide product containing toxaphene: *Provided,* That none of the funds appropriated by this Act shall be used for the purpose of granting any registration of any pesticide product containing toxaphene, or for the purpose of approving any amendment to such a registration which would allow the use of such a product: *Provided further,* That this provision shall not apply to the use of toxaphene for the treatment of nondairy cattle scabies by topical application on an individual basis, as approved by the Animal and Plant Health Inspection Service of the United States Department of Agriculture, until existing stocks are depleted or for a period of three years after enactment of this Act, whichever comes first: *Provided further,* That the foregoing provisos shall only take effect if the Environmental Protection Agency fails to promulgate a notice of intent to cancel or restrict registration of toxaphene within sixty days after enactment of this Act.

[Total, Environmental Protection Agency, $3,719,688,200.]

Executive Office of the President

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed $500 for official reception and representation expenses, and hire of passenger motor vehicles, $926,000. 926,000

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $1,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $1,839,000. 1,839,000

[Total, Executive Office of the President, $2,765,000.]

Federal Emergency Management Agency

FUNDS APPROPRIATED TO THE PRESIDENT, DISASTER RELIEF

For necessary expenses in carrying out the functions of the Disaster Relief Act of 1970, as amended (42 U.S.C. 4401), and the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.), $130,000,000 to remain available until expended. 130,000,000

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $500 for official reception and representation expenses, $111,300,000. $111,300,000

STATE AND LOCAL ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq.), the National Flood Insurance Act of 1968, as amended, the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $154,591,000. 154,591,000

EMERGENCY PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Urban Property Protection and Reinsurance Act of 1968, as amended, and the National Insurance Development Act of 1975 (12 U.S.C. 1749bbb et seq.), the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 278f and 2201 et seq.), the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, $154,007,000. 154,007,000

NATIONAL FLOOD INSURANCE FUND

For repayment under notes dated April 17, 1979, and September 28, 1979, issued by the Director of the Federal Emergency Management Agency to the Secretary of the Treasury pursuant to section 15(e) of the Federal Flood Insurance Act of 1956, as amended (42 U.S.C. 2414(e)), $39,159,000. In fiscal year 1983, not to exceed (1) $32,341,000 for operating expenses, (2) $38,746,000 for agents' commissions and taxes, and (3) $13,889,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without the approval of the Committees on Appropriations.

39,159,000
−39,159,000
(applied to debt reduction)

[Total, Federal Emergency Management Agency, $549,898,000.]

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $1,351,000. 1,351,000

Department of Health and Human Services

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,947,000. $1,947,000

National Aeronautics and Space Administration

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed (1) $1,769,000,000 for Space Shuttle, (2) $1,796,000,000: *Provided*, That the amount available for obligation or expenditure shall be reduced to the extent subsequent authorizations provide for transfers for Space Flight Operations, (3) $115,000,000 for Space Transportation Systems—Upper Stages, (4) $88,000,000 for Space Transportation Systems Operations—Upper Stages, (5) $137,500,000 for the Space Telescope, (6) $34,500,000 for the Gamma Ray Observatory, (7) $92,600,000 for Project Galileo, (8) $4,000,000 for a Space Station, (9) $55,000,000 for Performance Augmentation, without the approval of the Committees on Appropriations, $5,542,800,000, to remain available until September 30, 1984: 5,542,800,000 *Provided*, That $280,000,000 shall be made available for aeronautical research and technology, that $192,000,000 shall be made available for design, development, procurement, and other related requirements of liquid hydrogen-liquid oxygen upper stages (Centaur): *Provided further*, That none of the funds in this or any other Act shall be used for the development of a fifth space shuttle orbiter without the approval of the Committees on Appropriations.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $97,500,000, to remain available until September 30, 1985: 97,500,000 *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this head by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); awards; purchase (for replacement only, of two aircraft, for which partial payment may be made by exchange of at least one existing administrative aircraft and such other existing aircraft as may be considered appropriate), hire, maintenance and operation of administrative aircraft; purchase (not to exceed seventeen for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $75,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; $1,168,900,000: *Provided,* That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further,* That not to exceed $25,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

$1,168,900,000

[Total, National Aeronautics and Space Administration, $6,809,200,000.]

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

The amount which may be borrowed, from the public or any other source except the Secretary of the Treasury, by the Central Liquidity Facility as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795), shall not exceed $600,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 1983 shall not exceed $1,368,000.

600,000,000
(limitation on borrowing authority)
1,368,000
(limitation on administrative expenses)

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876-1879), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; lease of one aircraft with option to purchase and purchase; maintenance and operation of aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; not to exceed $62,381,000 for program development and management; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services, $1,060,000,000, to remain available until September 30, 1984: *Provided,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further,* That of the funds appropriated in this Act or in funds appropriated previously to the Foundation, not less than $9,000,000 shall be available for the United States Antarctic Research Program and not more than $73,400,000 shall be available for the United States Antarctic Program operations and support: *Provided further,* That no funds appropriated in this Act or in funds previously appropriated to the Foundation shall be available for the advanced ocean drilling program without the approval of the Committees on Appropriations and not in

1,060,000,000

excess of $12,000,000 shall be available for the deep sea drilling project without the approval of the Committees on Appropriations.

SCIENCE EDUCATION ACTIVITIES

For necessary expenses in carrying out science education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including award of graduate fellowships, services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $30,000,000, to remain available until September 30, 1984: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally. $30,000,000

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for scientific activities, as authorized by law, $2,200,000, to remain available until September 30, 1984: *Provided*, That this appropriation shall be available in addition to other appropriations to the National Science Foundation, for payments in the foregoing currencies. 2,200,000

[Total, National Science Foundation, $1,092,200,000.]

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), $15,512,000: *Provided*, That notwithstanding any other provisions of this or any other Act, the Secretary of Housing and Urban Development, the Federal Home Loan Bank Board and the Federal Home Loan Banks, the Board of Governors of the Federal Reserve System and the Federal Reserve Banks, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the National Credit Union Administration or any other department, agency or other instrumentality of the Federal Government may provide to the Neighborhood Reinvestment Corporation such funds, services, and facilities as they deem appropriate, with or without reimbursement, to achieve the objectives and to carry out the purposes of the Neighborhood Reinvestment Corporation Act, with the prior approval of the Committees on Appropriations. 15,512,000

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed $500 for official reception and representation expenses; $22,700,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appro- 22,700,000 priated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

DEPARTMENT OF THE TREASURY

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

For payments to the State and Local Government Fiscal Assistance Trust Fund, as authorized by the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221-1263), $4,566,700,000. $4,566,700,000

OFFICE OF REVENUE SHARING, SALARIES AND EXPENSES

For necessary expenses of the Office of Revenue Sharing, including hire of passenger motor vehicles, $6,612,000. 6,612,000

OFFICE OF THE SECRETARY, SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $310,000. 310,000

[Total, Department of the Treasury, $4,573,622,000.]

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, plot allowances, burial flags, headstones and grave markers, emergency and other officers' retirement pay, adjusted-service credits and certificates, and other benefits as authorized by law; and for payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, $13,430,800,000, to remain available until expended. 13,430,800,000

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31, 34-36, 39, 51, 53, 55, and 61), $1,665,800,000, to remain available until expended. 1,665,800,000

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $6,400,000, to remain available until expended. 6,400,000

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed $2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); $7,510,606,000, plus reimbursements. $7,510,606,000

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until September 30, 1984, $152,665,000, plus reimbursements. 152,665,000

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, $55,807,000, plus reimbursements. 55,807,000

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $3,000 for official reception and representation expenses; cemeterial expenses as authorized by law; purchase of eight passenger motor vehicles, for use in cemeterial operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $689,000,000. 689,000,000

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is $2,000,000 or more or where funds for a project were made available in a previous major project appropriation, $407,392,000, to remain available until expended: *Provided*, That, except for advance planning of projects funded through the Advance Planning Fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process. 407,392,000

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5002, 5006, 5008, 5009, and 5010 of title 38, United States Code, where the estimated cost of a project is less than $2,000,000, $141,748,000, to remain available until expended, along with unobligated balances of previous Construction, minor projects appropriations which are hereby made available for any project where the estimated cost is less than $2,000,000: *Provided*, That not more than $32,865,000 shall be available for expenses of the Office of Construction. 141,748,000

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans, as authorized by law (38 U.S.C 5031-5037), $18,000,000, to remain available until September 30, 1985. $ 18,000,000

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding or improving State veterans' cemeteries as authorized by law (Public Law 95-476, sec. 202), $2,500,000, to remain available until September 30, 1985. 2,500,000

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1984. 500,000

LOAN GUARANTY REVOLVING FUND

During 1983, the Loan guaranty revolving fund shall be available for expenses for property acquisitions, payment of participation sales insufficiencies, and other loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title): *Provided,* That the unobligated balances, including retained earnings of the Direct loan revolving fund, shall be available, during 1983, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund, and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

During 1983, within the resources available, gross obligations for direct loans and total commitments to guarantee loans are authorized in such amounts as may be necessary to carry out the purposes of the "Loan guaranty revolving fund".

DIRECT LOAN REVOLVING FUND

During 1983, within the resources available, gross obligations for direct loans are authorized only for specially adapted housing loans and obligations for such loans shall not exceed $1,000,000 (38 U.S.C. chapter 37). *1,000,000 (limitation on direct loans)*

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for 1983, for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for 1983, for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major projects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

Not to exceed $35,000,000 of the foregoing appropriations shall be available for medical automatic data processing services as set forth in the budget justifications without the approval of the Committees on Appropriations.

[Total Veterans Administration:	
[New budget (obligational) authority	*$24,081,218,000.]*
[Limitation on direct loans	*1,000,000.]*
[Total, title II, Independent Agencies:	
[New budget (obligational) authority	*$40,920,960,200.]*
[Appropriations	*40,960,119,200.]*
[Portion applied to debt reduction	*−39,159,000.]*
[Limitation on direct loans	*1,000,000.]*
[Limitation on corporate funds to be expended	*1,368,000.]*
[Limitation on borrowing authority	*600,000,000.]*

TITLE III

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development and the Federal Home Loan Bank Board which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1983 for such corporation or agency except as hereinafter provided: *Provided,* That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriation Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of $65,040,000 shall be available for expenses of the Federal Home Loan Bank Board, which amount shall include nonadministrative expenses for the examination and supervision of Federal and State-chartered institutions in an amount not to exceed $40,680,000, including $500,000 which shall be available only for purposes of training State examiners, and administrative expenses in an amount not to exceed $24,360,000, and said total amount shall be available for procurement of services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901–5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal Home Loan Banks, the Federal Reserve Banks, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage

$ 40,680,000 (limitation on non-administrative (expenses) 24,360,000 (limitation on administrative expenses)

Corporation, and other agencies of the Government (including payment for office space): *Provided*, That expenses for special examinations of Federal and State-chartered institutions determined by the Board to be necessary, all necessary expenses in connection with the conservatorship or liquidation of institutions insured by the Federal Savings and Loan Insurance Corporation, liquidation or handling of assets of or derived from such insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of such insured institutions, or activities relating to section 5A(f) or 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, section 12(i) of the Securities Exchange Act of 1934, or section 406(c), 407, or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be excluded from the above limitations: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703: *Provided further*, That not to exceed $1,500 shall be available for official reception and representation expenses: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421–1449).

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

$1,120,000 (limitation on administrative expenses)

Not to exceed $1,120,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve Banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724–1730f).

[Total, title III, Corporations, limitation on corporate funds to be expended, $66,160,000.]

TITLE IV

GENERAL PROVISIONS

Sec. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; or to payments to interagency motor pools where separately set forth in the budget schedules.

Sec. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Sec. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

Sec. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

Sec. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitations.

Sec. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 409. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

SEC. 410. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 411. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 412. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared and (B) the contractor who prepared the report pursuant to such contract.

SEC. 413. No part of any appropriation contained in this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 414. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 415. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 416. (a)(1) Notwithstanding the directive of the Senate Office Building Commission of March 19, 1982, and notwithstanding any other provision of law, the Architect of the Capitol shall cease the obligation, commitment, or expenditure of any unallotted construction contingency funds (identified during the construction of the Hart Senate Office Building) for the purpose of completing the construction of the physical fitness facility in the Hart Senate Office Building.

(2) The Architect of the Capitol is authorized to obligate and expend from the construction contingency funds for the Hart Senate Office Building amounts which are prohibited to be obligated, committed, or expended by the first paragraph of this subsection for such other necessary expenses relating to the completion of the Hart Senate Office Building as the Architect of the Capitol deems necessary.

(b) No funds may be expended for the operation of the physical fitness facility in the Dirksen Senate Office Building after the date of enactment of this Act.

This Act may be cited as the "Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983".

Approved September 30, 1982.

LEGISLATIVE HISTORY—H.R. 6956 (S. 2880)

HOUSE REPORT No. 97-891 (Comm. of Conference).
SENATE REPORT No. 97-537 accompanying S. 2880 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Sept. 15, considered and passed House.
  Sept. 24, considered and passed Senate, amended.
  Sept. 29, House agreed to conference report; concurred in some Senate amendments, in others with amendments.
  Sept. 29, Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 41 (1982):
  Oct. 12, Presidential statement.

Grand total:		
New budget (obligational) authority	$46,895,408,200	
Appropriations	(46,819,567,200)	
Portion applied to debt reduction	(−200,776,000)	
Authority to borrow	(276,617,000)	
Limitation on direct loans	*500,790,000*	
Limitation on guaranteed loans	*108,275,000,000*	
Limitation on corporate funds to be expended	*335,251,000*	
Limitation on borrowing authority	*600,000,000*	
Liquidation of contract authority	*9,538,000,000*	
Total, new budget (obligational) authority, Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1983		$46,895,408,200

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1983 contained in the foregoing annual appropriation act, the following additional amounts are available for the Department of Housing and Urban Development for such fiscal year:

Permanent appropriations: Federal funds (pp. 1410-1411)	$119,848,000	
Further Continuing Appropriations, 1983 (P.L. 97-377):		
Department of Housing and Urban Development (net) (pp. 347-349)	6,002,315,689	
Subtotal, additions		6,122,163,689

Deduct amounts transferred to Defense—Civil, Departments of Health, Human Services and Education, and Treasury and General Government:

Defense, Civil: Cemeterial expenses, Army (p. 152)	$6,682,000
Department of Health, Human Services and Education: Office of Consumer Affairs (p. 156)	1,947,000
Department of the Treasury:	
Payments to State and Local Government Fiscal Assistance Trust Fund (p. 159)	4,566,700,000
Office of Revenue Sharing (p. 159)	6,612,000
Office of the Secretary (p. 159)	310,000

General Government:		
American Battle Monuments Commission (p. 152)	$10,669,000	
Consumer Information Center (GSA) (p. 155)	1,351,000	
Consumer Product Safety Commission (p. 152)	33,508,000	
Environmental Protection Agency (pp. 152-154)	3,719,688,200	
Executive Office of the President (p. 154)	2,765,000	
Federal Emergency Management Agency (pp. 154-155)	549,898,000	
National Aeronautics and Space Administration (p. 156-157)	6,809,200,000	
National Science Foundation (pp. 157-158)	1,092,200,000	
Neighborhood Reinvestment Corporation (p. 158)	15,512,000	
Selective Service System (pp. 158-159)	22,700,000	
Veterans Administration (pp. 159-162)	24,081,218,000	
Subtotal, deductions		−$40,920,960,200
Grand total, Department of Housing and Urban Development (net)		12,096,611,689

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1983

Public Law 97-394

97th Congress, H.R. 7356

December 30, 1982

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR LAND AND WATER RESOURCES

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $330,226,000. $330,226,000

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $2,243,000, to remain available until expended. 2,243,000

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 1601) $96,320,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided,* That this appropriation may be used to correct underpayments in the previous fiscal year to achieve equity among all qualified recipients.

96,320,000
400,000
(limitation on administrative expenses)

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205 and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, $311,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided,* That the unexpended balances of funds appropriated to the Bureau of Land Management in the Heritage Conservation and Recreation Service "Land and Water Conservation Fund" shall be merged with this appropriation. 311,000

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $56,963,000, to remain available until expended: *Provided,* That the amount provided herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further,* That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further,* That twenty-five per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

$56,963,000

RANGE IMPROVEMENTS

For rehabilitation, protection, acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), sums equal to fifty per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

11,048,000
(indefinite)
600,000
(limitation on administrative expenses)

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended.

10,000,000
(indefinite)

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

100,000
(indefinite)

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, insurance on official motor vehicles, aircraft, and boats operated by the Bureau of Land Management in Canada; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $10,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended for surveys of Federal lands of the United States and on a reimbursable basis, for protection of lands for the State of Alaska: *Provided further,* That the Secretary of the Interior shall develop criteria for extending, on a case-by-case basis, the period allowed for phased livestock reductions on public rangelands administered through the Bureau of Land Management up to five years. Such criteria shall take into account available agricultural assistance programs, the magnitude of projected livestock reductions, alternative pasturage available, and ability of such public rangelands to sustain such phasing in of livestock reductions without damage to rangeland productivity: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision or ninety days after the effective date of this Act in the case of reductions ordered during 1979, whichever occurs later. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed.

[Total, Bureau of Land Management, $507,211,000.]

FISH AND WILDLIFE AND PARKS

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the Fish and Wildlife Service; for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, $238,593,000; of which $4,000,000, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended: *Provided,* That the only critical habitat to be designated under section 4(b)(2) of the Endangered Species Act of

$238,593,000

1973 (Public Law 93-205), as amended, for the Northern Rocky Mountain Wolf in Idaho shall be coterminous with the boundaries of the Central Idaho Wilderness Areas, as established by Public Law 96-312: *Provided further,* That notwithstanding any other provision of this paragraph, $2,000,000 is available to carry out the purposes of 16 U.S.C. 1535, to remain available until expended.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the aquisition of lands and interests therein; and for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f); $16,665,000, to remain available until expended. $16,665,000

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5), $2,000,000, to remain available until expended. 2,000,000

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $27,200,000, to be derived from the Land and Water Conservation 27,200,000 Fund, to remain available until expended: *Provided,* That the unexpended balances of funds appropriated to the Fish and Wildlife Service in the Heritage Conservation and Recreation Service "Land and Water Conservation Fund" shall be merged with this appropriation.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $5,760,000. 5,760,000

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 124 passenger motor vehicles of which 113 are for replacement only (including 46 for police-type use); purchase of 4 new aircraft as additions; not to exceed $200,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; insurance on official motor vehicles, aircraft, and boats operated by the United States Fish and Wildlife Service in Mexico and Canada; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the national fish hatchery at Tupelo, Mississippi, shall hereafter be named the "Private John Allen National Fish Hatchery": *Provided further,* That the administrative/visitor facility at the Merritt Island NWR, Florida, for which funds were appropriated under the head "Construction and anadromous fish" in chapter VIII of Public Law 97-257 is hereby designated the Scott J. Manness-Beau W. Sauselein administrative/visitor facility and that the maintenance center not be named as provided in that account.

[Total, United States Fish and Wildlife Service, $290,218,000.]

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $394,000 for the Roosevelt Campobello International Park Commission, and $500,000 for the Volunteers-in-the-Park program, $564,460,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451): *Provided,* That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further,* That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: *Provided further,* That $85,000 shall be available for the National Park Service to assist the town of Harpers Ferry, West Virginia, for police force use: *Provided further,* That $160,000 shall be available for operation, including maintenance and protection, of the former home of Harry S Truman at 219 North Delaware Street, Independence, Missouri, upon assumption of administrative jurisdiction thereof by the National Park Service pursuant to specific legislation similar to S. 3077, Ninety-seventh Congress, or pursuant to the general authority of the Act of August 21, 1935 (49 Stat. 666), or otherwise. $564,460,000

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental and compliance review, and grant administration, not otherwise provided for, $9,887,000. 9,887,000

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $26,000,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1984. 26,000,000

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended

(16 U.S.C. 451), $156,096,000, to remain available until expended, including $15,000,000 for reconstruction of the Filene Center at Wolf Trap Farm Park for the Performing Arts to be available for obligation only as authorized by Public Law 97-310, not less than $6,000,000 for nourishment of the Sandy Hook, New Jersey portion of Gateway NRA notwithstanding any other provisions of law, and not less than $2,444,000 for Perry's Victory and International Peace Memorial, $1,400,000 for the Federal share of the construction and development costs for the Alaska Interagency Visitor Centers in Anchorage, Fairbanks, and Tok, Alaska, pursuant to section 1305 of the Alaska National Interest Lands Conservation Act (Public Law 96-487). $156,096,000

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $142,505,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $75,000,000 is for the State Assistance program including $4,381,000 to administer the program, $5,000,000 is for Pinelands National Preserve: *Provided,* That unexpended balances of funds appropriated to the National Park Service in the Heritage Conservation and Recreation Service "Land and Water Conservation Fund" shall be merged with this appropriation: *Provided further,* That State administrative expenses associated with the State grant portion of the State Assistance program shall not exceed 15 percent: *Provided further,* That none of the State Assistance funds may be used as a contingency fund. 142,505,000

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $4,247,000. 4,247,000

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 1 helicopter for replacement only, 175 passenger motor vehicles of which 148 shall be for replacement only, including not to exceed 107 for police-type use and 13 buses; and to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit to the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; and options for the purchase of land at not to exceed $1 for each option: *Provided,* That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System; and to provide insurance on official motor vehicles and aircraft operated by the National Park Service in Mexico and Canada: *Provided further,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further,* That notwithstanding any other provision of law, the Secretary of the Interior is authorized to enter into a cooperative agreement with the Smith River Fire Protection District, California, for a special use permit on lands within the boundary of Redwood National Park to permit construction of a fire station.

[Total, National Park Service, $903,195,000.]
[Total, Fish and Wildlife and Parks, $1,193,413,000.]

ENERGY AND MINERALS

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to mineral character and water and power resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $363,389,000 and $16,200,000, to be derived by transfer from "Exploration of National Petroleum Reserve in Alaska": *Provided,* That $44,164,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further,* That the Geological Survey is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

$363,389,000
16,200,000
(by transfer)

BARROW AREA GAS OPERATION, EXPLORATION, AND DEVELOPMENT

For necessary expenses of carrying out the provisions of section 104 of Public Law 94-258, $6,400,000, to remain available until expended.

6,400,000

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 18 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the U.S. National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

[Total, Geological Survey, $369,789,000.]

Minerals Management Service

LEASING AND ROYALTY MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; $196,506,000 of which not less than $31,601,000 shall be available for royalty management activities including general administration. $196,506,000

Bureau of Mines

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $143,158,000, of which $88,346,000 shall remain available until expended. 143,158,000

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

Office of Surface Mining Reclamation and Enforcement

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, $60,356,000, including the purchase of not to exceed 35 passenger motor vehicles for replacement only. 60,356,000

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 10 passenger motor vehicles for replacement only, to remain available until expended, $161,209,000, to be derived from receipts of the Abandoned Mine Reclamation Fund: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these 161,209,000 debts: *Provided further,* That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 percent.

[Total, Office of Surface Mining Reclamation and Enforcement, \$221,565,000.]

[Total, Energy and Minerals, \$931,018,000.]

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission) of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order and payment of rewards for information or evidence concerning violations of law on Indian reservation lands or treaty fishing rights tribal use areas; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$843,508,000 of which \$9,350,000 shall be available until expended for transfer to the State of Alaska to assist in the basic operation and maintenance of Bureau-owned schools which are transferred to the State, such sum to be in addition to assistance otherwise available under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.) or any other Act to such schools on the same basis as other public schools, and of which not to exceed \$55,278,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1984, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1984: *Provided,* That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531, \$3,899,000, to remain available until expended: *Provided further,* That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B)(iii)) by the Act of June 3, 1977 (Public Law 95-40): *Provided further,* That notwithstanding the provisions of section 6 of said Act of April 16, 1934, as added by section 202 of the Indian Education Assistance Act (88 Stat. 2213, 2214; 25 U.S.C. 457) funds appropriated pursuant to this or any other Act for fiscal years ending September 30 of 1982 and 1983 may be utilized to reimburse school districts for up to the full per capita cost of educating Indian students (1) who are normally residents of the State in which such school districts are located but do not normally reside in such districts, and (2) who are residing in Federal boarding facilities for

\$843,508,000

the purpose of attending public schools within such districts; in addition, moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into this account and remain available as otherwise provided by law.

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract, $67,250,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation.

$67,250,000

ROAD CONSTRUCTION

For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), and the Act of May 26, 1928 (45 Stat. 750; 25 U.S.C. 318a), $43,585,000, to remain available until expended.

43,585,000

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed $3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391), including cash grants: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary.

3,000,000
(definite)
50,000,000
(indefinite)

REVOLVING FUND FOR LOANS

During fiscal year 1983, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $19,970,000.

19,970,000
(limitation on
direct loans)

INDIAN LOAN GUARANTY AND INSURANCE FUND

During fiscal year 1983, and within the resources and authority available, total commitments to guarantee loans may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed $15,800,000.

$15,800,000 (limitation on guaranteed loans)

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed 258 passenger carrying motor vehicles of which 178 shall be for replacement only, which may be used for the transportation of Indians; advance payments for services (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (25 U.S.C. 309), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions: *Provided,* That no part of any appropriations to the Bureau of Indian Affairs shall be available to continue academic and residential programs of the Chilocco, Seneca, and Fort Sill boarding schools, Oklahoma; and Stewart boarding school, Nevada: *Provided further,* That no part of any appropriation to the Bureau of Indian Affairs shall be available to continue academic and residential programs at Mount Edgecumbe boarding school in Alaska after June 30, 1983: *Provided further,* That no part of any appropriation to the Bureau of Indian Affairs shall be used to subject the transportation of school children to any limitation on travel or transportation expenditures for Federal employees: *Provided further,* That notwithstanding any other provision of law: The following may be cited as the "Indian Claims Limitation Act of 1982.".

SEC. 2. (a) Subsection (a) of section 2415 of title 28, United States Code, is amended by striking "after December 31, 1982" in the third proviso and inserting in lieu the following: "sixty days after the date of publication of the list required by section 4(c) of the Indian Claims Act of 1982: *Provided,* That, for those claims that are on either of the two lists published pursuant to the Indian Claims Act of 1982, any right of action shall be barred unless the complaint is filed within (1) one year after the Secretary of the Interior has published in the Federal Register a notice rejecting such claim or (2) three years after the date the Secretary of the Interior has submitted legislation or legislative report to Congress to resolve such claim".

(b) Subsection (b) of section 2415 of title 28, United States Code, is amended by striking "December 31, 1982" in the proviso and inserting in lieu the following: "sixty days after the date of the publication of the list required by section 4(c) of the Indian Claims Act of 1982: *Provided,* That, for those claims that are on either of the two lists published pursuant to the Indian Claims Act of 1982, any right of action shall be barred unless the complaint is filed within (1) one year after the Secretary of the Interior has published in the Federal Register a notice rejecting such claim or (2) three years after the Secretary of the Interior has submitted legislation or legislative report to Congress to resolve such claim".

SEC. 3. (a) Within ninety days after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall publish in the Federal Register a list of all claims accruing to any tribe, band or group of Indians or individual Indian on or before July 18, 1966, which have at any time been identified by or submitted to the Secretary under the "Statute of Limitation Project" undertaken by the Department of the Interior and which, but for the provisions of this Act, would be barred by the provisions of section 2415 of title 28, United States Code: *Provided,* That the

Secretary shall have the discretion to exclude from such list any matter which was erroneously identified as a claim and which has no legal merit whatsoever.

(b) Such list shall group the claims on a reservation-by-reservation, tribe-by-tribe, or State-by-State basis, as appropriate, and shall state the nature and geographic location of each claim and only such other additional information as may be needed to identify specifically such claims.

(c) Within thirty days after the publication of this list, the Secretary shall provide a copy of the Indian Claims Limitation Act of 1982 and a copy of the Federal Register containing this list, or such parts as may be pertinent, to each Indian tribe, band or group whose rights or the rights of whose members could be affected by the provisions of section 2415 of title 28, United States Code.

Sec. 4. (a) Any tribe, band or group of Indians or any individual Indian shall have one hundred and eighty days after the date of the publication in the Federal Register of the list provided for in section 3 of this Act to submit to the Secretary any additional specific claim or claims which such tribe, band or group of Indians or individual Indian believes may be affected by section 2415 of title 28, United States Code, and desires to have considered for litigation or legislation by the United States.

(b) Any such claim submitted to the Secretary shall be accompanied by a statement identifying the nature of the claim, the date when the right of action allegedly accrued, the names of the potential plaintiffs and defendants, if known, and such other information needed to identify and evaluate such claim.

(c) Not more than thirty days after the expiration of the one hundred and eighty day period provided for in subsection (a) of this section, the Secretary shall publish in the Federal Register a list containing the additional claims submitted during such period: *Provided,* That the Secretary shall have the discretion to exclude from such list any matter which has not been sufficiently identified as a claim.

Sec. 5. (a) Any right of action shall be barred sixty days after the date of the publication of the list required by section 4(c) of this Act for those pre-1966 claims which, but for the provisions of this Act, would have been barred by section 2415 of title 28, United States Code, unless such claims are included on either of the lists required by section 3 or 4(c) of this Act.

(b) If the Secretary decides to reject for litigation any of the claims or groups or categories of claims contained on either of the lists required by section 3 or 4(c) of this Act, he shall send a report to the appropriate tribe, band, or group of Indians, whose rights or the rights of whose members could be affected by such rejection, advising them of his decision. The report shall identify the nature and geographic location of each rejected claim and the name of the potential plaintiffs and defendants if they are known or can be reasonably ascertained and shall, briefly, state the reasons why such claim or claims were rejected for litigation. Where the Secretary knows or can reasonably ascertain the identity of any of the potential individual Indian plaintiffs and their present addresses, he shall provide them with written notice of such rejection. Upon the request of any Indian claimant, the Secretary shall, without undue delay, provide to such claimant any nonprivileged research materials or evidence gathered by the United States in the documentation of such claim.

(c) The Secretary, as soon as possible after providing the report required by subsection (b) of this section, shall publish a notice in the Federal Register identifying the claims covered in such report. With respect to any claim covered by such report, any right of action shall be barred unless the complaint is filed within one year after the date of publication in the Federal Register.

SEC. 6. (a) If the Secretary determines that any claim or claims contained in either of the lists as provided in sections 3 or 4(c) of this Act is not appropriate for litigation, but determines that such claims may be appropriately resolved by legislation, he shall submit to the Congress legislation to resolve such claims or shall submit to Congress a report setting out options for legislative resolution of such claims.

(b) Any right of action on claims covered by such legislation or report shall be barred unless the complaint is filed within 3 years after the date of submission of such legislation or legislative report to Congress.

[Total, Bureau of Indian Affairs, $1,007,343,000.]

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories under the jurisdiction of the Department of the Interior, $73,892,000, of which (1) not to exceed $72,011,000 shall be available until expended for technical assistance and grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; Economic Development Loan Fund grants to Guam, as authorized by law (48 U.S.C. 1428-1428e; Public Law 95-134; 91 Stat. 1161, 1162, 1163; Public Law 95-348; 92 Stat. 487, 488); grants to the Government of the Virgin Islands as authorized by law (Public Law 95-348, 92 Stat. 490); construction grants to Guam of $8,028,000 as authorized by Public Law 97-357; direct grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241, 90 Stat. 272, and Public Law 96-205, 94 Stat. 86); and (2) not to exceed $1,881,000 for fiscal year 1983 salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary: *Provided further*, That all financial transactions of the Territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834). $73,892,000

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), grants for the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; $95,810,000, of which $77,410,000 is for operations, and $18,400,000 for construction, to remain available until expended: *Provided,* That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further,* That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further,* That appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress.

$95,810,000

[Total, Territorial Affairs, $169,702,000.]

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of the Interior, $41,589,000, of which not less than $400,000 is for reimbursement to the United States Park Police and not to exceed $10,000 may be for official reception and representation expenses.

41,589,000

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, $896,000.

896,000

OFFICE OF THE SOLICITOR

For necessary expenses of the Office of the Solicitor, $18,404,000.

18,404,000

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, $21,500,000 including $2,600,000 to be available for fiscal year 1983 expenses of the offices of the Government Comptroller for the Virgin Islands, the Government Comptroller for Guam, Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the Government Comptroller for American Samoa, as authorized by law (Public Law 95-134, 91 Stat. 1161, 1162; Public Law 96-205, 94 Stat. 85, 90; Public Law 97-357): *Provided,* That the Inspector General shall certify quarterly to the appropriate committees of the Congress on the faithful execution of laws administered by the Department: *Provided further,* That vacancies occurring in the offices of the Government Comptrollers may not be reallocated to any other organization unless approved through reprograming procedures.

21,500,000

OFFICE OF WATER POLICY

For necessary expenses of the Office of Water Policy to develop and administer a water policy for the Department of the Interior

pertinent to lands and resources managed thereby, $1,768,000, and $1,768,000
$6,000,000 to be transferred to the Bureau of Reclamation, to remain 6,000,000
available until expended, of which $5,000,000 shall be used to continue
research consistent with programs identified in 42 U.S.C. 7816
and $1,000,000 shall be used to administer projects transferred from
the Office of Water Research and Technology and $6,350,000 for 6,350,000
expenses necessary in carrying out the provisions of the Water
Research and Development Act of 1978 (Public Law 95–467).

[Total, Office of Water Policy, $14,118,000.]

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition, from available resources within the Working Capital Fund, 5 additional aircraft, all of which may be from surplus: *Provided,* That no programs funded with appropriated funds may be augmented through the Working Capital Fund or the Consolidated Working Fund.

[Total, Departmental Offices, $96,507,000.]

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior and for the emergency rehabilitation of burned-over lands under its jurisdiction, and for emergency reclamation projects under section 410 of Public Law 95-87, and shall transfer, from any no year funds available, to the Office of Surface Mining such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act, such funds to be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided,* That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That no appropriations made in this title shall be available for acquisition of automatic data processing equipment, software, or services in excess of $1,000,000 systems life cost, without prior approval of the Secretary.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided,* That reimbursements for costs and supplies, materials, equipment and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $300,000, with not more than $7,500 to be paid to any one company or individual; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the procurement, leasing, bidding, exploration, or development of lands within the Department of the Interior Central and Northern California Planning Area which lie north of the line between the row of blocks numbered N816 and the row of blocks numbered N817 of the Universal Transverse Mercator Grid System.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the procurement, leasing, bidding, exploration, or development of the following tracts within the Block, Hudson, Toms, Carteret, Lindenkhol, Spencer, Wilmington, Baltimore, Washington, or Norfolk Canyons of Outer Continental Shelf Lease Sale Numbered 76: Block Canyon, NK 19-10: 945, 946, 989, 990; Hudson Canyon, NJ 18-3: 290, 291, 334, 335, 336, 379, 380, 423-427, 467-471, 513-515, 558, 559; Toms Canyon, NJ 18-3: 815, 859; Lindenkohl Canyon, NJ 18-6: 193-194; Wilmington Canyon, NJ 18-6: 491, 492, 535, 536, 579, 580, 624; Baltimore Canyon, NJ 18-6: 750, 751, 794, 838, 882, 883; Washington Canyon, NJ 18-8: 515, 516, 559, 560, 604; and Norfolk Canyon, NJ 18-8: 907, 908, 909, 951, 952, 953, 997.

SEC. 109. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

SEC. 110. Notwithstanding any other provision of law, section 1002 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) (16 U.S.C. 3142(e)(2)(C)) is amended as follows: Insert before the period: "and: *Provided*, That the Secretary shall prohibit by regulation any person who obtains access to such data and information from the Secretary or from any person other than a permittee from participation in any lease sale which includes the areas from which the information was obtained and from any commercial use of the information. The Secretary shall require that any permittee shall make available such data to any person at fair cost.".

[Total, title I, Department of the Interior:

[New budget (obligational) authority	*$3,905,194,000.]*
Appropriations, definite	*3,834,046,000.]*
Appropriations, indefinite	*71,148,000.]*
[Limitation on direct loans	*19,970,000.]*
[By transfer	*16,200,000.]*
[Limitation on guaranteed loans	*15,800,000.]*

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $105,021,000. $105,021,000

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, $62,328,000, of which $58,828,000 shall remain available for obligation until September 30, 1984, to carry out activities authorized in Public Law 95-313: *Provided,* That a grant of $3,000,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495. 62,328,000

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for liquidation of obligations incurred in the preceding fiscal year for forest fire protection and emergency rehabilitation, including administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", $1,010,436,000, of which $182,500,000 for reforestation and timber stand improvement, cooperative law enforcement, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1984. 1,010,436,000

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, $281,431,000, to remain available until expended, of which $26,316,000 is for construction and acquisition of buildings and other facilities; and $246,115,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205; and $9,000,000, to remain available until expended, for final payment, subject to the execution of a final agreement between the Secretary of the Interior, the Secretary of Agriculture, and the Chugach Natives, Incorporated, for the final settlement of land claims of the Chugach Natives, Incorporated, as authorized by section 1302(h) and section 1430 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) and section 22(f) of the Alaska Native Claims Settlement Act, as amended (Public Law 94-204): *Provided,* That funds becoming available in fiscal year 1983 under the Act of March 4, 1913 (16 281,431,000

U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further,* That no more than $240,000,000, to remain available without fiscal year limitation, shall be obligated for the construction of forest roads by timber purchasers.

[1] –*$64,514,000 (indefinite, by transfer)*
[2] *240,000,000 (indefinite)*

YOUTH CONSERVATION CORPS

There is appropriated $10,000,000, of which $3,400,000 is hereby transferred to "National Forest System", $3,300,000 is hereby transferred to "Operation of the National Park System", National Park Service, and $3,300,000 is hereby transferred to "Resource Management", United States Fish and Wildlife Service, for high priority projects which shall be carried out as if authorized by Public Law 93-408.

10,000,000

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $56,877,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided,* That the unexpended balance of funds appropriated to the Forest Service in Heritage Conservation and Recreation Service "Land and Water Conservation Fund" shall be merged with this appropriation.

56,877,000

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of land within the exterior boundaries of the Cache National Forest, Utah; Uinta and Wasatch National Forests, Utah; Toiyabe National Forest, Nevada; Angeles National Forest, California; and, San Bernardino and Cleveland National Forests, California, as authorized by law, $753,000, to be derived from forest receipts.

753,000

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 4, 1967 (16 U.S.C. 484a), all funds deposited by public school authorities pursuant to that Act, to remain available until expended.

147,000 *(indefinite)*

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement in accordance with section 401(b)(1), of the Act of October 21, 1976, Public Law 94-579, as amended, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, to remain available until expended.

5,800,000 *(indefinite)*

MISCELLANEOUS TRUST FUNDS

For expenses authorized by 16 U.S.C. 1643(b), $90,000, to remain available until expended, to be derived from the fund established pursuant to 16 U.S.C. 1643(b).

90,000

---

[1] Fiscal year 1983 timber receipts transferred to general fund of the Treasury.

[2] Timber purchaser credits.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 223 passenger motor vehicles of which 8 will be used primarily for law enforcement purposes and of which 210 shall be for replacement only, acquisition of 217 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 4 for replacement only, and acquisition of 49 aircraft from excess sources; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the United States Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); and (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

None of the funds made available under this Act shall be obligated or expended to adjust annual recreational residence fees to an amount greater than that annual fee in effect at the time of the next to last fee adjustment, plus 50 per centum. In those cases where the currently applicable annual recreational residence fee exceeds that adjusted amount, the Forest Service shall credit to the permittee that excess amount, times the number of years that that fee has been in effect, to offest future fees owed to the Forest Service.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research and technical information and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest.

Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with the reprograming procedures contained in House Report 97-942.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

[Total, Forest Service, $1,532,883,000.]

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), $215,514,000 and $31,700,000 to be derived by transfer from the account in Public Law 96-126 (93 Stat. 970 (1979)) entitled "Alternative Fuels Production", and $40,000,000 to be derived by transfer from the account in Public Law 96-304 entitled "Energy Security Reserve" established to carry out the provisions set forth in section 204(a)(2) of the "Energy Security Act" (Public Law 96-294), to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That the facilities associated with the Carbondale Mining Research Center shall be made available to the Department of Energy for lease or other suitable arrangement by the Department of Energy to Southern Illinois University: *Provided further*, That $2,000,000 appropriated under the account entitled "Alternative Fuels Production" in Public Law 96-126 (93 Stat. 970 (1979)), for project development feasibility studies, is hereby transferred to this account to be used until expended for a jointly funded feasibility study of a Western Hemisphere alternative fuels facility which would utilize coal exported from the United States.

$215,514,000
31,700,000
(by transfer)
40,000,000
(by transfer)
2,000,000
(by transfer)

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserves activities, $222,000,000, to remain available until expended.

222,000,000

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities, $279,290,000 and $64,000,000 to be derived by transfer from "Fossil energy construction", Department of Energy, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed under section 10 of the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, as amended (15 U.S.C. 2509), shall not exceed the aggregate of $16,000,000: *Provided further*, That the funds for low-income weatherization activities appropriated under this Act shall be expended according to the regulations pertaining to the maximum allowable expenditures per dwelling unit which were in effect on October 1, 1982, and to the regulations pertaining to priority in providing weatherization assistance which were in effect on October 1, 1982: *Provided further*, That $34,400,000 shall be transferred to the Administrator, National Aeronautics and Space Administration for program management of the advanced automobile propulsion systems development program and the heavy duty transport program established in Public Law 95-238.

279,290,000
64,000,000
(by transfer)

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration, the Office of Hearings and Appeals and emergency preparedness activities, $35,106,000: *Provided*, That $2,000,000 of the funds herein appropriated shall be available for the fuels conversion program, of which not less than $1,500,000

35,106,000

shall be available only for expenses in issuing prohibition orders under the Powerplant and Industrial Fuel Use Act and other related laws.

SPR PETROLEUM ACCOUNT

The aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), for the acquisition and transportation of petroleum, and for other necessary expenses is $2,074,060,000, in addition to authority provided for fiscal year 1982, to remain available until expended. *$2,074,060,000 (off-budget)*

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $56,400,000. 56,400,000

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From this appropriation, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That (1) revenues received from the sale of any products produced in facilities other than demonstration plants operated as part of Department of Energy programs appropriated under this Act shall be covered into the Treasury as miscellaneous receipts; and (2) revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with demonstration plant projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement or provision thereof entered into by the Secretary pursuant to this authority shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period.

Where the Secretary has the legal authority under other provisions of law, including other provisions of this Act, to undertake projects for the design, construction, or operation of Government-owned facilities for developing or demonstrating the conversion of coal into gaseous, liquid, or solid hydrocarbon products, the Secretary may use the authority contained in Public Law 85-804 (50 U.S.C. 1431-1435), with respect to such contracts or agreements for or related to such projects: *Provided*, That any contract, agreement, or provision thereof entered into by the Secretary using the authority of Public Law 85-804 shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period. The notification required herein shall be in lieu of the notification requirements of Public Law 85-804.

Funds appropriated by this and subsequent Acts for fossil energy research and development activities may be used by the Secretary of Energy to enter into arrangements with the University of Wyoming, or any nonprofit corporation controlled by the university, for the purpose of encouraging research and development activities in the oil shale, underground coal conversion, and tar sands programs. In addition, the Secretary shall, subject to any terms and conditions which the Secretary may impose, transfer to the university or to such nonprofit corporation, all or any part of the Government's right, title, and interest in and to the land, buildings, improvements, fixtures, equipment and furnishings in the Secretary's custody of the Laramie Energy Technology Center at Laramie, Wyoming (including leasehold interests, buildings, improvements, fixtures, equipment and furnishings in the Secretary's custody on land not owned by the Government but which is a part of the center, where the Secretary determines that such transfer is integral to the future activities of the university): *Provided further*, That anticipated employment by the university, or such nonprofit corporation, at the transferred facilities shall not subject center employees to the restrictions of section 208(a), title 18, United States Code, with respect to participation, as Government employees, in any contract or other arrangement for work to be performed by the university entered into by the university and the Department before such transfer is completed: *Provided further*, That funds appropriated by this and subsequent Acts for fossil energy research and development activities may be used by the Secretary of Energy to enter into arrangements with the University of North Dakota, or any nonprofit corporation controlled by the university, for the purpose of encouraging research and development activities in the low rank coal program. In addition, the Secretary shall, subject to any terms and conditions which the Secretary may impose, transfer to the university or to such nonprofit corporation, all or any part of the Government's right, title, and interest in and to the land, buildings, improvements, fixtures, equipment and furnishings in the Secretary's custody of the lignite coal research laboratory established pursuant to the Act of March 25, 1948 (30 U.S.C. 401 et seq.), at Grand Forks, North Dakota. The transfer shall be deemed in furtherance of that Act: *Provided further*, That anticipated employment by the university, or such nonprofit corporation, at the transferred facilities shall not subject center employees to the restrictions of section 208(a), title 18, United States Code, with respect to participation, as Government employees, in any contract or other arrangement for work to be performed by the university entered into by the university and the Department before such transfer is completed.

Notwithstanding any other provision of law, the Secretary of Energy may enter into a contract agreement or arrangement to conduct petroleum related research and development at the facilities of the Department of Energy at the Bartlesville Energy Technology Center in Bartlesville, Oklahoma, with a qualified nonprofit institution on a cost-shared basis for the purpose of carrying out such research and development. Any contract, agreement, or arrangement entered into by the Department of Energy and a nonprofit institution shall establish a joint and/or co-operative relationship which reflects the interest of the Federal Government and the States in conducting such research and development and that the research results shall be available to the public: *Provided*, That any contract, agreement or provision thereof entered into by the Secretary pursuant to this authority shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period.

[Total, Department of Energy, $808,310,000.]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and V and section 757 of the Public Health Service Act, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, $645,583,000: *Provided*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1984. Funds provided in this Act, may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That $5,000,000 of the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be used to carry out the purposes for which this appropriation is made and any additional collections shall be available until September 30, 1984, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Act, for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 757 of the Public Health Service Act shall remain available for expenditure until September 30, 1984. $645,583,000

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings, purchase of trailers and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, $34,700,000, to remain available until expended. $34,700,000

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES ADMINISTRATION

Appropriations in this Act to the Health Services Administration, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further*, That non-Indian patients may be extended health care at the Talihina Hospital in Talihina, Oklahoma, and the Zuni-Ramah Indian Health Service Unit in Zuni, New Mexico, if such care can be extended without impairing the ability of the Indian Health Service to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That notwithstanding current regulations, eligibility for Indian Health Services shall be extended to non-Indians in only two situations: (1) a non-Indian woman pregnant with an eligible Indian's child for the duration of her pregnancy through postpartum, and (2) non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard.

[Total, Indian Health, $680,283,000.]

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For carrying out, to the extent not otherwise provided, Part A ($48,465,000), and Parts B and C ($16,193,000) of the Indian Education Act, and the General Education Provisions Act, $67,247,000. 67,247,000

Navajo and Hopi Indian Relocation Commission

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, $7,665,000, to remain available until expended, for operating expenses of the Commission: *Provided*, That no bonus payments or relocation assistance shall be provided to any person who was not physically residing within the Joint Use Area as of the date of enactment of this Act.

$7,665,000

Smithsonian Institution

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 3 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $144,366,000 including $1,000,000 to be made available to the trustees of the John F. Kennedy Center for the Performing Arts for payment to the National Symphony Orchestra for activities related to responsibilities as resident orchestra of the Center: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That none these funds shall be available to a Smithsonian Research Foundation.

144,366,000

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, $2,000,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies: *Provided further*, That none of these funds shall be available to a Smithsonian Research Foundation: *Provided further*, That not to exceed $500,000 may be used to make grant awards to employees of the Smithsonian Institution.

2,000,000

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $1,550,000, to remain available until expended.

1,550,000

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $8,450,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price. $8,450,000

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other empoyees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and not to exceed $100,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $32,878,000, of which not to exceed $4,900,000 for the repair, renovation, and restoration program of the original West Building shall remain available until expended. 32,878,000

SALARIES AND EXPENSES, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $2,321,000. 2,321,000

[Total, Smithsonian Institution, $191,565,000.]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $114,275,000 of which $101,675,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to 114,275,000 section 5(g) of the Act, and $12,600,000 shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $29,600,000, to remain available until September 30, 1984, to the National Endowment for the Arts, of which $18,400,000 shall be available for purposes of section 5(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

$29,600,000 *(indefinite)*

[Total, National Endowment for the Arts, $143,875,000.]

NATIONAL ENDOWMENT FOR THE HUMANITIES

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $102,132,000 of which $90,432,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and $11,700,000 shall be available for administering the functions of the Act.

102,132,000

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $27,928,000, to remain available until September 30, 1984, of which $16,864,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years, for which equal amounts have not previously been appropriated.

27,928,000 *(indefinite)*

[Total, National Endowment for the Humanities, $130,060,000.]

INSTITUTE OF MUSEUM SERVICES

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $10,800,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions: *Provided further*, That notwithstanding section 203 of the Museum Services Act, as amended, the Institute of Museum Services hereafter shall be an entity within the National Foundation on the Arts and the Humanities: *Provided further*, That regulations of the Institute shall require (1) an appeal process for applications rejected because of technical deficiency, (2) reconsideration of applications upon receipt of materials in a timely manner if the application was rejected because material did not accompany

10,800,000

the application, and (3) waivers of certain records under circumstances which would require such waivers.

[Total, National Foundation on the Arts and the Humanities, $284,735,000.] —

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That hereafter persons serving on the National Council on the Arts, the National Council on the Humanities, and the Museum Services Board shall continue serving until their successors are qualified for office.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $319,000. $319,000

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 94-422, $1,500,000: 1,500,000 *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $2,279,000. 2,279,000

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

Unexpended balances of funds available for obligation under this head in fiscal years 1982 and 1983 shall remain available for obligation until September 30, 1984.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $2,350,000 for operating and administrative expenses of the Corporation. 2,350,000

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $8,750,000, to remain available for obligation until expended. 8,750,000

[Total, Pennsylvania Avenue Development Corporation, $11,100,000.]

FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE

PERMITTING AND ENFORCEMENT

For necessary expenses of the Federal Inspector for the Alaska Gas Pipeline, $6,125,000, of which not to exceed $1,000 may be used for official reception and representation expenses. $6,125,000

HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, $820,000. 820,000

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

Notwithstanding any other law, funds made available from the Energy Security Reserve to the Secretary of Energy for alcohol fuel loan guarantees authorized by title II of the Energy Security Act, Public Law 96-294, may be used to guarantee loans up to three and one-half times the amount held in reserve.

[Total, title II, related agencies:

[New budget (obligational) authority	*$3,594,831,000.]*
[Appropriations, definite	*3,531,356,000.]*
[Appropriations, indefinite	*63,475,000.]*
[By transfer	*73,186,000.]*

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided,* That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 305. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation and enforcement.

SEC. 306. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 307. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 308. Except for lands described by section 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312 and section 603 of Public Law 94-579, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas: *Provided*, That nothing in this section shall prohibit the expenditures of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning or within any lands designated by Congress as wilderness study areas, under valid existing right or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further*, That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of national forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: *Provided further*, That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further*, That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting, in conjunction with the Secretary of Energy, the national laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and X-ray diffraction analysis; land satellites; or any other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualified to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: *Provided further*, That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: *Provided further*, That funds provided in this Act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of national forest or public land wilderness areas that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness or other nonsurface disturbing methods.

SEC. 309. None of the funds provided in this Act or by Public Law 97-100 shall be used to evaluate, consider, process or award oil, gas or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7 and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 310. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 311. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 312. Funds provided for land acquisition in this Act may not be used to acquire lands for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, without the written approval of the Committees on Appropriations.

SEC. 313. Notwithstanding any other provisions of law, the Secretary of the Interior and Secretary of Agriculture are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction. In addition, any contracts or agreements with the jurisdictions for fire management services listed above which are previously executed shall remain valid.

SEC. 314. Any interest earned by a political subdivision of a State on sums paid to such political subdivision by such State between October 1, 1979 and September 30, 1982, from amounts paid to such State under the provisions of the last paragraph under the head "FOREST SERVICE." of the Act of May 23, 1908 (16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (16 U.S.C. 500), may be expended for any public purpose as such political subdivision prescribes.

SEC. 315. The titles conveyed by and the easements and restrictions heretofore reserved and imposed by the Secretary of the Interior pursuant to section 506(c) of Public Law 96–487 are hereby confirmed in all respects: *Provided,* That nothing herein shall be deemed to amend the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act.

SEC. 316. Except as expressly provided for by law, none of the funds appropriated by this Act shall be obligated to dispose, except by exchange, of any Federal land tract until such time as the agency responsible for administering the disposal of the tract has specifically identified the tract as no longer being needed by the Federal Government; inventoried the tract as to its public benefit values; provided opportunity for public review and discussion of the tract proposed for disposal; and provided 30 days advance notice of the tract proposed for disposal and of the plans for carrying out such disposal to the congressional delegation of the State or States in which the tract proposed for sale is located and to the appropriate congressional committees for immediate printing in the Congressional Record: *Provided,* That neither the Act of July 31, 1958, as amended (72 Stat. 438, as amended; 7 U.S.C. 1012a; 16 U.S.C. 478a) nor the Act of June 14, 1926, as amended (49 U.S.C. 869 et seq.) shall be subject to the provisions of this section.

SEC. 317. In the case of any new electric power plant located in Alaska for which a petition is accepted after the date of enactment of this Act, but before December 31, 1985, pursuant to section 212(f) of the Powerplant and Industrial Fuel Use Act of 1978, to use natural gas (as that term is defined in such Act), as a primary energy source in such power plant, the petitioner shall be deemed to have made the demonstrations required by clauses (1) and (2) of such section and such exemption, subject to the other applicable provisions of such Act, shall be granted by the Secretary of Energy. Nothing in this section shall apply to any new electric power plant using natural gas produced from the Prudhoe Bay Unit of Alaska.

SEC. 318. Section 21 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437, as amended; 30 U.S.C. 241), is further amended by adding the following new subsections:

"(c)(1) The Secretary may within the State of Colorado lease to the holder of the Federal oil shale lease known as Federal Prototype Tract C–a additional lands necessary for the disposal of oil shale wastes and the materials removed from mined lands, and for the building of plants, reduction works, and other facilities connected with oil shale operations (which lease shall be referred to hereinafter as an 'offsite lease'). The Secretary may only issue one offsite lease not to exceed six thousand four hundred acres. An offsite lease may not serve more than one Federal oil shale lease and may not be transferred except in conjunction with the transfer of the Federal oil shale lease that it serves.

"(2) The Secretary may issue one offsite lease of not more than three hundred and twenty acres to any person, association or corporation which has the right to develop oil shale on non-Federal lands. An offsite lease serving non-Federal oil shale land may not serve more than one oil shale operation and may not be transferred except in conjunction with the transfer of the non-Federal oil shale land that it serves. Not more than two offsite leases may be issued under this paragraph.

"(3) An offsite lease shall include no rights to any mineral deposits.

"(4) The Secretary may issue offsite leases after consideration of the need for such lands, impacts on the environment and other resource values, and upon a determination that the public interest will be served thereby.

"(5) An offsite lease for lands the surface of which is under the jurisdiction of a Federal agency other than the Department of the Interior shall be issued only with the consent of that other Federal agency and shall be subject to such terms and conditions as it may prescribe.

"(6) An offsite lease shall be for such periods of time and shall include such lands, subject to the acreage limitations contained in this subsection, as the Secretary determines to be necessary to achieve the purposes for which the lease is issued, and shall contain such provisions as he determines are needed for protection of environmental and other resource values.

"(7) An offsite lease shall provide for the payment of an annual rental which shall reflect the fair market value of the rights granted and which shall be subject to such revisions as the Secretary, in his discretion, determines may be needed from time to time to continue to reflect the fair market value.

"(8) An offsite lease may, at the option of the lessee, include provisions for payments in any year which payments shall be credited against any portion of the annual rental for a subsequent year to the extent that such payment is payable by the Secretary of the Treasury under section 35 of this Act to the State within the boundaries of which the leased lands are located. Such funds shall be paid by the Secretary of the Treasury to the appropriate State in accordance with section 35, and such funds shall be distributed by the State only to those counties, municipalities, or jurisdictional subdivisions impacted by oil shale development and/or where the lease is sited."; and

"(9) An offsite lease shall remain subject to leasing under the other provisions of this Act where such leasing would not be incompatible with the offsite lease.

"(d) In recognition of the unique character of oil shale development:

"(1) In determining whether to offer or issue an offsite lease under subsection (c), the Secretary shall consult with the Governor and appropriate State, local, and tribal officials of the State where the lands to be leased are located, and of any additional State likely to be affected significantly by the social, economic, or environmental effects of development under such lease, in order to coordinate Federal and State planning processes, minimize duplication of permits, avoid delays, and anticipate and mitigate likely impacts of development.

"(2) The Secretary may issue an offsite lease under subsection (d) after consideration of (A) the need for leasing, (B) impacts on the environment and other resource values, (C) socioeconomic factors, and (D) information from consultations with the Governors of the affected States.

"(3) Before determining whether to offer an offsite lease under subsection (c), the Secretary shall seek the recommendation of the Governor of the State in which the lands to be leased are located as to whether or not to lease such lands, what alternative actions are available, and what special conditions could be added to the proposed lease to mitigate impacts. The Secretary shall accept the recommendations of the Governor if he determines that they provide for a reasonable balance between the national interest and the State's interests. The Secretary shall communicate to the Governor, in writing, and publish in the Federal Register the reasons

for his determination to accept or reject such Governor's recommendations.".

Approved December 30, 1982.

LEGISLATIVE HISTORY—H.R. 7356

HOUSE REPORTS: No. 97-942 (Comm. on Appropriations) and No. 97-978 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Dec. 3, considered and passed House.
  Dec. 13, 14, considered and passed Senate, amended.
  Dec. 18, House agreed to conference report; concurred in certain Senate amendments with amendments.
  Dec. 19, Senate agreed to conference report; concurred in House amendments.

Grand total, titles I and II:

New budget (obligational) authority	$7,500,025,000	
Appropriations, definite	(7,365,402,000)	
Appropriations, indefinite	(134,623,000)	
By transfer	*89,386,000*	
Limitation on direct loans	*19,970,000*	
Limitation on guaranteed loans	*15,800,000*	
Total, new budget (obligational) authority, Department of the Interior and Related Agencies Appropriation Act, 1983		$7,500,025,000

NOTE.—In addition to the new budget (obligational) authority for the fiscal year 1983 contained in the foregoing annual appropriation act, the following additional amounts are available for the Department of the Interior for such fiscal year:

Permanent appropriations:		
Federal funds (pp. 1411-1413)	$1,026,925,000	
Trust funds (pp. 1424-1425)	538,850,000	
Energy and Water Development Appropriations:		
Bureau of Reclamation (p. 1514)	794,863,000	
Further Continuing Appropriations, 1983 (P.L. 97-377):		
Department of the Interior:		
U.S. Fish and Wildlife Service (p. 363)	94,000	
National Park Service (p. 363)	3,000,000	
Subtotal, additions		2,363,732,000

Deduct amounts transferred to Department of Agriculture; Department of Education; Department of Energy; Department of Health and Human Services; and General Government Totals:

Department of Agriculture:		
Forest Service (pp. 185-187)	$1,532,883,000	
Department of Education (p. 192)	67,247,000	
Department of Energy (pp. 188-191)	808,310,000	
Department of Health and Human Services (pp. 191-192)	680,283,000	
General Government:		
Advisory Council on Historic Preservation (p. 196)	1,500,000	
Commission on Fine Arts (p. 196)	319,000	
Federal Inspector for the Alaska Gas Pipeline (p. 197)	6,125,000	
Holocaust Memorial Council (p. 197)	820,000	
National Capital Planning Commission (p. 196)	2,279,000	
National Foundation on the Arts and Humanities (pp. 194-196)	284,735,000	
Navajo Hopi Relocation Commission (p. 193)	7,665,000	
Pennsylvania Avenue Development Corporation (pp. 196-197)	11,100,000	
Smithsonian Institution (pp. 193-194)	191,565,000	
Subtotal, deductions		−3,594,831,000
Grand total, Department of the Interior		6,268,926,000

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1983

97th Congress, H.R. 7205

[NOTE.—The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983 (H.R. 7205) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 29, 1982, and was passed by the House on December 1, 1982. The Senate Committee on Appropriations reported the bill on December 8, 1982, but no further action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under sections 101(e) (1), (2) and (3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. (See pp. 321-346 for text of relevant part of Public Law 97-377, and pp. 1529-1535 for the related table VIII showing estimates and funding levels by appropriation account).]

LEGISLATIVE HISTORY—H.R. 7205

HOUSE REPORTS: No. 97-894 on H.R. 7205 (Comm. on Appropriations), No. 97-959 on H.J. Res. 631 (Comm. on Appropriations) and No. 97-980 on H.J. Res. 631 (P.L. 97-377) (Comm. of Conference).
SENATE REPORT No. 97-680 on H.R. 7205 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Sept. 29, 1982, reported in the House (H.R. 7205).
  Dec. 1, 1982, passed House (H.R. 7205).
  Dec. 8, 1982, reported in the Senate (H.R. 7205).
  Dec. 10, 1982, reported in the House (H.J. Res. 631).
  Dec. 14, 1982, passed House (H.J. Res. 631).
  Dec. 15, 1982, reported in the Senate (H.J. Res. 631) (no written report).
  Dec. 19, 1982, passed Senate, amended (H.J. Res. 631).
  Dec. 20, 1982, House agreed to conference report (H.J. Res. 631) (P.L. 97-377).
  Dec. 20, 1982, Senate agreed to conference report (H.J. Res. 631) (P.L. 97-377).

NOTE.—The following summary shows the amounts of new budget (obligational) authority available for fiscal year 1983 under sections 101(e) (1), (2) and (3) of Public Law 97-377, for programs and activities normally included in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1983:

Grand total:	
Appropriations, fiscal year 1983	$89,140,929,000
Appropriations, fiscal year 1984	6,951,600,000
Appropriations, fiscal year 1985	130,000,000
Limitation on trust fund transfer	*(3,475,693,000)*
Limitation on administrative expenses	*(3,454,812,000)*
Limitation on direct loans	*(65,500,000)*
Total new budget (obligational) authority, Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983	[1, 2] $96,222,529,000

---

[1] See "note" above.

[2] Excludes $5,492,377,000 appropriated in fiscal year 1983 in this bill (H.R. 7205) to liquidate "indefinite" appropriations made in fiscal year 1982 as follows (estimated at $4,615,600,000 in 1981-82 volume):

Department of Health and Human Services:	
Health Care Financing Administration: Grants to States for Medicaid	$4,745,585,000
Social Security Administration:	
Supplemental security income program	28,133,000
Assistance payments program	708,659,000
Departmental Management: Office of the Inspector General	10,000,000
Total	5,492,377,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1983 provided under Sec. 101(e) (1), (2) and (3) of Public Law 97-377, Further Continuing Appropriations, 1983, the following additional amounts are available for the fiscal year:

Permanent appropriations:		
Federal Funds (p. 1410)	$450,000	
Trust Funds (pp. 1423-1425)	248,933,758,000	
Appropriations and rescissions for fiscal year 1983 made during previous sessions of Congress:		
97th Cong., 1st session:		
Social Security Administration: Assistance payments program (p. 253, 1981-82 volume)	1,787,341,000	
Agriculture, Rural Development, and Related Agencies Appropriation Act, 1983: Food and Drug Administration (p. 101)	349,130,000	
Department of HUD-Independent Agencies Appropriation Act, 1983: Office of Consumer Affairs (p. 156)	1,947,000	
Department of the Interior and Related Agencies Appropriation Act, 1983:		
Department of Health and Human Services: Indian Health Services (pp. 191-192)	680,283,000	
Department of Education: Indian Education (p. 192)	67,247,000	
Continuing Appropriations, 1983 (P.L. 97-276):		
Departments of Health and Human Services, and Education (pp. 268-269)	105,000,000	
Subtotal, additions (net)		$251,925,156,000

Deduct advance appropriations for fiscal years 1984 and 1985 and amounts transferred to the General Government and Defense—Civil functions totals:

Advance appropriations for fiscal year 1984:		
Department of Health and Human Services:		
Health Care Financing Administration: Grants to States for Medicaid (p. 331)	5,105,600,000	
Social Security Administration:		
Assistance payments program (p. 332)	1,718,000,000	
Child support enforcement (p. 332)	118,000,000	
Departmental Management: Office of the Inspector General (p. 334)	10,000,000	
Advance appropriation for fiscal year 1985:		
Corporation for Public Broadcasting (p. 342)	130,000,000	
General Government:		
Action (p. 342)	129,321,000	
Federal Mediation and Conciliation Service (p. 343)	21,321,000	
Federal Mine Safety and Health Review Commission (p. 343)	3,686,000	
National Commission on Libraries and Information Science (p. 343)	674,000	
National Commission on Student Financial Assistance (p. 343)	840,000	
National Labor Relations Board (p. 343)	124,045,000	
National Mediation Board (p. 343)	5,468,000	
Occupational Safety and Health Review Commission (p. 344)	6,316,000	
Railroad Retirement Board:		
Payments to Railroad Retirement Trust Fund (p. 344)	430,000,000	
Milwaukee Railroad restructuring, administration (p. 344)	250,000	
Defense—Civil: Soldiers and Airmen's Home (p. 344)	26,718,000	
Subtotal, deductions		−7,830,239,000
Grand total, Departments of Labor, Health and Human Services, and Education		[1] 340,317,446,000

---

[1] The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1983 (H.R. 7205), was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 203, this volume).

LEGISLATIVE BRANCH APPROPRIATION BILL, 1983

97th Congress, S. 2939 [1]

NOTE.—The following bill is a copy of S. 2939 as reported on September 22, 1982, by the Committee on Appropriations of the Senate. H.R. 7073 was reported by the Committee on Appropriations of the House of Representatives on September 9, 1982, but was not considered by the House. Funding of programs and activities included in the Senate bill, with certain adjustments as noted, is provided for the fiscal year ending September 30, 1983, under section 101(e) of Public Law 97-276, approved October 2, 1982, Making Continuing Appropriations for fiscal year 1983. (For specific exceptions to the bill below, see p. 260 for text of the continuing resolution and pp. 1536-1541 for the related table VIII).

A BILL

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1983, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, THE LEADERS, AND WHIPS OF THE SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.	$60,000

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, $10,000; President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $2,500; and Minority Whip of the Senate, $2,500; in all, $45,000.	10,000 10,000 10,000 10,000 2,500 2,500

[Total, Expense Allowances, $45,000.]

[Total, Vice President and Senators, $105,000.]

---

[1] H.R. 7073 was reported by the House of Representatives, Committee on Appropriations on September 9, 1982; however, no further action was taken. See "note" above.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $991,000. $991,000

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $133,000. 133,000

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $717,000. 717,000

FLOOR ASSISTANTS TO THE MAJORITY AND MINORITY LEADERS

For Floor Assistants to the Majority and Minority Leaders, $117,000. 117,000

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $279,000. 279,000

CONFERENCE COMMITTEES

For the Conference of the Minority and the Conference of the Majority, at rates of compensation to be fixed by the Chairman of each such committee, $438,000 for each such committee; in all $876,000. 876,000

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $150,000. 150,000

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $80,000. 80,000

OFFICE OF THE SECRETARY

For Office of the Secretary, $5,660,000. 5,660,000

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For administrative, clerical, and legislative assistance to Senators, $90,996,000. 90,996,000

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $27,378,000. 27,378,000

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $710,000. 710,000

AGENCY CONTRIBUTIONS AND LONGEVITY COMPENSATION

For agency contributions for employee benefits and longevity compensation, as authorized by law, $16,705,000. 16,705,000

[Total, salaries, officers and employees, $144,792,000.]

Office of the Legislative Counsel of the Senate

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $1,155,000. $1,155,000

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $508,000. 508,000

EXPENSE ALLOWANCE FOR THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE AND SECRETARIES FOR THE MAJORITY AND FOR THE MINORITY, OF THE SENATE

For expense allotments of the Secretary of the Senate, $2,000; Sergeant at Arms and Doorkeeper of the Senate, $2,000; Secretary for the Majority of the Senate, $2,000; Secretary for the Minority of the Senate, $2,000; in all, $8,000. 8,000

Contingent Expenses of the Senate

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $817,000 for each such committee; in all, $1,634,000. 1,634,000

AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President Pro Tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and the Sergeant at Arms and Doorkeeper, $90,000. 90,000

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution Numbered 281, agreed to March 11, 1980, $43,199,500. 43,199,500

MISCELLANEOUS ITEMS

For miscellaneous items, $37,900,500. 37,900,500

POSTAGE STAMPS

For postage stamps for the offices of the Secretaries for the Majority and Minority, $1,000; Chaplain, $500; and for special delivery postage of the Office of the Secretary, $7,000; office of the Sergeant at Arms and Doorkeeper, $700; and the President of the Senate, as authorized by law, $1,800, in all, $11,000. 11,000

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, $26,500, and to provide additional capital for the revolving fund established by the last paragraph under the heading "Contingent Expenses of the Senate" appearing under the heading "SENATE" in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 46a-1), $100,000; in all, $131,000. 131,000

ADMINISTRATIVE PROVISIONS

SEC. 101. Effective October 1, 1982, section 109 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 60j-3) is repealed; except that the reports required to be filed, with respect to the fiscal year ending September 30, 1982, by subsection (e) of such section 109 shall be filed in like manner as if this section had not been enacted.

SEC. 102. On and after October 1, 1982, the Sergeant at Arms and Doorkeeper of the Senate is authorized to dispose of used or surplus automobiles and trucks by trade-in or by sale through the General Services Administration. Receipts from the sale of such automobiles and trucks shall be deposited in the United States Treasury for credit to the appropriation for "Automobiles and Maintenance" under the heading "Contingent Expenses of the Senate".

SEC. 103. Subsection (b)(1) of section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)), is amended by striking out "ten percent" and inserting in lieu thereof "twenty percent".

(b) The amendment made by subsection (a) shall be effective with respect to calendar years after the calendar year 1982.

SEC. 104. During any fiscal year (commencing with the fiscal year beginning October 1, 1982) the Secretary of the Senate is authorized to make such transfers between appropriations of funds available for disbursement by him during such year, subject to the approval of the Committee on Appropriations of the Senate.

SEC. 105. Effective in the case of fiscal years beginning after September 30, 1981, section 120 of Public Law 97-51 is amended by striking out "$30,000" and inserting in lieu thereof "$40,000".

SEC. 106. (a) Section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58) is amended by redesignating subsections (j) through (l) as (k) through (m), respectively, and by adding after subsection (i) the following new subsection:

"(j) Whenever a Senator or employee of his office plans an official business trip with respect to which reimbursement for travel expenses is authorized under the preceding provisions of section (a), the Senator (or such an employee who has been designated by the Senator to do so) may, prior to the commencement of such trip and in accordance with applicable regulations of the Senate Committee on Rules and Administration, obtain from any moneys in the contingent fund of the Senate which are available to him for purposes specified in subsection (a)(8) of this section, such advance sum as he shall certify (and be accountable for), to the Secretary of the Senate, to be necessary to defray some or all of the expenses to be incurred on such trip which expenses are reimbursable under the preceding provisions of this section. The receipt by any Senator for any sum so advanced to him or his order out of the contingent fund of the Senate by the Secretary of the Senate shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such Senator (or employee of his office, as the case may be), as soon as practicable, to furnish to the Secretary of the Senate a detailed voucher of the expenses incurred for the travel with respect to which the sum was so advanced, and make settlement with respect to such sum.".

(b) The amendments made by subsection (a) of this section shall take effect January 1, 1983.

[Total, contingent expenses of the Senate, $82,966,000.]
[Total, Senate, $229,534,000.]

HOUSE OF REPRESENTATIVES

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.	$210,000

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $2,726,000, including:
Office of the Speaker, $676,000, including $18,000 for official $676,000
expenses of the Speaker; Office of the Majority Floor Leader,
$555,000, including $10,000 for official expenses of the Majority 555,000
Leader; Office of the Minority Floor Leader, $617,000, including 617,000
$10,000 for official expenses of the Minority Leader; Office of the
Majority Whip, $470,000, including not to exceed $124,300 for the 470,000
Chief Deputy Majority Whip; Office of the Minority Whip,
$408,000, including not to exceed $68,614 for the Chief Deputy Minority 408,000
Whip.

[Total, House Leadership Offices, $2,726,000.]

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized
by law, $41,959,000, including: Office of the Clerk,
$11,787,000; Office of the Sergeant at Arms, including overtime, as 11,787,000
authorized by law, $16,284,000; Office of the Doorkeeper, including 16,284,000
overtime, as authorized by law, $5,938,000; Office of the Postmaster, 5,938,000
$1,769,000, including $34,810 for employment of substitute messengers 1,769,000
and extra services of regular employees when required at
the salary rate of not to exceed $14,541 per annum each; Office of
the Chaplain, $59,000; Office of the Parliamentarian, including the 59,000
Parliamentarian and $2,000 for preparing the Digest of Rules,
$495,000; for salaries and expenses of the Office of the Law Revision 495,000
Counsel of the House, $716,000; for salaries and expenses of 716,000
the Office of the Legislative Counsel of the House, $2,601,000; six 2,601,000
minority employees, $352,000; the House Democratic Steering Committee 352,000
and Caucus, $511,000; the House Republican Conference, 511,000
$511,000; and Other Authorized Employees, $936,000. 511,000

Such amounts as are deemed necessary for the payment of salaries 936,000
of officers and employees under this head may be transferred
between the various offices and activities within this appropriation,
"Salaries, Officers and Employees", upon the approval of the Committee
on Appropriations of the House of Representatives.

[Total, salaries, officers and employees, $41,959,000.]

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $32,035,000. 32,035,000

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $3,750,000. 3,750,000

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e), of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $276,000. 276,000

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $143,953,000. 143,953,000

CONTINGENT EXPENSES OF THE HOUSE

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution
or law, $81,866,000, including: Official Expenses of Members,
$49,791,000; supplies, materials, administrative costs and Federal $49,791,000
tort claims, $8,337,000; furniture and furnishings, $1,250,000; stenographic 8,337,000
reporting of committee hearings, $700,000; reemployed annuitants 1,250,000
reimbursement, $2,300,000; Government contributions to 700,000
employees' life insurance fund, retirement fund, and health benefits 2,300,000
fund, $18,988,000; and miscellaneous items including, but not 18,988,000
limited to, purchase, exchange, hire, maintenance, repair and operation
of House motor vehicles, interparliamentary receptions and
gratuities to heirs of deceased employees of the House, $500,000. 500,000

Such amounts as are deemed necessary for the payment of allowances and expenses under this head may be transferred between the various categories within this appropriation, "Allowances and Expenses", upon the approval of the Committee on Appropriations of the House of Representatives.

[Total, Allowances and Expenses, $81,866,000.]

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, $42,000,000. 42,000,000

ADMINISTRATIVE PROVISIONS

SEC. 107. Of the amounts appropriated in fiscal year 1983 for the House of Representatives under the headings "Committee employees", "Special and select committees", "Salaries, officers and employees", "Allowances and expenses", and "Members' clerk hire", such amounts as are deemed necessary for the payment of salaries and expenses may be transferred among the aforementioned accounts upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 108. No part of the funds appropriated by this Act shall be available for planning or administering any user-reimbursement program or policy that requires reimbursement for computer services and equipment provided by the House Information Systems to the Committees of the House of Representatives or the House Leadership offices.

SEC. 109. The provisions of H. Res. 244, approved December 16, 1981, establishing three additional positions on the Capitol Police Force and abolishing three positions, shall be permanent law with respect thereto.

[Total, contingent expenses of the House, $123,866,000.]
[Total, House of Representatives, $348,775,000.]

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,230,000. [1] 2,327,000

---

[1] Appropriations increased by $97,000 to $2,327,000 in accordance with Section 101(e) of Public Law 97-276, Continuing Appropriations, 1983 (see p. 260, this volume).

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $816,000. $816,000

[Total, contingent expenses of the Senate, $3,143,000.]

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $2,860,000, to be disbursed by the Clerk of the House. [1]3,233,000

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,000 per month to the Attending Physician; (2) an allowance of $200 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $200 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $396,960 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $633,000, to be disbursed by the Clerk of the House. 633,000

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training or other purposes, and expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $40 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $945,000, to be disbursed by the Clerk of the House. 945,000

---

[1] Appropriations increased by $373,000 to $3,233,000 in accordance with Section 101(e) of Public Law 97-276, Continuing Appropriations, 1983 (see p. 260, this volume).

CAPITOL POLICE BOARD

Funds available for obligations for fiscal year 1983 to enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Mayor of the District of Columbia is authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the Government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

Education of Pages

For education of congressional pages, $271,000, to be disbursed by the Clerk of the House. $271,000

Official Mail Costs

For expenses necessary for official mail costs, $55,196,000, to be disbursed by the Clerk of the House, to be available immediately upon enactment of this Act. 55,196,000

Capitol Guide Service

For salaries and expenses of the Capitol Guide Service, $734,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-eight individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred and twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service. 734,000

Statements of Appropriations

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Ninety-seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, $13,000, to be paid to the persons designated by the chairman of such committees to supervise the work. $13,000

[Total, Joint Items, $64,168,000.]

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including reception and representation expenses (not to exceed $2,000 from the Trust Fund) and rental of space in the District of Columbia, $12,575,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 130 staff employees. 12,575,000

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), $15,450,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees. [1] 14,825,000

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant; and other personal services; at rates of pay provided by law, $4,326,000. [2] 4,301,000

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, to incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704), and to meet unforeseen expenses in connection with activities under his care, $210,000, which shall remain available until expended. 210,000

[Total, Office of the Architect of the Capitol, $4,511,000.]

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; preservation of historic drawings through use of document conservation laboratory facilities of the Library of Congress on a reimbursable basis; purchase or exchange, maintenance and operation of a passenger motor vehicle; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $9,998,000, of which $987,000 shall remain available until expended. $9,998,000

---

[1] Appropriations decreased by $625,000 to $14,825,000 in accordance with Sec. 101(e) of Public Law 97-276, Continuing Appropriations, 1983 (see p. 260, this volume).

[2] Appropriations decreased by $25,000 to $4,301,000 in accordance with Sec. 101(e) of Public Law 97-276, Continuing Appropriations, 1983 (see p. 260, this volume).

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant, $4,921,000, of which $2,250,000 shall remain available until expended. 4,921,000

Acquisition of Property as an Addition to the Capitol Grounds

For an additional amount for "Acquisition of Property as an Addition to the Capitol Grounds", $4,500,000, which shall remain available until expended, authorized by the Act of October 10, 1980 (94 Stat. 1851–1854): *Provided*, That availability of these funds for obligation shall be contingent upon enactment of legislation increasing the amount authorized to be appropriated (fixed by section 7(c) of such Act). 4,500,000

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of the Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $20,308,000, of which $4,991,000 shall remain available until expended: *Provided*, That appropriations under this head shall hereafter be available for maintenance, alterations, personal and other services, and for all other necessary expenses of the Senate Garage as authorized by the paragraph beginning "Capitol Garages" under the general heading "ARCHITECT OF THE CAPITOL" in the first section of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1933 (40 U.S.C. 185a) and Public Law 96–444: *Provided further*, That on and after October 1, 1982, receipts from the sale of used or surplus furniture and furnishings shall be deposited in the United States Treasury for credit to the appropriation for "Senate Office Buildings" under the heading "Architect of the Capitol." 20,308,000

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, $20,367,000, of which $1,535,000 shall remain available until expended. 20,367,000

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; $23,100,000, of which $300,000 shall remain available until expended: *Provided,* That not to exceed $1,950,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1983. $23,100,000

[Total, Capitol buildings and grounds, $83,194,000.]

[Total, Architect of the Capitol (except items in title II), $87,705,000.]

LIBRARY OF CONGRESS

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $33,851,000: *Provided,* That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration. 33,851,000

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); and printing and binding of Government publications authorized by law to be distributed to Members of Congress, $81,747,000: *Provided,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) or for printing and binding copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years. 81,747,000

[Total, title I, Congressional Operations, $873,180,000.]

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $1,827,000, of which $20,000 shall remain available until expended. 1,827,000

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care and maintenance of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; for the National Program for Acquisition and Cataloging of library material; operation and maintenance of the American Folklife Center and the American Television and Radio Archives in the Library; preparation and distribution of catalog cards and other publications of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $126,803,000, of which not more than $6,500,000 shall be derived from receipts credited to this appropriation during fiscal year 1983 under the Act of June 28, 1902 (2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which receipts are less than the $6,500,000: *Provided further*, That of the total amount appropriated, $4,992,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials, for additions to the collections.

$126,803,000

–6,500,000
(receipts)

[Total, Library of Congress, salaries and expenses (net), $120,303,000.]

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $15,477,000, of which not more than $5,000,000 shall be derived from receipts credited to this appropriation during fiscal year 1983 under 17 U.S.C. 708(c): *Provided*, That the total amount available for obligation shall be reduced by the amount by which receipts are less than the $5,000,000.

15,477,000

–5,000,000
(receipts)

[Total, Copyright Office, salaries and expenses, $10,477,000.]

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931 (2 U.S.C. 135a), as amended, $33,384,000.

33,384,000

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For necessary expenses for carrying out the provisions of section 104(b)(5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended, $4,438,000, of which $3,976,000 shall be available only for payments in any foreign currencies owed to or owned by the United States which the Treasury Department shall determine to be excess to the normal requirements of the United States.

4,438,000

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment $1,226,000.

1,226,000

Administrative Provisions

Sec. 201. Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of personnel security and suitability investigations of Library employees; special and temporary services (including employees engaged by day or hour or in piecework); and services as authorized by 5 U.S.C. 3109.

Sec. 202. Not to exceed fifteen positions in the Library of Congress may be exempt from the provisions of appropriation Acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

Sec. 203. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $134,650, of which $50,600 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

Sec. 204. The Library of Congress is authorized to compute and disburse basic pay of all personnel of the Copyright Royalty Tribunal pursuant to the provisions of section 5504 of Title 5 of the United States Code.

[Total, Library of Congress (except Congressional Research Service), $169,828,000.]

ARCHITECT OF THE CAPITOL

Congressional Cemetery

For grants for activities authorized by the Historic Congressional Cemetery Act of August 26, 1982 [Public Law 97-245, 96 Stat. 313], $300,000, to remain available until expended. $300,000

Library Buildings and Grounds

structural and mechanical care

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $5,071,000, of which $100,000 shall remain available until expended. 5,071,000

COPYRIGHT ROYALTY TRIBUNAL

Salaries and Expenses

For necessary expenses of the Copyright Royalty Tribunal, $556,000. [1] 606,000

[Total, Copyright Royalty Tribunal, salaries and expenses, $449,000.] [2] −157,000

GOVERNMENT PRINTING OFFICE

Printing and Binding

For printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $12,791,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available 12,791,000 for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

---

[1] Appropriations increased by $50,000 to $606,000 in accordance with Sec. 101(e) of Public Law 97-276, Continuing Appropriations, 1983 (see p. 260, this volume).

[2] Reflects "authority to spend receipts" in accordance with Sec. 101(e) of Public Law 97-276 (see p. 260, this volume).

Office of Superintendent of Documents

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed $88,300); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying books to depository libraries; $27,291,000: *Provided*, That $300,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments. $27,291,000

Government Printing Office Revolving Fund

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with special studies of government printing, binding, and distribution practices and procedures: *Provided further*, That during the current fiscal year the revolving fund shall be available for the hire of two passenger motor vehicles and the purchase of one passenger motor vehicle: *Provided further*, That hereafter the revolving fund shall be available to finance the costs of printing and binding all other publications of the Federal Register program and be reimbursed from appropriated funds available therefor: *Provided further*, That hereafter expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18.

[Total, Government Printing Office (except Congressional binding and printing), $40,082,000.]

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

For necessary expenses of the General Accounting Office, including not to exceed $5,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries notwithstanding section 3648, Revised Statutes, as amended (31 U.S.C. 529); benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C.

4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $244,250,000: *Provided,* [1] $244,900,000
That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

[Total, title II, other agencies, $462,457,000.]

[Grand total, new budget (obligational) authority, $1,335,637,000.]

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided,* That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

---

[1] Appropriation increased by $650,000 to $244,900,000 in accordance with Sec. 101(e) of Public Law 97-276, Continuing Appropriations, 1983, (see p. 260 this volume).

SEC. 305. (a) Section 1718 of title 44, United States Code, is amended by striking out ", and for international exchange as provided by section 1719 of this title, not to exceed one hundred and fifty" and inserting in lieu thereof "not to exceed twenty-five".

(b) Section 1719 of title 44, United States Code, is amended (1) by striking out "Library of Congress" the first place it appears and inserting "Superintendent of Documents" in lieu thereof and (2) by striking out "for distribution, through the Smithsonian Institution, to foreign governments which agree" and all that follows and inserting in lieu thereof: "for distribution to those foreign governments which agree, as indicated by the Library of Congress, to send to the United States similar publications of their governments for delivery to the Library of Congress. Confidential matter, blank forms, circular letters not of a public character, publications determined by their issuing department, office, or establishment to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value, and publications classified for reasons of national security shall be exempted from this requirement. The printing, binding, and distribution costs of any publication distributed in accordance with this section shall be chargeable to the department, office, or establishment issuing the publication.".

SEC. 306. (a) No part of the funds appropriated for the fiscal year ending September 30, 1983, by this Act or any other Act may be used to pay the salary or pay of any individual in an office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate which exceeds the rate (or maximum rate, if higher) of salary or basic pay payable for such office or position for September 30, 1982, if the rate of salary or basic pay for that office or position is—

(1) fixed at a rate which is equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, or

(2) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level V (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code, or any other provision of law or congressional resolution.

(b) For purposes of subsection (a), the rate or maximum rate (as the case may be) of salary or basic pay payable for September 30, 1982, for any office or position which was not in existence on such date shall be deemed to be the rate or maximum rate (as the case may be) of salary or basic pay payable to individuals in comparable offices or positions for such date, as determined under regulations prescribed—

(1) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia;

(2) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or

(3) by the Chief Justice of the United States, in the case of any office or position within the judicial branch.

(c) None of the funds appropriated by this Act or any other Act shall be used by any agency to pay performance awards in fiscal year 1983 under section 5384 of title 5, United States Code, or any comparable personnel system established on or after October 13, 1978, to more than 20 per centum of the number of Senior Executive Service or comparable personnel system positions in such agency: *Provided,* That an agency with less than five Senior Executive Service employees or equivalent positions may grant one such performance award.

(d) For purposes of administering any provisions of law, rule, or regulation which provides retirement, life insurance, or other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

This Act may be cited as the "Legislative Branch Appropriation Act, 1983".

LEGISLATIVE HISTORY—H.R. 7073 (S. 2939)

HOUSE REPORTS: No. 97-801 on H.R. 7073 (Comm. on Appropriations), No. 97-834 on H.J. Res. 599 (Comm. on Appropriations), and No. 97-914 on H.J. Res. 599 (P.L. 97-276) (Comm. of Conference).

SENATE REPORTS: No. 97-573 on S. 2939 (Comm. on Appropriations), and No. 97-581 on H.J. Res. 599 (P.L. 97-276)

CONGRESSIONAL RECORD, Vol. 128 (1982):
- Sept. 9, 1982, reported in the House (H.R. 7073).
- Sept. 16, 1982, reported in the House (H.J. Res. 599).
- Sept. 22, 1982, passed House (H.J. Res. 599).
- Sept. 22, 1982, reported in the Senate (S. 2939).
- Sept. 23, 1982, reported in the Senate (H.J. Res. 599).
- Sept. 28, 29, 1982, considered and passed Senate, amended (H.J. Res. 599).
- Oct. 1, 1982, House agreed to conference report (H.J. Res. 599) (P.L. 97-276).
- Oct. 1, 1982, Senate agreed to conference report (H.J. Res. 599) (P.L. 97-276).

NOTE.—The following summary shows the amounts of new budget (obligational) authority available for fiscal year 1983 under section 101(e) of Public Law 97-276, for programs and activities normally included in the annual Legislative Branch Appropriation Bill:

Department or establishment	Amount
Legislative Branch:	
Title I—Congressional Operations	
Senate	$229,534,000
House of Representatives	348,775,000
Joint items	64,168,000
Office of Technology Assessment	12,575,000
Congressional Budget Office	14,825,000
Architect of the Capitol (except Library buildings and grounds)	87,705,000
Library of Congress: Congressional Research Service	33,851,000
Government Printing Office: Congressional printing and binding	81,747,000
Total, title I, Congressional Operations	873,180,000
Title II—Other Agencies:	
Botanic Garden	1,827,000
Library of Congress (except Congressional Research Service)	169,828,000
Architect of the Capitol: Library buildings and grounds and Congressional cemetery	5,371,000
Copyright Royalty Tribunal	449,000
Government Printing Office (except Congressional printing and binding)	40,082,000
General Accounting Office	244,900,000
Total, title II, other agencies	462,457,000
Grand total, titles I and II	1,335,637,000

Total, new budget (obligational) authority, Legislative Branch Appropriation Bill, 1983 [1] .... [1] $1,335,637,000

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1983 for the Legislative Branch provided under Sec. 101(e) of Public Law 97-276, Continuing Appropriations, 1983, the following additional amounts are available for the fiscal year:

---

[1] The annual Legislative Branch Appropriation Bill, 1983 (H.R. 7073) was not enacted into law. Funding of activities and projects normally included in this bill is provided under sec. 101(e) of Public Law 97-276, Continuing Appropriations, 1983 (see p. 260 and pp. 1536-1541, this volume).

Permanent appropriations:		
Federal funds (pp. 1407-1408)	$62,765,000	
Trust funds (p. 1419)	6,900,000	
Continuing Appropriations Act, 1983 (P.L. 97-276):		
Payments to widows of deceased Members (p. 260)	60,663	
Subtotal, additions		$69,725,663
Grand total, Legislative Branch		[1] 1,405,362,663

[1] The annual Legislative Branch Appropriation Bill, 1983 (H.R. 7073) was not enacted into law. Funding of activities and projects normally included in this bill is provided under sec. 101(e) of Public Law 97-276, Continuing Appropriations, 1983 (see p. 260 and pp. 1536-1541, this volume).

MILITARY CONSTRUCTION APPROPRIATION ACT, 1983

Public Law 97-323

97th Congress, H.R. 6968

October 15, 1982

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1983, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, and for construction and operation of facilities in support of the functions of the Commander-in-Chief, $929,720,000, to remain available until September 30, 1987: *Provided,* That of this amount, not to exceed $145,240,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *And provided further,* That $8,000,000 of the funds available for planning and design shall be available only for the design of the renovation of and addition to Brooke Army Medical Center at Fort Sam Houston, Texas.

$929,720,000

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,080,750,000, to remain available until September 30, 1987: *Provided,* That of this amount, not to exceed $111,792,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

1,080,750,000

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,551,414,000, to remain available until September 30, 1987: *Pro-*

1,551,414,000

vided, That of this amount, not to exceed $120,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $339,770,000, to remain available until September 30, 1987, and, in addition, not to exceed $20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense, to be merged with and to be available for the same purposes, and for the same time period, as this appropriation: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $14,500,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor. $339,770,000 *20,000,000* *(by transfer)*

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations (including international military headquarters) for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, $325,000,000, to remain available until expended. 325,000,000

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contribution therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and military construction authorization Acts, $54,958,000, to remain available until September 30, 1987. 54,958,000

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and military construction authorization Acts, $127,900,000, to remain available until September 30, 1987. 127,900,000

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and military construction authorization Acts, $41,800,000, to remain available until September 30, 1987.

$41,800,000

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, as amended, and military construction authorization Acts, $25,200,000, to remain available until September 30, 1987.

25,200,000

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and military construction authorization Acts, $35,600,000, to remain available until September 30, 1987.

35,600,000

[Total, Military Construction:
[New budget (obligational) authority............. $4,512,112,000.]
[By transfer.. 20,000,000.]

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $127,791,000; for Operation and maintenance, $834,245,000; for debt payment, $43,184,000; in all, $1,005,220,000: *Provided,* That the amount provided for construction shall remain available until September 30, 1987.

966,686,000
38,534,000 (debt reduction)

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $98,991,000; for Operation and maintenance, $604,516,000; for debt payment, $32,793,000; in all, $736,300,000: *Provided,* That the amount provided for construction shall remain available until September 30, 1987.

708,293,000
28,007,000 (debt reduction)

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $110,904,000; for Operation and maintenance, $722,153,000; for debt payment, $64,114,000; in all, $897,171,000: *Provided,* That the amount provided for construction shall remain available until September 30, 1987.

839,636,000
57,535,000 (debt reduction)

FAMILY HOUSING, DEFENSE AGENCIES

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $513,000; for Operation and maintenance, $13,800,000; in all, $14,313,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1987. $14,313,000

[Total, Family Housing:

[New budget (obligational) authority	*$2,528,928,000.]*
[Debt reduction	*124,076,000.]*

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), $2,000,000. 2,000,000

GENERAL PROVISIONS

SEC. 101. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the second session of the Ninety-seventh Congress.

SEC. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 103. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories, or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

SEC. 104. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 105. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 106. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 107. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except: (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 108. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 109. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 110. None of the funds appropriated or otherwise made available under this Act shall be obligated or expended in connection with any base realignment or closure activity, until all terms, conditions and requirements of the National Environmental Policy Act have been complied with, with respect to each such activity.

SEC. 111. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 112. No part of the funds appropriated in this Act for dredging in the Indian Ocean may be used for the performance of the work by foreign contractors: *Provided*, That the low responsive bid of a United States contractor does not exceed the lowest responsive bid of a foreign contractor by greater than 20 per centum.

SEC. 113. No part of the funds appropriated in this Act may be obligated for design of any site-specific facilities for the MX missile system until all terms, conditions, and requirements of the National Environmental Policy Act (42 U.S.C. 4332) are met.

SEC. 114. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 115. No part of the funds appropriated in this Act may be used to pay the compensation of an officer of the Government of the United States or to reimburse a contractor for the employment of a person for work in the continental United States by any such person if such person is an alien who has not been lawfully admitted to the United States.

SEC. 116. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such projects, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. Unexpended balances in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554 shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the purposes for which originally appropriated, and shall remain available for obligation for the same period as such funds were available before such transfer is made, except for funds available for debt payment, which shall remain available until September 30, 1983.

Sec. 119. Pursuant to 10 U.S.C. 2394 and section 201 of the Military Construction Authorization Act, 1983, the Navy is authorized (a) to construct and operate a refuse derived fuel-fired electric power generating plant and (b) to contract for fuel supplies at the Norfolk Naval Shipyard (NNSY). Any electric power and fuel supplies produced in excess of the needs of the Navy may be sold: *Provided, however,* That any proceeds from such sales, adjusted for costs related thereto, shall be credited to the Treasury as miscellaneous receipts.

Sec. 120. None of the funds appropriated in this Act may be obligated or expended in any way for the express purpose of the sale, lease, or rental of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii.

This Act may be cited as the "Military Construction Appropriation Act, 1983".

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 6968

HOUSE REPORTS: No. 97-726 (Comm. on Appropriations) and No. 97-913 (Comm. of Conference).
SENATE REPORT No. 97-572 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Aug. 19, considered and passed House.
  Sept. 27, considered and passed Senate, amended.
  Oct. 1, House agreed to conference report; receded from certain amendments and concurred in others with amendments; Senate agreed to conference report; concurred in House amendments.

Grand total:		
Department of Defense		$681,083,000
Department of the Army:		
Definite appropriations	$2,031,698,000	
Portion applied to debt reduction	−38,534,000	1,993,164,000
Department of the Navy:		
Definite appropriations	1,842,250,000	
Portion applied to debt reduction	−28,007,000	1,814,243,000
Department of the Air Force:		
Definite appropriations	2,612,085,000	
Portion applied to debt reduction	−57,535,000	2,554,550,000
Total, new budget (obligational) authority (all definite appropriations), Military Construction Appropriation Act, 1983		7,043,040,000

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1983

Public Law 97-369

97th Congress, H.R. 7019

December 18, 1982

AN ACT

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1983, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed $31,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine, $40,000,000, of which $1,000,000 shall be transferred and made available to the Motor Carrier Ratemaking Study Commission and, of which not to exceed $3,220,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center under title IX of Public Law 94-210: *Provided,* That all of the unexpended balances available for the purposes of title IX of Public Law 94-210 under the heading "Rail service assistance" shall be transferred to this account and remain available until expended: *Provided further,* That none of the funds in this Act shall be available for the execution of the sale or transference of any Government-owned securities of the Consolidated Rail Corporation without the prior consent of the House and Senate Committees on Appropriations. $40,000,000

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $4,900,000. 4,900,000

Limitation on Working Capital Fund

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $70,909,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriation Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

$70,909,000
(limitation on working capital fund)

[Total, Office of the Secretary, $44,900,000.]

COAST GUARD

Headquarters Administration

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of providing administrative services at the headquarters location of the Coast Guard, including, but not limited to, executive direction; budget, planning and policy; command, control, communication, and operations; financial management; legal; engineering; civil rights; and personnel and health services for the Coast Guard, $72,440,000, of which $14,000,000 shall be derived by transfer from appropriations for Retired pay.

58,440,000
14,000,000
(by transfer)

Operating Expenses

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles, for replacement only; and recreation and welfare, $1,518,963,000, of which $254,650 shall be applied to Capehart Housing debt reduction: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and ten exclusive of planes and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 103 except to the extent fees are collected from yacht owners and credited to this appropriation, and, notwithstanding any other law, the Secretary may prescribe fees to recover the expenses of yacht documentation.

1,518,963,000
−254,650
(debt reduction)

[Total, Headquarters Administration and Operating Expenses, $1,577,148,350.]

Acquisition, Construction, and Improvements

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; to remain available until September 30, 1987, $409,000,000, of which $9,000,000 shall be derived by transfer from the unobligated balances of "Pollution Fund".

400,000,000
9,000,000
(by transfer)

Alteration of Bridges

For necessary expenses for alteration or removal of obstructive bridges, $12,700,000, to remain available until expended.

12,700,000

Retired Pay

For retired pay including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C., ch. 55), $336,000,000.

$336,000,000

Reserve Training

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $50,000,000 together with an amount not to exceed $4,000,000 which shall be derived from appropriations for retired pay.

50,000,000
4,000,000
(by transfer)

Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, $20,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from State and local governments, other public authorities, private sources and foreign countries for expenses incurred for research, development, testing and evaluation.

20,000,000

Offshore Oil Pollution Compensation Fund

For necessary expenses to carry out the provisions of title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372), $1,000,000, to be derived from the Offshore Oil Pollution Compensation Fund and to remain available until expended. In addition, the Secretary of Transportation is authorized to issue to the Secretary of the Treasury, to meet the obligations of the Fund, notes or other obligations pursuant to section 302 of the Amendments in such amounts and at such times as may be necessary.

1,000,000

Deepwater Port Liability Fund

For necessary expenses to carry out the provisions of section 18 of the Deepwater Port Act of 1974 (Public Law 93-627), $1,000,000, to be derived from the Deepwater Port Liability Fund and to remain available until expended. In addition, the Secretary of Transportation is authorized to issue, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations pursuant to section 18(f)(3) of the Act in such amounts and at such times as may be necessary to meet the obligations of the Fund.

1,000,000

National Recreational Boating Safety and Facilities Improvement Fund

For financial assistance for State recreational boating safety programs to be derived from the National Recreational Boating Safety and Facilities Improvement Fund, in accordance with the provisions of the Recreational Boating Safety and Facilities Improvement Act of 1980 (Public Law 96-451), $5,000,000, to remain available until expended.

5,000,000

[*Total, Coast Guard, $2,402,848,350.*]

FEDERAL AVIATION ADMINISTRATION

HEADQUARTERS ADMINISTRATION

For necessary expenses, not otherwise provided for, of providing administrative services at the headquarters location of the Federal Aviation Administration, including but not limited to accounting, budgeting, personnel, legal, public affairs, and executive direction for the Federal Aviation Administration, $54,574,000. $54,574,000

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing obligation of funds for similar programs of airport and airway development or improvement; payments to lenders required as a consequence of any guaranty under Public Law 85-307, as amended; purchase of four passenger motor vehicles for replacement only and purchase and repair of skis and snowshoes, $2,456,783,000, of which not to exceed $1,264,150,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That, in addition, not to exceed $5,000,000 shall remain available until expended to be derived from the Airport and Airway Trust Fund for reimbursement of expenses incurred by certificated air carriers in the security screening of passengers moving in foreign air transportation: *Provided further*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities: *Provided further*, That none of these funds shall be available for new applicants for the second career training program: *Provided further*, That the Federal Aviation Administration shall not undertake any reorganization of its regional office structure without the prior approval of both House and Senate Appropriations Committees: *Provided further*, That not to exceed $500,000 of the total amount available for operation shall be obligated for a contract with the National Academy of Sciences and the Federal Aviation Administration Administrator shall enter into an agreement with the National Academy of Sciences to study the state of knowledge, alternative approaches and the consequences of wind shear alert and severe weather condition standards relating to take-off and landing clearances for commercial and general aviation aircraft: *Provided further*, That the Academy shall complete the study within six months after funding arrangements have been made: *Provided further*, That the Federal Aviation Administration Administrator shall report to Congress within thirty days regarding the status of the contractual arrangements and the conditions necessary to implement the agreement with the National Academy of Sciences: *Provided further*, That the Department of Transportation shall furnish to the National Academy of Sciences any information which the Academy determines to be necessary for the purpose of conducting the study: *Provided further*, That not to exceed $150,000 of the funds provided to the Federal Aviation Administration in this Act shall be available for doubling the number of wind shear sensors at Moisant Airport in Kenner, Louisiana.

2,456,783,000
5,000,000

[Total, Operations, $2,461,783,000.]

[Total, Headquarters Administration and Operations, $2,516,357,000.]

Facilities, Engineering and Development

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, for acquisition and modernization of facilities and equipment and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant and lease or purchase of four aircraft, $18,255,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for engineering and development.

$18,255,000

Facilities and Equipment (Airport and Airway Trust Fund)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the lease or purchase of 21 aircraft; to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1987; $625,000,000, of which $7,450,000 shall be derived from the unobligated balances of "Grants-in-aid for airports": *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

617,550,000
7,450,000
(by transfer)

Research, Engineering and Development

(Airport and Airway Trust Fund)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $103,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development.

103,000,000

Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Airport and Airway Trust Fund)

For liquidation of obligations incurred for airport development under authority contained in section 14 of Public Law 91-258, as amended, and for liquidation of obligations incurred for airport planning and development under other law authorizing such obligations, $234,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended.

234,000,000
(liquidation
of contract
authorization)

OPERATION AND MAINTENANCE, METROPOLITAN WASHINGTON AIRPORTS

For expenses incident to the care, operation, maintenance, improvement, and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of ten passenger motor vehicles for police or ambulance type use, for replacement only; and purchase of two motor bikes for replacement only; purchase of one ambulance, for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition, $31,955,000: *Provided*, That there may be credited to this appropriation, funds received from air carriers, concessionaires, and non-Federal tenants sufficient to cover utility and fuel costs which are in excess of $7,036,000: *Provided further*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, or private sources, for expenses incurred in the maintenance and operation of the federally owned civil airports.

$31,955,000

CONSTRUCTION, METROPOLITAN WASHINGTON AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia $11,080,000, to remain available until September 30, 1985.

11,080,000

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

In carrying out the program for guarantee of aircraft purchase loans under the Act of September 7, 1957, as amended (49 U.S.C. 1324 note), during fiscal year 1983 new commitments to guarantee loans shall be exclusively for the purchase of aircraft designed to have a maximum passenger capacity of sixty seats or less or a maximum cargo payload of eighteen thousand pounds or less, and when combined with the aggregate of all guarantees made during fiscal year 1982 shall not exceed in the aggregate $100,000,000 in principal amount.

100,000,000 (limitation on loan guarantees)

[Total, Federal Aviation Administration, $3,298,197,000.]

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration, not to exceed $188,500,000, shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed $38,000,000 of the amount provided herein shall remain available until expended.

188,500,000 (limitation on expenses)

MOTOR CARRIER SAFETY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out motor carrier safety functions of the Secretary, as authorized by the Department of Transportation Act (80 Stat. 939–940), $11,600,000, together with $1,000,000 to be derived by transfer from the unobligated balances of "Inter-American Highway", of which $520,000 of the amount appropriated herein shall remain available until expended and not to exceed $1,917,000 shall be available for "Limitation on general operating expenses".

$11,600,000
1,000,000
(by transfer)

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out provisions of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, $7,700,000, together with $300,000 to be derived from the unobligated balances of "Baltimore-Washington Parkway".

7,700,000
300,000
(by transfer)

HIGHWAY BEAUTIFICATION

For necessary expenses in carrying out section 131 of title 23, U.S.C. and section 104(a)(11) of the Surface Transportation Assistance Act of 1978, $500,000 to remain available until expended.

500,000

HIGHWAY-RELATED SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, $22,998,000, to be derived from the Highway Trust Fund: *Provided*, That not to exceed $833,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That $9,623,000 available for obligation is hereby rescinded.

22,998,000
(liquidation of contract authorization)
–9,623,000
(rescission of contract authorization)

TERRITORIAL HIGHWAYS

For necessary expenses in carrying out the provisions of title 23, United States Code, sections 152, 153, 215, and 402, $3,000,000, to remain available until expended.

3,000,000

FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $8,200,000,000, or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

8,200,000,000
(liquidation of contract authorization)

[Total, Federal Highway Administration, $13,177,000.]

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and Research

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety and functions under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended), $74,000,000, of which $21,685,000 shall be derived from the Highway Trust Fund: *Provided*, That not to exceed $28,375,000 shall remain available until expended, of which $9,507,000 shall be derived from the Highway Trust Fund: *Provided further*, That, of the funds appropriated under this heading $2,000,000 shall be available only for activities at the Transportation Systems Center.

$74,000,000

State and Community Highway Safety

(Liquidation of Contract Authorization) (Trust Fund)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402 and 406, to remain available until expended, $103,552,000, to be derived from the Highway Trust Fund.

103,552,000 (liquidation of contract authorization)

[Total, National Highway Traffic Safety Administration, $74,000,000.]

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $13,000,000.

13,000,000

Railroad Safety

For necessary expenses in connection with railroad safety, not otherwise provided for, $28,000,000, of which $4,800,000 shall remain available until expended.

28,000,000

Railroad Research and Development

For necessary expenses for railroad research and development, $17,000,000, to remain available until expended.

17,000,000

Rail Service Assistance

For necessary expenses for rail service assistance authorized by section 5 of the Department of Transportation Act, as amended, for Washington Union Station, as authorized by Public Law 97-125, and for necessary administrative expenses in connection with Federal rail assistance programs not otherwise provided for, $31,675,000, to remain available until expended: *Provided*, That none of the funds provided under this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no commitments to guarantee new loans, under section 211(a) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That none of the funds in this Act shall be available for the sale or transference of Washington Union Station without the prior approval of the House and Senate Committees on Appropriations.

31,675,000

CONRAIL LABOR PROTECTION

(INCLUDING TRANSFER OF FUNDS)

For labor protection as authorized by section 713 of the Regional Rail Reorganization Act of 1973 as added by section 1143 of the Northeast Rail Service Act of 1981, $20,000,000, to remain available until expended, of which $10,000,000 shall be derived from the unobligated balances of "Redeemable preference shares": *Provided*, That such sum shall be considered to have been appropriated to the Secretary under said section 713 for transfer to the Rairoad Retirement Board for the payment of benefits under section 701 of the Regional Rail Reorganization Act of 1973, as amended: *Provided further*, That, for purposes of section 710, of the Regional Rail Reorganization Act of 1973, as added by section 1143 of the Northeast Rail Service Act of 1981, such sum shall be considered to have been appropriated under section 713 of the Regional Rail Reorganization Act of 1973 and counted against the limitation on the total liability of the United States: *Provided further*, That such sums as may be necessary shall be made available for necessary expenses of administration of section 701 of the Regional Rail Reorganization Act of 1973 by the Railroad Retirement Board.

$10,000,000
10,000,000
(by transfer)

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of Public Law 94-210, as amended, $115,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provisions of law, the provisions of Public Law 85-804 shall apply to the Northeast Corridor Improvement Program: *Provided further*, That the Secretary may waive the provisions of 23 U.S.C. 322 (c) and (d) if he determines such action would serve a public purpose: *Provided further*, That all public at grade-level crossings remaining along the Northeast Corridor upon completion of the project shall be equipped with protective devices including gates and lights.

115,000,000

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $700,000,000, to remain available until expended, for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1983: *Provided further*, That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements not expressly provided for in an appropriation Act or prohibited by this Act shall be deemed a violation of 31 U.S.C. 665: *Provided further*, That, of the funds available, $25,000,000 shall be held in reserve for 6 months after the date of enactment of this Act to be available for the rehabilitation, renewal, replacement, and other improvements on the line between Indianapolis, Indiana, Shelbyville, Indiana, and Cincinnati, Ohio: *Provided further*, That, of the funds available, $5,000,000 shall be made available only for the rehabilitation, renewal, replacement, and other improvements on the line between Attleboro, Massachusetts, and Hyannis, Massachusetts, to ensure that such track will meet a minimum of class III standards as prescribed by applicable Federal Railroad Administration regulations.

700,000,000

Commuter Rail Service

(TRANSFER OF FUNDS)

For necessary expenses to carry out the commuter rail activities authorized by section 601(d) of the Rail Passenger Service Act (45 U.S.C. 601), as amended, $15,000,000, to remain available until expended and to be derived from the unobligated balances of "Redeemable preference shares" and for necessary expenses to carry out section 1139(b) of Public Law 97-35, $75,000,000, to remain available until expended and to be derived from the unobligated balances of "Payments for purchase of Conrail securities".

$15,000,000 (by transfer)

75,000,000 (by transfer)

Alaska Railroad Revolving Fund

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager and five officers at not to exceed the salaries prescribed for members of the Senior Executive Service.

Railroad Rehabilitation and Improvement Financing Funds

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That the aggregate principal amount of guarantees and commitments to guarantee obligations under section 511 of Public Law 94-210, as amended shall not exceed $600,000,000: *Provided further*, That the total commitments to guarantee new loans shall not exceed $100,000,000 of contingent liabilities for loan principal during fiscal year 1983.

600,000,000 (limitation on loan guarantees)

100,000,000 (limitation on new loan guarantees)

Redeemable Preference Shares

The Secretary of Transportation is hereby authorized to expend proceeds from the sale of fund anticipation notes to the Secretary of the Treasury and any other moneys deposited in the Railroad Rehabilitation and Improvement Fund pursuant to sections 502, 505-507, and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, and section 803 of Public Law 95-620, for uses authorized for the Fund, in amounts not to exceed $5,000,000.

5,000,000 *(authority to borrow)*

Emergency Rail Facilities Restoration

(Limitation on Direct Loans)

During fiscal year 1983, gross obligations for deferred interest shall not exceed $2,301,000.

2,301,000 (limitation on direct loans)

[Total, Federal Railroad Administration, $919,675,000.]

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), 23 U.S.C. chapter 1, in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $28,081,000. $28,081,000

RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

For necessary expenses for research and training, as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, $58,250,000: *Provided*, That $55,050,000 shall be available for research, development, and demonstrations, $2,000,000 shall be available for university research and training and not to exceed $1,200,000 shall be available for managerial training as authorized under the authority of said Act.

58,250,000

URBAN DISCRETIONARY GRANTS

For necessary expenses for urban discretionary grants as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until September 30, 1986, $1,606,000,000: *Provided*, That grants awarded for contracts for the acquisition of rolling stock, including buses, which will result in the expenditure of Federal financial assistance, shall only be awarded after an evaluation of performance, standardization, life-cycle costs, and other factors the Secretary may deem relevant, in addition to the consideration of initial capital costs. Where necessary, the Secretary shall assist grantees in making such evaluations.

1,606,000,000

NON-URBAN FORMULA GRANTS

For necessary expenses for public transportation projects in areas other than urbanized areas as defined for the purposes of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $68,500,000, to remain available until expended: *Provided*, That this appropriation shall be apportioned and allocated using data from the 1970 decennial census for one-quarter of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census.

68,500,000

URBAN FORMULA GRANTS

For necessary expenses for urban formula grants as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $1,200,000,000, to remain available until expended: *Provided*, That this appropriation shall be apportioned and allocated using data from the 1970 decennial census for one-quarter of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census: *Provided further*, That grants awarded for contracts for the acquisition of rolling stock, including buses, which will result in the expenditure of Federal financial assistance, shall only be awarded after an evaluation of performance, standardization, life-cycle costs, and other factors the Secretary may deem relevant, in addition to the consideration of initial capital costs: *Provided further*, That, where necessary, the Secretary shall assist grantees in making such evaluation.

1,200,000,000

Liquidation of Contract Authorization

For payment to the urban mass transportation fund, for liquidation of contractual obligations incurred under authority of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. 142(c) and of obligations incurred for projects substituted for Interstate System segments withdrawn prior to enactment of the Federal-Aid Highway Act of 1976, $681,135,000, to remain available until expended: *Provided,* That none of these funds shall be made available for the establishment of depreciation reserves or reserves for replacement accounts: *Provided further,* That amounts for highway projects substituted for Interstate System segments shall be transferred to the Federal Highway Administration.

$681,135,000 (liquidation of contract authorization)

Washington Metro

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184, $240,000,000, to remain available until expended. 240,000,000

[Total, Urban Mass Transportation Administration, $3,200,831,000.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the Corporation except as hereinafter provided.

Limitation on Administrative Expenses

Not to exceed $1,716,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided,* That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902), and $15,000 for services as authorized by 5 U.S.C. 3109.

1,716,000 (limitation on administrative expenses)

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Research and Special Programs

For expenses necessary to discharge the functions of the Research and Special Programs Administration, for expenses for conducting research and development and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674), $20,022,000, of which $9,550,000 shall remain available until expended. 20,022,000

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $24,946,000.

$24,946,000

[Total, Title I, Department of Transportation:

[New budget (obligational) authority	*$9,998,596,350.]*
[Appropriations	*10,003,474,000.]*
[Appropriation for debt reduction	*−254,650.]*
[Authority to borrow	*5,000,000.]*
[Rescission	*−9,623,000.]*
[By transfer	*135,750,000.]*
[Limitation on expenses	*190,216,000.]*
[Limitations on loan guarantees	*700,000,000.]*
[Limitations on new loan guarantees	*100,000,000.]*
[Limitation on working capital fund	*70,909,000.]*
[Limitation on direct loans	*2,301,000.]*
[Appropriations to liquidate contract authorizations	*9,241,685,000.]*

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $2,020,000.

2,020,000

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; service as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $19,970,000, of which not to exceed $300 may be used for official reception and representation expenses.

19,970,000

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and not to exceed $4,000 for official reception and representation expenses, $23,125,000: *Provided,* That of the foregoing amount, not to exceed $10,625,000 shall be made available for the period between April 1, 1983, and September 30, 1983.

23,125,000

Payments to Air Carriers

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 419 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1389), as is payable by the Board, $48,400,000, to remain available until expended and such amounts as may be necessary to liquidate obligations incurred prior to September 30, 1982, under 49 U.S.C. 1376 and 1389: *Provided,* That, notwithstanding any other provision of law, none of the funds hereafter appropriated by this or any other Act shall be expended under section 406 (49 U.S.C. 1376) for services provided after September 30, 1982: *Provided further,* That, notwithstanding any other provision of law or of the previous provision of this paragraph, payments shall be made from funds appropriated herein and in accordance with the provisions of this paragraph to carriers providing, as of September 30, 1982, services covered by rates fixed under section 406 of the Federal Aviation Act (excluding services covered by payments under section 419(a)(7) and services in the State of Alaska): *Provided further,* That, notwithstanding any other provision of law, such payments shall be based upon rate orders applicable to such carriers as of July 1, 1982, but shall not exceed $13,500,000 in the aggregate: *Provided further,* That, notwithstanding any other provision of law, to the extent necessary to meet this limitation, such payments shall be reduced by a percentage which is the same for all carriers eligible for such payments: *Provided further,* That nothing in this Act shall be deemed to prevent the Board from granting an application under section 419(a)(11)(A) (49 U.S.C. 1389) pertaining to a carrier receiving compensation under this Act, in which event the standards and procedures set forth in section 419(a)(11)(A) shall apply.

$48,400,000

[Total, Civil Aeronautics Board, $71,525,000.]

INTERSTATE COMMERCE COMMISSION

Salaries and Expenses

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $1,500 for official reception and representation expenses, $65,600,000: *Provided,* That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such.

65,600,000

Payments for Directed Rail Service

None of the funds provided under this Act shall be available for the execution of programs the obligations for which can reasonably be expected to be in excess of $10,000,000 for directed rail service under 49 U.S.C. 11125 or any other legislation.

10,000,000 (limitation on obligations)

[Total, Interstate Commerce Commission, $65,600,000.]

PANAMA CANAL COMMISSION

Operating Expenses

For operating expenses necessary for the Panama Canal Commission, including hire of passenger motor vehicles and aircraft; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); not to exceed $8,000 for official reception and representation expenses of the Board; operation of guide services; residence for the administrator; contingencies of the administrator; not to exceed $25,000 for official reception and representation expenses of the Administrator, and to employ services as authorized by law (5 U.S.C. 3109); maintaining, improving, and altering facilities of other United States Government agencies in the Republic of Panama and facilities of the Government of the Republic of Panama for Panama Canal Commission use; and for payment of liabilities of the Panama Canal Company and Canal Zone Government that were pending on September 30, 1979, or that have accrued thereafter, including accounts payable for capital projects, $405,000,000, to be derived from the Panama Canal Commission Fund: *Provided*, That there may be credited to this appropriation, funds received from the Panama Canal Commission's capital outlays account for expenses incurred for supplies and services provided for capital projects and funds received from officers and employees of the Commission and/or commercial insurors of Commission employees for payment to other United States Government agencies for expenditures made for services provided to Commission employees and their dependents by such other agencies: *Provided further*, That, to the extent that the resources of the Fund are not adequate to provide the amount of budget authority provided above, the Commission may incur obligations in advance of adequate receipts in the Fund. $405,000,000

CAPITAL OUTLAY

For acquisition, construction, and replacement of improvements, facilities, structures, and equipment required by the Panama Canal Commission, including the purchase of not to exceed forty-two passenger motor vehicles of which nineteen are for replacement only; to employ services authorized by law (5 U.S.C. 3109); for payment of liabilities of the Panama Canal Company and Canal Zone Government that were pending on September 30, 1979, or that have accrued thereafter; to improve facilities of other United States Government agencies in the Republic of Panama and facilities of the Government of the Republic of Panama for Panama Canal Commission use, $29,024,000: *Provided*, That funds appropriated are to be derived from the Panama Canal Commission Fund and to remain available until expended. 29,024,000

[*Total, Panama Canal Commission, $434,024,000.*]

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

For the acquisition, in accordance with section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, and section 803 of Public Law 95-620, of fund anticipation notes, $5,000,000. *5,000,000 (investment)*

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Regional Rail Reorganization Act of 1973, as amended, $2,950,000, to remain available until expended, of which not to exceed $500 may be available for official reception and representation expenses. 2,950,000

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided,* That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement. $51,663,569

[Total, title II, related agencies:
[New budget (obligational) authority .... *$647,752,569.]*
[Limitation on obligations .... *10,000,000.]*

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official departmental business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. None of the funds provided in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $600,000,000 in fiscal year 1983 for grants-in-aid for airport planning, noise compatibility planning and programs, and development. *600,000,000 (limitation on obligations)*

SEC. 303. None of the funds provided under this Act shall be available for the planning or execution of programs, the obligations for which are in excess of $10,000,000 in fiscal year 1983 for "Highway-related safety grants". *10,000,000 (limitation on obligations)*

SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs, the total obligations for which are in excess of $95,000,000 in fiscal year 1983 for "State and community highway safety": *Provided,* That none of the funds under "State and community highway safety" shall be used for construction, rehabilitation or remodeling costs or for office furnishings and fixtures for State, local, or private buildings or structures. *95,000,000 (limitation on obligations)*

SEC. 305. Funds appropriated for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 306. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 307. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 308. None of the funds provided under this Act for Urban formula grants shall be made available to support mass transit facilities, equipment, or operating expenses unless the applicant for such assistance has given satisfactory assurances in such manner and forms as the Secretary may require, and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours shall not exceed one-half of the rates generally applicable to other persons at peak hours: *Provided*, That the Secretary, in prescribing the terms and conditions for the provision of such assistance shall (1) permit applicants to continue the use of preferential fare systems for elderly or handicapped persons where those systems were in effect on or prior to November 26, 1974, (2) allow applicants a reasonable time to expand the coverage of operating preferential fare systems as appropriate, (3) allow applicants to continue to use preferential fare systems incorporating the offering of a free return ride upon payment of the generally applicable full fare where any such applicant's existing fare collection system does not reasonably permit the collection of half fares, and (4) allow applicants to define the eligibility of "handicapped persons" for the purposes of preferential fares in conformity with other Federal laws and regulations governing eligibility for benefits for disabled persons.

SEC. 309. None of the funds contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 310. (a) Notwithstanding any other provision of law except Public Laws 97-125 and 97-216, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1983 shall not exceed $8,100,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, projects covered under section 147 of the Surface Transportation Assistance Act of 1978, or section 9 of the Federal-Aid Highway Act of 1981. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

$8,100,000,000 (limitation on obligations)

(b) For fiscal year 1983, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1982, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1983, revise a distribution of the funds made available under subsection (b) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

SEC. 311. Notwithstanding any other provision of law, any bond issued under section 5 of the Act of May 13, 1954 (68 Stat. 94; 33 U.S.C. 985), is hereby canceled together with the obligation to pay such bond and section 12(b)(5) of such Act is hereby repealed: *Provided,* That paragraphs (10), (11), and (12) of section 4 of the Act of May 13, 1954, are hereby redesignated as paragraphs (11), (12), and (13) respectively and a new paragraph (10) is enacted to read as follows:

"(10) may retain toll revenues for purposes of eventual reinvestment in the Seaway.".

SEC. 312. None of the funds provided in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $60,000,000 in fiscal year 1983 for the "Offshore Oil Pollution Compensation Fund".

$60,000,000 (limitation on obligations)

SEC. 313. None of the funds appropriated in this Act for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 314. None of the funds provided in this Act may be used for planning or construction of rail-highway crossings under section 322(a) of title 23, United States Code, or under section 701(a)(5) or section 703(1)(A) of the Railroad Revitalization and Regulatory Reform Act of 1976 at the—

(1) School Street crossing in Groton, Connecticut; and

(2) Broadway Extension crossing in Stonington, Connecticut.

SEC. 315. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 316. None of the funds in this Act shall be used to assist, directly or indirectly, any State in imposing mandatory State inspection fees or sticker requirements on vehicles which are lawfully registered in another State, including vehicles engaged in interstate commercial transportation which are in compliance with Part 396—Inspection and Maintenance of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation.

SEC. 317. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 318. For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

SEC. 319. None of the funds in this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 320. None of the funds provided in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $50,000,000 in fiscal year 1983 for the "Deepwater Port Liability Fund".

$50,000,000 (limitation on obligations)

SEC. 321. Notwithstanding any other provision of law, no funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall hereafter be apportioned to any State which imposes a vehicle width limitation of more or less than 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highways as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more: *Provided*, That, notwithstanding any other provision of law, certain safety devices which the Secretary of Transportation determines as necessary for safe and efficient operation of motor vehicles shall not be included in the calculation of width: *Provided further*, That, notwithstanding any other provision of law or of this paragraph, a State may grant special use permits to motor vehicles that exceed 102 inches: *Provided further*, That, notwithstanding any other provision of law, no withholding of apportionment shall be imposed upon a State by virtue of the provisions of this paragraph prior to October 1, 1983.

SEC. 322. (a) Any air carrier having a claim for compensation under section 406 or 419(a)(7)(B) of the Federal Aviation Act of 1958, decided by the Civil Aeronautics Board (hereinafter referred to as the "Board") may bring an action directly on the claim in the United States Claims Court as provided in section 10(a) of the Contract Disputes Act of 1978 with respect to claims which have been decided by a contracting officer. Failure by the Board to issue a final decision on a final claim within one year after it was filed with the Board, or by the date of enactment of this section, whichever is later, shall be deemed to be a decision by the Board denying the claim, and will authorize an action on the claim as provided in this section. This section shall apply to any claim decided, or deemed to have been decided, by the Board after January 1, 1981, including any claim remanded to the Board by a United States court of appeals, irrespective of when the claim was filed with the Board. Any action under this section shall be filed within one hundred and twenty days after the claim has been decided or is deemed to have been decided by the Board, or within one hundred and twenty days after the date of enactment of this section, whichever is later. Any petition for review of a decision of the Board with respect to any such claim pending in a United States court of appeals on the date of enactment of this section shall be dismissed without prejudice upon motion of the petitioner.

(b) Except as provided herein, the following provisions of the Contract Disputes Act of 1978 shall apply with respect to any claim to which this section applies as if such claim were a claim with respect to a decision of a contracting officer under section 10(a) of such Act and as if the Board were a contracting officer:

(1) Section 12, relating to interest, which shall be payable by decision of the Board or the Court of Claims at the rates provided in such section, not to precede the date of enactment of the Contract Disputes Act of 1978.

(2) Section 13, relating to the payment of claims and judgments.

(3) Section 14(i), relating to the jurisdiction of the United States Claims Court.

(c) If an administrative law judge has issued an initial decision after a hearing on the record in the case before the Board, the court may, in its discretion, rely upon the evidence adduced at such hearing and may give such initial decision such weight as it deems appropriate.

SEC. 323. None of the funds provided by this Act shall be used by the Civil Aeronautics Board to substitute aircraft of lesser seating capacity or lesser than necessary pressurized altitude capability, for the type of aircraft now prescribed for essential air transportation to any point in Alaska as set forth in Civil Aeronautics Board Order 80-1-167 without the prior concurrence of the applicable State agency of the State of Alaska.

SEC. 324. No funds appropriated under this Act shall be expended to pay for any travel initiated after January 1, 1983, by the Administrator of the Federal Aviation Administration as passenger or crew member aboard any Department of Transportation aircraft to any destination served by a regularly scheduled air carrier: *Provided*, That this limitation shall not apply if no regularly scheduled carriers' flight arrives at the destination of the Administrator within 6 hours local time of the desired time of arrival: *Provided further*, That this limitation shall not apply to costs incurred by any flight which is essentially for the purpose of inspecting, investigating, or testing the operations of any aspect of the Federal Aviation Administration system designed to aid and control air traffic, or to maintain or improve aviation safety: *Provided further*, That this limitation shall not apply to costs incurred by any flight in Department of Transportation aircraft which is necessary in times of emergency or disaster, or for security reasons, or to fulfill official diplomatic representation responsibilities in foreign countries: *Provided further*, That written certifications shall be issued quarterly on all flights initiated in the previous quarter subject to this limitation and shall be made readily available to Congress and the general public.

SEC. 325. (a) Neither the Secretary of the department in which the Coast Guard is operating nor any other officer or employee of the United States shall approve any project or take any action which would interfere with the reasonable needs of navigation on the Columbia Slough, Oregon.

(b) For purposes of subsection (a) of this section, any bridge which is to be constructed across the Columbia Slough, Oregon, after the date of enactment of this section shall be deemed to provide for the reasonable needs of navigation on the Columbia Slough, Oregon, if such bridge provides at least thirty feet of vertical clearance Columbia River datum and at least eighty feet of horizontal clearance, as determined by the Secretary of the department in which the Coast Guard is operating.

SEC. 326. Notwithstanding any other provision of law or of this Act, the Secretary of Transportation shall approve, upon request of the State of Indiana, $300,000 to be made available from funds available for redistribution under 23 U.S.C. 118(b) for a project to relocate and encase certain water line facilities crossing under I-80 and I-94 in Hammond, Indiana. Such sums shall remain available until expended and shall be subject to any obligation limitations for Federal-aid highway programs.

SEC. 327. Notwithstanding any other provision of law, the Secretary of Transportation shall approve, upon request of the State of Indiana, not to exceed $4,000,000, to be made available from funds available for redistribution under 23 U.S.C. 118(b) for the construction of an interchange to appropriate standards at I-94 and County

Line Road at the Porter-LaPorte County Line near Michigan City, Indiana. Such amount shall be subject to the obligation limitation enacted for fiscal year 1983 or any fiscal year thereafter on obligations for Federal-aid highways and highway safety construction programs.

SEC. 328. Notwithstanding any other provision of this Act, the Secretary of Transportation is authorized to transfer appropriated funds between the Coast Guard Operating expenses appropriation and the Coast Guard Headquarters administration appropriation and between the Federal Aviation Administration appropriation for Operations and the Federal Aviation Administration appropriation for Headquarters administration: *Provided*, That the Coast Guard and Federal Aviation Administration Headquarters administration appropriations shall be neither increased nor decreased by more than 7.5 per centum by any such transfers: *Provided further*, That any such transfers shall be reported promptly to the Committees on Appropriations and the appropriate authorizing committees in the House and the Senate.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1983".

[Total, title III, general provisions, limitation on obligations, $8,915,000,000.]

Approved December 18, 1982.

LEGISLATIVE HISTORY—H.R. 7019 (S. 2914)

HOUSE REPORTS: No. 97-783 (Comm. on Appropiations) and No. 97-960 (Comm. of Conference).
SENATE REPORTS: No. 97-546 accompanying S. 2914 (Comm. on Appropriations) and No. 97-567 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 16, 21, considered and passed House.
Dec. 2, considered and passed Senate, amended.
Dec. 16, House agreed to conference report; concurred in certain Senate amendments, in others with amendments; Senate agreed to conference report; concurred in House amendments.

Grand total, titles I, II, and III:

New budget (obligational) authority (net)	$10,646,348,919	
Appropriations	(10,651,226,569)	
Appropriation for debt reduction	(−254,650)	
Authority to borrow	(5,000,000)	
Rescission	(−9,623,000)	
By transfer	*(135,750,000)*	
Limitation on expenses	*(190,216,000)*	
Limitations on obligations	*(8,925,000,000)*	
Limitation on direct loans	*(2,301,000)*	
Limitations on loan guarantees	*(700,000,000)*	
Limitation on new loan guarantees	*(100,000,000)*	
Limitation on working capital fund	*(70,909,000)*	
Appropriations to liquidate contract authorizations	*(9,241,685,000)*	
Total, new budget (obligational) authority, Department of Transportation and Related Agencies Act, 1983		$10,646,348,919

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1983 contained in the foregoing annual appropriation act, the following additional amounts are available for the Department of Transportation for such fiscal year:

Permanent appropriations:	
Federal funds (p. 1414)	$413,821,000
Trust funds (pp. 1426–1427)	7,918,530,000
Appropriations in legislative acts:	
Trust funds (pp. 1560–1561)	14,849,000,000

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983:		
Maritime Administration (pp. 110-111)	$118,413,000	
Continuing Appropriations, 1983 (P.L. 97-276):		
Department of Transportation:		
Federal Highway Administration (p. 274)	518,000,000	
Urban Mass Transportation Administration (p. 274)	365,000,000	
Further Continuing Appropriations, 1983 (P.L. 97-377):		
Department of Transportation (p. 356)	30,800,000	
Subtotal, additions		$24,213,564,000

Deduct amounts for independent agencies transferred to General Government and Department of Defense—Civil totals:

General Government:		
Architectural and Transportation Barriers Compliance Board (p. 241)	$2,020,000	
Civil Aeronautics Board (pp. 241-242)	71,525,000	
Interstate Commerce Commission (p. 242)	65,600,000	
National Transportation Safety Board (p. 241)	19,970,000	
Panama Canal Commission (pp. 242-243	434,024,000	
United States Railway Association (p. 243)	2,950,000	
Washington Metropolitan Area Transit Authority (p. 244)	51,663,569	
Subtotal, deductions		−647,752,569
Grand total, Department of Transportation		34,212,160,350

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1983

97th Congress, H.R. 7158

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1983 (H.R. 7158), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 22, 1982, and was passed by the House on November 30, 1982. The Senate did not act on the bill. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(a)(3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see p. 277 for text of relevant section of Public Law 97-377, and pp. 1547-1549 for the related table VIII showing estimates and funding levels by appropriation account).]

LEGISLATIVE HISTORY—H.R. 7158

HOUSE REPORTS: No. 97-854 on H.R. 7158 (Comm. on Appropriations), No. 97-959 on H.J. Res. 631 (Comm. on Appropriations), and No. 97-980 on H.J. Res. 631 (P.L. 97-377) (Comm. of Conference).
SENATE REPORT No. 97-547 on S. 2916 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
- Sept. 16, 1982, reported in the Senate (S. 2916).
- Sept. 22, 1982, reported in the House (H.R. 7158).
- Nov. 30, 1982, passed House (H.R. 7158).
- Dec. 10, 1982, reported in the House (H.J. Res. 631).
- Dec. 14, 1982, passed House (H.J. Res. 631).
- Dec. 15, 1982, reported in the Senate (H.J. Res. 631) (no written report).
- Dec. 16, 17, 18, 19, 1982, considered and passed Senate, amended (H.J. Res. 631).
- Dec. 20, 1982, House agreed to conference report (H.J. Res. 631) (P.L. 97-377).
- Dec. 20, 1982, Senate agreed to conference report (H.J. Res. 631) (P.L. 97-377).

NOTE.—The following summary shows the amounts of new budget (obligational) authority available for fiscal year 1983 under section 101(a)(3) of Public Law 97-377, for programs and activities normally included in the Treasury, Postal Service, and General Government Appropriations Bill, 1983:

Grand total:		
Title I, Treasury Department	$4,453,890,000	
Title II, Postal Service	789,000,000	
Title III, Executive Office of the President	85,449,000	
Title IV, Independent Agencies	5,548,398,000	
Limitations	*(2,072,611,000)*	
Total new budget (obligational) authority Treasury, Postal Service and General Government Appropriations Bill, 1983		[1] **$10,876,737,000**

NOTE.—In addition to the new budget (obligational) authority for fiscal year 1983 provided under sec. 101(a)(3) of Public Law 97-377, Further Continuing Appropriations, 1983, the following additional amounts are available for the fiscal year:

Permanent appropriations:	
Federal Funds (pp. 1414-1416)	$150,684,054,000
Trust Funds (pp. 1427-1430)	45,809,831,000
Private appropriation acts (p. 1405)	4,306
Appropriations and rescissions for fiscal year 1983 made during previous sessions of Congress:	
97th Cong., 1st session:	
Corporation for Public Broadcasting (rescission) (p. 47, 1981-82 volume)	−35,000,000
Supplemental Appropriations Act, 1982:	
Commission on Wartime Relocation and Internment of Civilians (reappropriation) (p. 28)	90,000

---

[1] See "note" above.

Advance appropriations made during fiscal year 1981 (96th Congress, 2d Session) for fiscal year 1983:	
Corporation for Public Broadcasting (p. 14, 1979-80 volume)	[1] $172,000,000
Department of Agriculture Appropriation Act, 1983:	
Commodity Futures Trading Commission (p. 101)	22,892,000
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, Appropriations Bill, 1983:	
Arms Control and Disarmament Agency (p. 122)	15,142,000
Board for International Broadcasting (p. 123)	90,300,000
Commission on Civil Rights (p. 117)	11,626,000
Commission on Security and Cooperation in Europe (p. 123)	550,000
Commission on Wartime Relocation and Internment of Civilians (p. 123)	300,000
Department of the Treasury: Chrysler Corporation Loan Guarantee Program (p. 111)	1,211,000
Equal Employment Opportunity Commission (pp. 117-118)	142,771,000
Federal Communications Commission (p. 111)	79,817,000
Federal Maritime Commission (p. 111)	11,500,000
Federal Trade Commission (p. 111)	63,638,000
International Communication Agency (pp. 123-124)	545,449,000
International Trade Commission (p. 112)	19,150,000
Japan-United States Friendship Trust Fund (p. 124)	1,700,000
Legal Services Corporation (pp. 118-119)	241,000,000
Marine Mammal Commission (p. 112)	822,000
Office of the United States Trade Representative (p. 112)	10,100,000
Securities and Exchange Commission (p. 112)	88,040,000
Small Business Administration (pp. 112-113)	556,729,000
Department of Defense Appropriation Bill, 1983:	
Intelligence Community Staff (p. 1509)	15,856,000
CIA Retirement and Disability System Fund (p. 1509)	91,300,000
Energy and Water Department Appropriation Bill, 1983:	
Appalachian Regional Commission (p. 1514)	2,900,000
Appalachian Regional Development Programs (p. 1514)	165,133,000
Delaware River Basin Commission (p. 1514)	390,000
Interstate Commission on the Potomac River Basin (p. 1514)	55,000
Nuclear Regulatory Commission (p. 1515)	462,504,000
Susquehanna River Basin Commission (p. 1515)	337,000
Tennessee Valley Authority (p. 1515)	176,433,000
Water Resources Council (p. 1515)	4,083,000
Department of HUD—Independent Agencies Appropriation Act, 1983:	
American Battle Monuments Commission (p. 152)	10,669,000
Consumer Products Safety Commission (p. 152)	33,508,000
Environmental Protection Agency (pp. 152-154)	3,719,688,200
Executive Office of the President (p. 154)	2,765,000
Federal Emergency Management Agency (pp. 154-155)	549,898,000
General Services Administration—Consumer Information Center (p. 155)	1,351,000
National Aeronautics and Space Administration (pp. 156-157)	6,809,200,000
National Science Foundation (pp. 157-158)	1,092,200,000
Neighborhood Reinvestment Corporation (p. 158)	15,512,000
Selective Service System (pp. 158-159)	22,700,000
Department of the Treasury:	
Payments to State and Local Government Fiscal Assistance Trust Fund (p. 159)	4,566,700,000
Office of Revenue Sharing, salaries and expenses (p. 159)	6,612,000
Office of the Secretary, salaries and expenses (p. 159)	310,000
Veterans Administration (pp. 159-162)	24,081,218,000
Department of Interior and Related Agencies Appropriations Act, 1983:	
Advisory Council on Historic Preservation (p. 196)	1,500,000
Commission of Fine Arts (p. 196)	319,000
Federal Inspector for the Alaska Pipeline (p. 197)	6,125,000
Holocaust Memorial Council (p. 197)	820,000
National Capital Planning Commission (p. 196)	2,279,000
National Foundation on the Arts and Humanities (pp. 194-195)	284,735,000
Navajo and Hopi Relocation Commission (p. 193)	7,665,000
Pennsylvania Avenue Development Corporation (pp. 196-197)	11,100,000
Smithsonian Institution (pp. 193-194)	191,565,000
Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983:	
Action (p. 342)	129,321,000
Corporation for Public Broadcasting (p. 342) $130,000,000 for fiscal year 1985	

---

[1] Also included under "Permanent appropriations, Federal funds."

Federal Mediation and Conciliation Service (p. 343)	$21,321,000	
Federal Mine Safety and Health Review Commission (p. 343)	3,686,000	
National Commission on Libraries and Information Science (p. 343)	674,000	
National Commission on Student Financial Assistance (p. 343)	840,000	
National Labor Relations Board (p. 343)	124,045,000	
National Mediation Board (p. 343)	5,468,000	
Occupational Safety and Health Review Commission (p. 344)	6,316,000	
Railroad Retirement Board:		
Payments to Railroad Retirement Trust Fund (p. 344)	430,000,000	
Milwaukee Railroad restructuring, administration (p. 344)	250,000	
Department of Transportation and Related Agencies Act, 1983:		
Architectural and Transportation Barriers Compliance Board (p. 241)	2,020,000	
National Transportation Safety Board (p. 241)	19,970,000	
Civil Aeronautics Board (pp. 241-242)	71,525,000	
Interstate Commerce Commission (p. 242)	65,600,000	
Panama Canal Commission (pp. 242-243)	434,024,000	
United States Railway Association (p. 243)	2,950,000	
Washington Metropolitan Area Transit Authority (p. 244)	51,663,569	
Continuing Appropriations, 1983 (P.L. 97-276):		
Smithsonian Institution (p. 265)	36,500,000	
Executive Office of the President: National Security Council (p. 270)	365,000	
Native Hawaiians Study Commission (p. 273)	190,000	
Subtotal additions		$242,277,875,075
Grand total, Treasury, Postal Service and General Government		[1]253,154,612,075

---

[1] The Treasury, Postal Service, and General Government Appropriations Bill, 1983 (H.R. 7158), was not approved by the Congress. Funding for programs and activities normally included in this bill is provided through a continuing resolution (see "Note" on page 251, this volume).

FURTHER CONTINUING APPROPRIATIONS, 1982

Public Law 97-161

97th Congress, H.J. Res. 409

March 31, 1982

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1982.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(c) of the joint resolution of December 15, 1981 (Public Law 97-92), is hereby amended by striking out "March 31, 1982" and inserting in lieu thereof "September 30, 1982".

September 30, 1982
(*expiration date*)

Approved March 31, 1982.

LEGISLATIVE HISTORY—H.J. Res. 409

HOUSE REPORT No. 97-465 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Mar. 24, considered and passed House.
  Mar. 29-31, considered and passed Senate.

CONTINUING APPROPRIATIONS, 1983

Public Law 97-276

97th Congress, H.J. Res. 599

October 2, 1982

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1983, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1983, and for other purposes, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1982 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1983;

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1983;

District of Columbia Appropriation Act, 1983;

Department of Transportation and Related Agencies Appropriation Act, 1983; and

Treasury, Postal Service and General Government Appropriation Act, 1983.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed the House as of October 1, 1982, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1982, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1982, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations of the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1982: *Provided further,* That for the purposes of this joint resolution, when an Act listed in this subsection has been reported to the House or the Senate but not passed by that House as of October 1, 1982, it shall be deemed as having been passed by that House.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1982, the pertinent project or activity shall be continued under the appropriation, fund, or author-

ity granted by the House, but at a rate for operations of the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1982.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1982, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing the following activities, not otherwise provided for, which were conducted in the fiscal year 1982, under the current terms and conditions and at a rate to maintain current operating levels:

activities under the purview of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1982, as provided for in Public Law 97-92; and

activities, including those activities conducted pursuant to section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended, for which provision was made in the Department of the Interior and Related Agencies Appropriation Act, 1982: *Provided*, That no programs or facilities funded therein may be terminated unless such termination is specifically approved in the appropriations process, including reprograming.

(Department of Defense Appropriations, 1983)

(c) Pending passage of the regular Department of Defense Appropriation Act for fiscal year 1983, such amounts as may be necessary for continuing activities which were conducted in the fiscal year 1982, for which provision was made in the Department of Defense Appropriation Act, 1982, but such activities shall be funded at not to exceed an annual rate for new obligational authority of $228,700,000,000, which is an increase above the current level, and this increase shall be distributed on a pro-rata basis to each appropriation account and shall operate under the terms and conditions provided for in the applicable appropriation Acts for the fiscal year 1982: *Provided*, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds or other authority were not available during the fiscal year 1982; this limitation shall include but not be limited to prohibitions on funding availability for initial production of the MX intercontinental ballistic missile and for long lead or initial production of a second nuclear-powered aircraft carrier until midnight December 17, 1982; and in addition, this limitation shall include the lower appropriation or funding ceilings for specific projects and activities set forth in the Department of Defense Appropriation Act, 1983, as reported to the Senate on September 23, 1982, or as subsequently reported to the House of Representatives: *Provided further*, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later except for the following programs and amounts; AN/ALQ-136 Radar Jamming Systems, $14,500,000; NATO Seasparrow Ordalt Kits, $33,000,000; continue the purchase of C-2 aircraft under a multiyear contract, $267,800,000: *Provided further*, That none of the funds appropriated or made available pursuant to this paragraph for the pay of members of the uniformed services shall be available to pay any member of the uniformed services a variable housing allowance pursuant to section

403(a)(2) of title 37, United States Code, in an amount that is greater than the amount which would have been payable to such member if the rates of basic allowance for quarters for members of the uniformed services in effect on September 30, 1982, had been increased by 8 per centum on October 1, 1982: *Provided further,* That pending passage of the regular Department of Defense Appropriation Act for fiscal year 1983, none of the funds appropriated or made available pursuant to this paragraph shall be available for the additional conversion of any full time personnel in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard, from military technician to Active Guard/Reserve status: *Provided further,* That none of the funds appropriated or made available pursuant to this paragraph, except for small purchases in amounts not exceeding $10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto; Nothing in this provision shall preclude the procurement of foreign produced specialty metals used in the production or manufacture of weapons or weapons systems made outside the United States except those specialty metals which contain nickel from Cuba, or the procurement of chemical warfare protective clothing produced outside the United States, if such procurement is necessary to comply with agreements with foreign governments; Nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions; No funds appropriated or made available pursuant to this paragraph shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed $5,000,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations; That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 5 per centum; None of the funds appropriated or made available pursuant to this paragraph shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

(d) Such amounts as may be necessary for continuing the activities of the Foreign Assistance Appropriations Act of 1982, Public Law 97-121, under the terms and conditions, and at the rate, provided for in that Act or at the rate provided for in the budget estimates, whichever is lower, and under the more restrictive authority, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the State Department Basic Authorities Act of 1956, or any other provision of law: *Provided*, That amounts allocated to each country under this paragraph shall not exceed those provided in fiscal year 1982 unless submitted through the regular reprograming procedures of the Committees on Appropriations: *Provided further*, That economic and military assistance shall be available to Israel at the rate provided by, and under the terms and conditions of, Public Law 97-113.

(e) Notwithstanding section 102 of this joint resolution, such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in S. 2939, entitled the Legislative Branch Appropriation Act, 1983, as reported September 22, 1982, and the provisions of S. 2939 shall be effective as if enacted into law; except that the provisions of section 306 (a), (b), and (d) of S. 2939 shall apply to any appropriation, fund, or authority made available for the period October 1, 1982, through December 17, 1982, by this or any other Act. [1] *($1,335,637,000)*

For purposes of this subsection, S. 2939, as reported September 22, 1982, shall be treated as appropriating the following amounts:

Under the headings "JOINT ITEMS", "Contingent Expenses of the Senate", "Joint Economic Committee", $2,327,000, and "Contingent Expenses of the House", "Joint Committee on Taxation", $3,233,000; under the headings "CONGRESSIONAL BUDGET OFFICE", "Salaries and Expenses", $14,825,000; under the headings "ARCHITECT OF THE CAPITOL", "Salaries", $4,301,000; under the headings "COPYRIGHT ROYALTY TRIBUNAL", "Salaries and Expenses", $606,000, of which $157,000 shall be derived from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807; under the headings "GENERAL ACCOUNTING OFFICE", "Salaries and Expenses", $244,900,000.

For purposes of this subsection, S. 2939 shall be applied as follows:

The limitation on the number of staff employees of the Congressional Budget Office contained in S. 2939 shall be applied by substituting "222 staff employees" for "226 staff employees";

The fourth proviso under the headings "GOVERNMENT PRINTING OFFICE", "Government Printing Office Revolving Fund", relating to travel expenses of advisory councils to the Public Printer, contained in S. 2939 shall be effective only for fiscal year 1983.

Notwithstanding any other provision of this joint resolution, for payment to Patricia Ann Benjamin, wife of Adam Benjamin, Junior, late a Representative from the State of Indiana, $60,663. 60,663

[Total, House of Representatives, $60,663.]

(f) Such amounts are available as may be necessary for projects or activities provided for in H.R. 6968, the Military Construction Appropriations Act, 1983, as passed the House on August 19, 1982, at *(Military Construction Appropriations 1983)* a rate for operations and to the extent and in the manner provided for in such Act: *Provided*, That notwithstanding the foregoing provision of this paragraph and not withstanding any other provision of this joint resolution, such amounts as may be necessary for projects or activities provided for in the Military Construction Act, 1983 (H.R. 6968), at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference as filed in the House of Representatives on September 30, 1982, as if such Act had been enacted into law.

---

[1] See pp. 205-222 for the text of the Legislative Branch Appropriation Bill, 1983 (S. 2939), as reported in the Senate, and pp. 1536-1541 for the related table VIII showing specific items and amounts.

(Energy and Water Development Appropriations, 1983)

(g) Such amounts as may be necessary for continuing activities which were conducted in fiscal year 1982, for which provision was made in the Energy and Water Development Act, 1982, at the current rate of operations: *Provided*, That no appropriation, fund or authority made available by this joint resolution or any other Act may be used directly or indirectly to significantly alter, modify, dismantle, or otherwise change the normal operation and maintenance required for any civil works project under Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Operation and Maintenance, General, and the operation and maintenance activities funded in Flood Control, Mississippi River and Tributaries: *Provided further*, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1982 without prior approval of the Committees on Appropriations: *Provided further*, That no appropriation, fund or authority made available to the Department of Energy by this joint resolution or any other Act, shall be used for any action which would result in a significant reduction of the employment levels for any program or activity below the employment levels in effect on September 30, 1982.

(December 17, 1982 expiration date)

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1982, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) December 17, 1982, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such projects or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. Any appropriation for the fiscal year 1983 required to be apportioned pursuant to subchapter II of chapter 15 of title 31, United States Code, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of subchapter II of chapter 15 of title 31, United States Code.

SEC. 106. In accordance with Public Law 97-257 of September 10, 1982, not to exceed an annual rate of $13,500,000 from the fees collected and credited to the "Salaries and Expenses" appropriation of the Federal Bureau of Investigation to process fingerprint identification records for noncriminal employment and licensing services, shall be available for salaries and other expenses incurred in providing such services.

SEC. 107. Notwithstanding any other provision of this joint resolution, the New England Division of the United States Army Corps of Engineers shall be maintained as a Division with all of the duties and functions of a Division retained and shall not be redesignated a District or any other type office, other than Division.

SEC. 108. Of amounts appropriated for the Water Resources Council, Water Resources Planning, for preparation of assessments and plans, in Public Law 97-88, not more than $195,000 shall remain available until expended and shall be available to pay for work performed prior to fiscal year 1982 in support of the Columbia River Estuary Data Development Program, if such work is accepted by the Water Resources Council.

SEC. 109. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending September 30, 1983, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or an employee covered by section 5348 of that title, in an amount which exceeds—

(1) for the period from October 1, 1982, until the next applicable wage survey adjustment becomes effective, the rate which was payable for the applicable grade and step to such employee under the applicable wage schedule that was in effect and payable on September 30, 1982; and

(2) for the period consisting of the remainder of the fiscal year ending September 30, 1983, a rate which exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1983.

(b) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of the Civil Service Reform Act of 1978, the provisions of subsection (a) of this section shall apply (in such manner as the Office of Personnel Management shall prescribe) to prevailing rate employees to whom such section 9(b) applies, except that the provisions of subsection (a) may not apply to any increase in a wage schedule or rate which is required by the terms of a contract entered into before the date of enactment of this Act.

(c) For the purposes of subsection (a) of this section, the rate payable to any employee who is covered by this section and who is paid from a schedule which was not in existence on September 30, 1982, shall be determined under regulations prescribed by the President.

(d) The provisions of this section shall apply only with respect to pay for services performed by affected employees after the date of enactment of this Act.

(e) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

SEC. 110. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted: *Provided*, That no part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year 1982: *Provided further*, That the limitations of this section shall terminate on December 17, 1982.

SEC. 111. Except as expressly provided for by law, none of the funds provided in this joint resolution shall be obligated to dispose, except by exchange, of any Federal land tract or lands with national environmental or economic value until such time as the General Services Administration, the Property Review Board, or other agencies as required under Executive Order 12348 has specifically identified them as no longer being needed by the Federal Government; inventoried them as to their public benefit values; provided opportunity for public review and discussion of the property proposed for disposal; and provided 30 days advance notice of the property proposed for disposal and of the plans for carrying out such disposal to the congressional delegation of the State or States in which the tract proposed for sale is located and to the appropriate congressional committees for immediate printing in the Congressional Record: *Provided*, That neither the Act of July 31, 1958 as amended (72 Stat. 438, as amended; 7 U.S.C. 1012a; 16 U.S.C. 478a) nor the Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.) shall be subject to the provisions of this section.

SEC. 112. Notwithstanding any other provision of this joint resolution except section 102, moneys deposited into the National Defense Stockpile Transaction Fund under section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) are hereby made available, subject to such limitations as may be provided in appropriation Acts and in section 5(a)(1) of such Act, until expended for the acquisition of strategic and critical materials under section 6(a)(1) of such Act (and for transportation and other incidental expenses related to such acquisition). This paragraph applies without fiscal year limitation to moneys deposited into the fund before, on, or after October 1, 1982: *Provided*, That during the fiscal year ending on September 30, 1983, not more than $120,000,000 in addition to amounts previously appropriated, of which not to exceed $85,000,000 shall be available only until the termination of this joint resolution for the purchase of domestic copper mined and smelted in the United States after September 30, 1982, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition.

SEC. 113. Notwithstanding any other provision of this joint resolution, funds available to the Federal Building Fund within the General Services Administration may be used to initiate new construction, purchase, advance design, and repairs and alteration line-item projects which are included in the Treasury, Postal Service and General Government Appropriation Act, 1983, as reported to the House or the Senate.

(District of Columbia Statehood Constitutional Convention)

SEC. 114. (a)(1) Funds provided by this joint resolution for costs to continue the implementation of provisions contained in the District of Columbia Statehood Constitutional Convention Initiative (D.C. Law 3-171) shall be applied first toward ensuring voter education on the proposed constitution by (A) printing, by the Statehood Commission, of the proposed constitution together with objective statements both for and against its provisions as expressed by the Convention delegates taking such positions, (B) mailing of this information to the registered voters of the District of Columbia by October 22, 1982, and (C) preparing for publication as a public document a comprehensive legislative history of the proposed constitution.

(2) None of the funds provided by this joint resolution may be used to pay for the publication of any information or materials by the Statehood Commission which fail to present objective arguments for and against the provisions of the proposed constitution.

(District of Columbia Lottery and Charitable Games)

(b) Notwithstanding section 102, the paragraph under the heading "LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND" in the District of Columbia Appropriation Act, 1982 (Public Law 97-91; 95 Stat. 1175) is amended—

(1) in the second proviso, by striking out "payments of prizes" and inserting in lieu thereof "payment of fees to ticket agents, fees to contractors supplying gambling paraphernalia or services, and prizes";

(2) in the third proviso, by striking out "payments of prizes" and inserting in lieu thereof "payment of such fees and prizes";

(3) in the fourth proviso, by striking out "prizes and administration of the Board shall not exceed resources available to the Board from appropriated authority or revenues" and inserting in lieu thereof "administration of the Board shall not exceed resources available to the Board from appropriated authority: *Provided further*, That the annual expenses for fees and prizes shall not exceed revenues"; and

(4) in the fifth proviso, by striking out "for prize money" and inserting in lieu thereof "for fees and prize money".

(c) Notwithstanding any other provision of this resolution, the Superior Court of the District of Columbia may continue to operate the Volunteer Attorney Program and the Community Workers Program, and may implement the hearing commissioner program, from existing resources and position authority. Upon passage of the fiscal year 1983 appropriation Act, full year program funding will be available to pay, retroactively, for program services performed on or after October 1, 1982.

(d) The Washington Convention Center may proceed at an annual rate of operation which does not exceed $5,275,000.

SEC. 115. Notwithstanding any other provision of this joint resolution except section 102, there are appropriated to the Postal Service

Fund sufficient amounts so that postal rates for all preferred-rate mailers covered by section 3626 of title 39, United States Code, shall be continued at the rates in effect on July 28, 1982 (step 13): *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That six-day delivery and rural delivery of mail shall continue at the 1982 level.

SEC. 116. Funds appropriated in Public Law 97-257 to the United States Fish and Wildlife Service for "Construction and anadromous fish" and to the Office of Surface Mining Reclamation and Enforcement for "Abandoned Mine Reclamation Fund" shall remain available until expended.

SEC. 117. Notwithstanding section 101(a)(3) of this joint resolution, funds shall be available for the United States Court of Appeals for the Federal Circuit at an annual rate not to exceed $4,146,000.

SEC. 118. Notwithstanding any other provision of law or of this joint resolution, AID/afr-C-1414, Agency for International Development, shall be extended for an additional three years.

$36,500,000

SEC. 119. Notwithstanding any other provision of this joint resolution, there is appropriated $36,500,000, to remain available until expended, for Smithsonian Institution "Construction" to carry out the provisions of Public Law 97-203 to construct a building for the Museum of African Art and a gallery for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building, including not to exceed $100,000 for services as authorized by 5 U.S.C. 3109: *Provided,* That except for funds obligated or expended for planning, administration, and management expenses, and architectural or other consulting services, no funds herein appropriated shall be available for obligation or expenditure until such time as the Chancellor, acting on behalf of the Board of Regents of the Smithsonian Institution, certifies that all required matching funds are actually on hand or available through legally binding pledges.

242,118,000

SEC. 120. Notwithstanding any other provision of this joint resolution, there is appropriated $242,118,000, to remain available until expended, for Department of Energy "Strategic Petroleum Reserve" to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163).

SEC. 121. Notwithstanding section 101(a)(3) of this joint resolution, of the funds provided for the Salaries and Expenses appropriation of the Small Business Administration under this joint resolution, an annual rate of $14,000,000 shall be available only for grants for Small Business Development Centers as authorized by section 20(a) of the Small Business Act, as amended.

(Legal Services Corporation)

SEC. 122. Notwithstanding section 101(a)(3) of this joint resolution, none of the funds provided by this joint resolution for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to section 4 (a), (b), and (c); section 5; and section 11 of H.R. 3480, as passed the House of Representatives on June 18, 1981: *Provided,* That none of the funds appropriated under this joint resolution for the Legal Services Corporation shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United States and is—

(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a) (15), (20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one

years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007(b)(11) of the Legal Services Corporation Act, to be an alien described in subparagraph (C) of such section: *Provided further,* That none of the funds provided by this joint resolution for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (a) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (b) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: *Provided further,* That none of the funds appropriated under this joint resolution for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government except in accordance with policies or regulations adopted by the Board of Directors of the Legal Services Corporation.

(Authorizing legislation)

SEC. 123. No provision in any appropriation Act for the fiscal year 1983 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

(Garnisheeing of Federal employees' wages)

SEC. 124. Notwithstanding any other provision of this joint resolution, in the case of any employee of the Federal Government who is indebted to the United States, as determined by a court of the United States in an action or suit brought against such employee by the United States, the amount of the indebtedness may be collected in monthly installments, or at officially established regular pay period intervals, by deduction in reasonable amounts from the current pay account of the individual. The deductions may be made only from basic pay, special pay, incentive pay, or, in the case of an individual not entitled to basic pay, other authorized pay. Collection shall be made over a period not greater than the anticipated period of employment. The amount deducted for any period may not exceed one-fourth of the pay from which the deduction is made, unless the deduction of a greater amount is necessary to make the collection within the period of anticipated employment. If the individual retires or resigns, or if his employment otherwise ends, before collection of the amount of the indebtedness is completed, deduction shall be made from later payments of any nature due to the individual from the United States Treasury.

SEC. 125. Of the $77,042,000 available at an annual rate under this joint resolution for the exchange programs of the United States Information Agency, $67,301,000 shall be available for the Fulbright and International Visitor Programs, $2,620,000 shall be available for the Humphrey Fellowship Program and $7,121,000 shall be available for the Private Sector Programs.

SEC. 126. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 4(d)(1) of Public Law 96-312 and section 603 of Public Law 94-579, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statewide or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, none of the funds provided in this joint resolution shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oilshale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas.

SEC. 127. No reduction in the amount payable to any State under title IV of the Social Security Act with respect to any of the fiscal years 1977 through 1982 shall be made prior to the date on which this resolution expires on account of the provisions of section 403(h) of such Act.

SEC. 128. Notwithstanding any other provision of this joint resolution except section 102, funds shall be available for the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), at the rate and under the terms and conditions provided for in title III of H.R. 7072 as passed the Senate on September 28, 1982.

SEC. 129. Notwithstanding any other provision of law or this joint resolution, except section 102, an amount for those International Financial Institutions referred to in title I of Public Law 97-121, the Foreign Assistance and Related Program Appropriations Act, 1982, as is equal to the total for such institutions in that title, may be allocated by the President among those institutions in a manner which does not exceed the limits established in authorizing legislation.

SEC. 130. Notwithstanding any other provision of this joint resolution, except section 102, and notwithstanding any other provision of law for payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Board, $48,400,000 is appropriated to remain available until expended, and such amounts as may be necessary to liquidate obligations incurred prior to September 30, 1982, under 49 U.S.C. 1376 and 1389: *Provided*, That, notwithstanding any other provision of law, none of the funds hereafter appropriated by this joint resolution or any other Act shall be expended under section 406 (49 U.S.C. 1376) for services provided after September 30, 1982: *Provided further*, That, notwithstanding any other provision of law or of the previous provision of this paragraph, payments shall be made from funds appropriated herein and in accordance with the provisions of this paragraph to carriers providing, as of September 30, 1982, services covered by rates fixed under section 406 of the Federal Aviation Act (excluding services covered by payments under section 419(a)(7) and services in the State of Alaska): *Provided further*, That, notwithstanding any other provision of law, such payments shall be based upon rate orders applicable to such carriers as of July 1, 1982, but shall not exceed $13,500,000 in the aggregate: *Provided further*, That, notwithstanding any other provision of law, to the extent necessary to meet this limitation, such payments shall be reduced by a percentage which is the same for all carriers eligible for such payments: *Provided further*, That nothing in this joint resolution shall be deemed to prevent the Board from granting an application under section 419(a)(11)(A) (49 U.S.C. 1389) pertaining to a carrier receiving compensation under this joint resolution, in which event the standards and procedures set forth in section 419(a)(11)(A) shall apply.

[1]($48,400,000)
3,743,000
(liquidation of contract authority, indefinite, 1982)

SEC. 131. Sections 308(g) and 308a(c) of title 35, United States Code, are amended by striking out "September 30, 1982" and inserting in lieu thereof "December 17, 1982".

SEC. 132. Notwithstanding any other provision of this joint resolution, there are appropriated $39,000,000 for fiscal year 1983 to carry out section 317(j)(1) of the Public Health Service Act, relating to preventive health service programs to immunize children against immunizable diseases.

39,000,000

SEC. 133. (a) In accordance with section 101(b) of this joint resolution, activities under title XV of the Public Health Service Act shall be continued at a rate to maintain current operating levels.

(b) Notwithstanding any other provision of law, no funds appropriated by this joint resolution or any other Act for fiscal year 1983 for any allotment, grant, loan, or loan guarantee under the Public Health Service Act or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 shall be subject to reduction under section 1521(d)(2) of the Public Health Service Act during the period beginning on October 1, 1982, and ending on the date specified in clause (c) of section 102.

SEC. 134. Notwithstanding any other provision of this joint resolution, there are appropriated $34,000,000 to carry out section 786 of the Public Health Service Act.

34,000,000

SEC. 135. Notwithstanding any other provision of this joint resolution, such amounts as may be necessary shall be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds to support an annual operating level for Medicare claims processing activities of $800,000,000, including $45,000,000 for this purpose which is currently available under section 118 of Public Law 97-248.

755,000,000
(limitation on trust fund transfer)

SEC. 136. Notwithstanding the decision of the United States Court of Appeals for the District of Columbia Circuit in Connecticut against Schweiker (No. 81-2090, July 27, 1982), section 306 of Public Law 96-272, or section 1132 of the Social Security Act, no payment shall be made, in or with respect to any fiscal year prior to fiscal year 1984, under this or any other Act, and no court shall award or enforce any payment (whether or not pursuant to such decision) from amounts appropriated by this or any other Act, to reimburse State or local expenditures made prior to October 1, 1978, under title I, IV, X, XIV, XVI, XIX, or XX of the Social Security Act, unless a request for reimbursement had been officially transmitted to the Federal Government by the State within one year after the fiscal year in which the expenditure occurred. After fiscal year 1983, any payment made to reimburse such State or local expenditures required to be reimbursed by a court decision in any case filed prior to September 30, 1982 shall be made in accordance with a schedule, to be established under the Social Security Act, over fiscal years 1984 through 1986.

---

[1] This amount included in totals for the Department of Transportation and Related Agencies Appropriation Act, 1983 (Public Law 97-369) (see p. 242, this volume).

SEC. 137. Notwithstanding any other provision of this joint resolution, there are appropriated $18,000,000 for fiscal year 1983 to carry out the Runaway and Homeless Youth Act. $18,000,000

SEC. 138. Notwithstanding any other provision of law, of the funds appropriated for fiscal year 1983 to carry out the Community Services Block Grant Act of 1981, not more than 10 per centum of the funds allotted to each State under section 674 of such Act shall be used for purposes other than to make grants to eligible entities as defined in section 673(1) of such Act or to organizations serving seasonal and migrant farmworkers or to designated limited purpose agencies which meet the requirements of section 673(1) of such Act.

SEC. 139. Notwithstanding any other provision of this joint resolution, unobligated funds from fiscal year 1982 appropriations provided for closeout activities of the Community Services Administration are to remain available through September 30, 1983. *(Reappropriation, indefinite)*

SEC. 140. Notwithstanding section 5(b)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress), not later than thirty days after the beginning of the fiscal year, the Secretary of Education shall, on the basis of any application for preliminary payment from any local educational agency which was eligible for a payment during the preceding fiscal year on the basis of entitlements established under section 2 or 3 of such Act, make to such agency a payment of not less than—

(1) in the case of a local educational agency described in section 3(d)(1)(A) of such Act, 75 per centum of the amount that such agency received during such preceding fiscal year; and

(2) in the case of any other local educational agency, 50 per centum of the amount that such agency received during such preceding fiscal year.

SEC. 141 Notwithstanding any other provision of this joint resolution or section 512(b) of the Omnibus Budget Reconciliation Act of 1981, there are appropriated $9,000,000 for fiscal year 1983 to carry out subpart 2 of part H of title XIII of the Education Amendments of 1980 and section 528(5) of the Omnibus Budget Reconciliation Act of 1981, which shall remain available for obligation until September 30, 1988. 9,000,000

[Total, Department of Education, $9,000,000.]

SEC. 142. Notwithstanding any other provision of this joint resolution, there is hereby appropriated $5,000,000 under title III of the United States Public Health Service Act for Nursing Research activities. 5,000,000

[Total, Departments of Health and Human Services and Education, $105,000,000.]

SEC. 143. Section 93 of title 14, United States Code, is amended by (1) striking out "and" at the end of subsection (p); (2) striking out the period at the end of subsection (q) and inserting in lieu thereof "; and"; and (3) adding at the end thereof the following new subsection: "(r) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities.".

SEC. 144. Notwithstanding any other provision of this joint resolution, except section 102, funds shall be available for the United States Travel and Tourism Administration at an annual rate of $7,600,000.

SEC. 145. Notwithstanding any other provision of this joint resolution, the head of any department or agency of the Federal Government in carrying out any loan guarantee or insurance program shall enter into commitments to guarantee or insure loans pursuant to such program in the full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) limitations contained in appropriation Acts.

SEC. 146. Notwithstanding any other provision of law or this joint resolution, no change in the regulations subject to the moratorium required by section 135 of Public Law 97-248 shall be promulgated in final form until one hundred and twenty days after the expiration of the moratorium, during which period the Department of Health and Human Services shall seek public review and comment on any such proposed regulations and consult with the appropriate Committees of Congress.

SEC. 147. Notwithstanding any other provision of this joint resolution or any other provision of law, appropriations for urban and nonurban formula grants authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) shall be apportioned and allocated using data from the 1970 decennial census for one-quarter of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census.

SEC. 148. Notwithstanding any other provision of this joint resolution, for necessary expenses for the National Oceanic and Atmospheric Administration (NOAA) to operate the civilian land remote sensing satellite system (LANDSAT), $13,555,000 above the rate provided by section 101(a) of this joint resolution, shall remain available until expended. $13,555,000

SEC. 149. Of the amounts appropriated to the Department of State for the purposes of "Contributions for International Peacekeeping Activities" not more than $50,000,000 shall be available for expenses necessary for contributions to a United Nations Transition Assistance Group, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 or any other provision of law: *Provided*, That none of these funds shall be obligated or expended for contributions to the United Nations Transition Assistance Group unless the President determines and reports to the Congress that an internationally acceptable agreement has been achieved among the parties to the Namibia dispute concerning implementation of United Nations Security Council Resolution 435 for the independence of Namibia.

SEC. 150. Notwithstanding any other provisions of this joint resolution, $365,000 shall be made available for the National Security Council, effective October 1, 1982, for the operations of the President's Foreign Intelligence Advisory Board and the President's Intelligence Oversight Board. 365,000

SEC. 151. $5,200,000 of the funds appropriated to the National Endowment for the Humanities for "Salaries and expenses" in Public Law 97-100 are hereby transferred to "Matching Grants" for the purposes of section 7(h) of the National Foundation on the Arts and the Humanities Act of 1965, as amended. Such funds shall remain available until September 30, 1984.

SEC. 151. (a) Section 4109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (a)(1) of this section, the Administrator, Federal Aviation Administration, may pay an individual training to be an air traffic controller of such Administration, during the period of such training, at the applicable rate of basic pay for the hours of training officially ordered or approved in excess of forty hours in an administrative workweek.".

(b) Section 5532 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Notwithstanding any other provision of law, the retired or retainer pay of a former member of a uniformed service shall not be reduced while such former member is temporarily employed, during the period described in paragraph (2) or any portion thereof, under the administrative authority of the Administrator, Federal Aviation Administration, to perform duties in the operation of the air traffic control system or to train others to perform such duties.

"(2) The provisions of paragraph (1) of this subsection shall be in effect for any period ending not later than December 31, 1984, during which the Administrator, Federal Aviation Administration, determines that there is an unusual shortage of air traffic controllers performing duties under the administrative authority of such Administrator.".

(c)(1) Chapter 55 of title 5, United States Code, is amended by inserting after section 5546 the following new section:

"§ 5546a. Differential pay for certain employees of the Federal Aviation Administration

(Air Traffic Controllers' pay)

"(a) The Administrator of the Federal Aviation Administration (hereafter in this section referred to as the 'Administrator') may pay premium pay at the rate of 5 per centum of the applicable rate of basic pay to—

"(1) any employee of the Federal Aviation Administration who is—

"(A) occupying a position in the air traffic controller series classified not lower than GS-9 and located in an air traffic control center or terminal or in a flight service station;

"(B) assigned to a position classified not lower than GS-09 or WG-10 located in an airway facilities sector; or

"(C) assigned to a flight inspection crew-member position classified not lower than GS-11 located in a flight inspection field office,

the duties of whose position are determined by the Administrator to be directly involved in or responsible for the operation and maintenance of the air traffic control system; and

"(2) any employee of the Federal Aviation Administration who is assigned to a flight test pilot position classified not lower than GS-12 located in a region or center, the duties of whose position are determined by the Administrator to be unusually taxing, physically or mentally, and to be critical to the advancement of aviation safety.

"(b) The premium pay payable under any subsection of this section is in addition to basic pay and to premium pay payable under any other subsection of this section and any other provision of this subchapter.".

(2) The analysis of chapter 55 of such title is amended by inserting after the item relating to section 5546 the following new item:

"5546a. Differential pay for certain employees of the Federal Aviation Administration.".

(d) Section 5546a of title 5, United States Code (as added by section 152(c) of this joint resolution), is amended by adding at the end thereof the following new subsections:

"(c)(1) The Administrator may pay premium pay to any employee of the Federal Aviation Administration who—

"(A) is an air traffic controller located in an air traffic control center or terminal;

"(B) is not required as a condition of employment to be certified by the Administrator as proficient and medically qualified to perform duties including the separation and control of air traffic; and

"(C) is so certified.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 1.6 per centum of the applicable rate of basic pay for so long as such employee is so certified.

"(d)(1) The Administrator may pay premium pay to any air traffic controller of the Federal Aviation Administration who is assigned by the Administrator to provide on-the-job training to another air traffic controller while such other air traffic controller is directly involved in the separation and control of live air traffic.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 10 per centum of the applicable hourly rate of basic pay times the number of hours and portion of an hour during which the air traffic controller of the Federal Aviation Administration provides on-the-job training.

"(e)(1) The Administrator may pay premium pay to any air traffic controller or flight service station specialist of the Federal Aviation Administration who, while working a regularly scheduled eight-hour period of service, is required by his supervisor to work during the fourth through sixth hour of such period without a break of thirty minutes for a meal.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 50 per centum of one-half of the applicable hourly rate of basic pay.

"(f)(1) The Administrator shall prescribe standards for determining which air traffic controllers and other employees of the Federal Aviation Administration are to be paid premium pay under this section.

"(2) The Administrator may prescribe such rules as he determines are necessary to carry out the provisions of this section.".

(e) Section 5547 of title 5, United States Code, is amended by adding at the end thereof the following: "The first sentence of this section shall not apply to any employee of the Federal Aviation Administration who is paid premium pay under section 5546a of this title.".

(f) Section 8339(e) of title 5, United States Code, is amended by inserting before the period "unless such employee has received, pursuant to section 8342 of this title, payment of the lump-sum credit attributable to deductions under section 8334(a) of this title during any period of employment as an air traffic controller and such employee has not deposited in the Fund the amount received, with interest, pursuant to section 8334(d) of this title".

(g) Section 8344 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Subject to paragraph (2) of this subsection, subsections (a), (b), (c), and (d) of this section shall not apply to any annuitant receiving an annuity from the Fund while such annuitant is employed, during any period described in section 5532(f)(2) of this title or any portion thereof, under the administrative authority of the Administrator, Federal Aviation Administration, to perform duties in the operation of the air traffic control system or to train other individuals to perform such duties.

"(2) Paragraph (1) of this subsection shall apply only in the case of any annuitant receiving an annuity from the Fund who, before August 3, 1981, applied for retirement or separated from the service while being entitled to an annuity under this chapter.".

(h)(1) The amendments made by subsections 152(b), (c), (e), and (g) of this joint resolution shall take effect at 5 o'clock ante meridian eastern daylight time, August 3, 1981.

(2) The amendments made by subsection 152(a) and subsection 152(d) of this joint resolution shall take effect on the first day of the first applicable pay period beginning after the date of the enactment of this joint resolution.

(3) The amendment made by subsection 152(f) of this joint resolution shall take effect on the date of the enactment of this joint resolution.

SEC. 152. Notwithstanding any other provision of this joint resolution, there is appropriated $190,000, to remain available until expended, for necessary expenses to carry out section 301 of the Native Hawaiians Study Commission Act, Public Law 96-565.

$190,000

SEC. 153. Title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.) is amended by adding after section 625 the following new section:

"SEC. 626. (a) In order to monitor and enforce export measures required by a foreign government or customs union, pursuant to an international arrangement with the United States, the Secretary of the Treasury may, upon receipt of a request by the President of the United States and by a foreign government or customs union, require the presentation of a valid export license or other documents issued by such foreign government or customs union as a condition for entry into the United States of steel mill products specified in the request. The Secretary may provide by regulation for the terms and conditions under which such merchandise attempted to be entered without an accompanying valid export license or other documents may be denied entry into the United States.

"(b) This section applies only to requests received by the Secretary of the Treasury prior to January 1, 1983, and for the duration of the arrangements.".

SEC. 154. (a) Subpart J of part I of schedule 5 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 522.51 the following new item:

"	522.53	Steam..............................	Free		Free	".

(b) The amendment made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date which is fifteen days after the date of enactment of this joint resolution.

SEC. 155. For the purposes of the Immigration and Nationality Act, Tessie and Enrique Marfori shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this joint resolution, upon payment of the required visa fee. Upon the granting of permanent residence to such aliens as provided for in this joint resolution, the Secretary of State shall instruct the proper officer to reduce by the required number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

SEC. 156. Notwithstanding any other provision of this joint resolution, there is appropriated $518,000,000, to remain available until expended, for Department of Transportation Interstate Transfer grants—Highways, and $365,000,000, to remain available until expended, for Department of Transportation Interstate Transfer grants—Transit: *Provided*, That allocations of these funds shall be distributed in accordance with House Report 97-783 or Senate Report 97-567, whichever is higher.

$518,000,000

365,000,000

[Total, Department of Transportation, $883,000,000.]

SEC. 157-158. Since the United States Congress established the Social Security system in 1935 to provide for the general welfare by establishing a system of Federal old-age benefits; and

("Sense of Senate" Medicare means test)

Since Medicare was made part of the Social Security system by Act of Congress in 1965 to provide for the general welfare through a system of health benefits for the aged; and

Since medicare is an insurance program in which working Americans contribute their Social Security payroll taxes and in which the elderly and disabled pay health insurance premiums in order to receive health benefits promised under this insurance plan; and

Since proposals to limit eligibility for Medicare health benefits to lower-income persons would profoundly alter the character of health insurance for the aged and disabled by removing the insurance principle from the Medicare program.

It is the sense of the Senate that the Congress should reject any proposal to impose a "means test" on eligibility for the Medicare program or benefits provided by the Medicare program.

SEC. 159. Any amount remaining on September 30, 1982, from the contract authority and budget authority made available for use as provided in the third proviso under the heading, "Annual Contributions for Assisted Housing (Rescission)", in the Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216), shall remain available for obligation in accordance with the terms of such proviso, except that the Agreement to Enter into a Housing Assistance Payments Contract shall not be required to include a provision requiring that construction must be in progress prior to January 1, 1983: *Provided*, That none of the amounts available for obligation in accordance with the foregoing shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

SEC. 160. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 161. Section 2 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356k) is amended by striking out "October 1, 1982" and inserting in lieu thereof "the expiration of this joint resolution".

SEC. 162. Notwithstanding any other provisions of this joint resolution, except section 102, amounts which are available by section 101 for continuing activities conducted in 1982 under the Comprehensive Employment and Training Act of 1973, as amended, are hereby also made available to continue those activities under the provisions of S. 2036 as reported by the Committee of Conference.

SEC. 163. None of the funds provided in this joint resolution shall be used to implement an apportionment and staffing plan to specifically phase down the Public Health Service Commissioned Corps.

SEC. 164. Notwithstanding section 1804 of the Public Health Service Act, funds provided for the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research by the Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216) shall remain available until December 31, 1982.

(Senate Sergeant at Arms and Doorkeeper)

SEC. 165. Notwithstanding any other provision of law, effective for the calendar year ending December 31, 1982, the Sergeant at Arms and Doorkeeper of the Senate is authorized to pay, from funds available to him in the account (within the contingent fund of the Senate) for "Miscellaneous Items", the increase in the mileage tariff rates imposed, effective October 1981, by the General Services Administration for telephone service provided through its Federal Telecommunications System during such calendar year to Senators in the States they represent. If and to the extent that there has been paid, from the Official Office Expense Account of any Senator, an amount which is authorized to be paid under the preceding sentence, then the Sergeant at Arms and Doorkeeper of the Senate shall reimburse such Expense Account of such Senator by a sum equal to such amount, upon certification and documentation (consisting of appropriate data supplied by the General Services Administration) by such Senator. Payments made under this section shall be made upon vouchers approved by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 166. None of the funds appropriated under this joint resolution or any other provisions of law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government.

SEC. 167. Section 508 of the Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new subsection:

"(e) USE OF CERTAIN APPORTIONED FUNDS FOR DISCRETIONARY PURPOSES.—(1) Subject to paragraphs (2) and (3), if the Secretary determines, based upon notice provided under section 509(e), or otherwise that any of the amounts apportioned under section 507(a) will not be obligated during a fiscal year, the Secretary may obligate during such fiscal year an amount equal to such amounts at his discretion for any of the purposes for which funds are made available under section 505.

"(2) The Secretary may make obligations in accordance with paragraph (1) only if the Secretary determines that the total of obligations for such fiscal year for purposes of section 505 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that sufficient amounts are authorized under section 505(a) for later fiscal years for obligation

for such apportioned amounts which were not obligated during such fiscal year and which remain available under section 508(a).

"(3) For the purposes of carrying out this subsection—

"(A) None of the funds provided in the joint resolution providing continuing appropriations for the fiscal year 1983 shall be available for the planning or execution of programs the commitments for which are in excess of $1,050,000,000 for the two fiscal years ending prior to October 1, 1983, for grants-in-aid for airport planning, noise compatibility planning and programs, and development; and

"(B) Section 506(e)(4) of this Act shall not in any manner whatsoever impair the limitation established by this paragraph."

Approved October 2, 1982.

LEGISLATIVE HISTORY—H.J. Res. 599

HOUSE REPORTS: No. 97-834 (Comm. on Appropriations) and No. 97-914 (Comm. of Conference).
SENATE REPORT No. 97-581 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Sept. 22, considered and passed House.
  Sept. 28, 29, considered and passed Senate, amended.
  Oct. 1, House agreed to conference report; concurred in certain Senate amendments, and in others with amendment.
  Oct. 1, Senate agreed to conference report; concurred in House amendments.

Grand total:		
Appropriations (net)	$1,280,788,663	
Appropriations to liquidate contract authority	*(3,743,000)*	
Total, new budget (obligational) authority, Continuing Resolution, 1983 (Public Law 97-276)		$1,280,788,663

NOTE.—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made in the foregoing act:

Department or establishment	Amount
Legislative Branch Appropriation Bill, 1982 (S. 2939)	[1] $1,335,637,000
House of Representatives	60,663
Smithsonian Institution	36,500,000
Department of Energy	242,118,000
Department of Transportation	[2] 48,400,000
Liquidation of contract authority, indefinite, 1982	*(3,743,000)*
Department of Health and Human Services	96,000,000
(Limitation on trust fund transfer)	(755,000,000)
Department of Education	9,000,000
Department of Commerce	13,555,000
Executive Office of the President	365,000
Native Hawaiians Study Commission	190,000
Department of Transportation	883,000,000
Grand total, new budget (obligational) authority, Continuing Appropriations, 1983	2,664,825,663
Less amounts for appropriation acts having separate extended bills and table VIII's in this volume:	
Legislative Branch Appropriation, 1983 (S. 2939) (see pp. 205-222 and pp. 1536-1541)	−1,335,637,000
Department of Transportation, 1983 (Public Law 97-369) (see pp. 229-250 and pp. 1543-1546)	−48,400,000
Net total, Continuing Resolution, 1983 (Public Law 97-276):	
New budget (obligational) authority	1,280,788,663
(Appropriations to liquidate contract authority, indefinite, 1982	*(3,743,000)*

---

[1] Although new budget (obligational) authority is provided in this continuing resolution (Public Law 97-276) for programs and activities in S. 2939, which was not enacted into law, a separate extended bill and table VIII for S. 2939 are included in this volume on pp. 205-222 and pp. 1536-1541. Excludes $60,663 for Payments to Families of Deceased Members excluded from S. 2939 and provided for separately in this continuing resolution (see p. 260).

[2] This amount included in totals for the Department of Transportation and Related Agencies' Appropriation Act, 1983 (Public Law 97-369) (see p. 242, this volume).

FURTHER CONTINUING APPROPRIATIONS, 1983

Public Law 97-377

97th Congress, H.J. Res. 631

December 21, 1982

[Note.—This joint resolution provides budget authority for six annual appropriation bills which were not enacted into law. These six bills are: (1) Commerce, Justice, 1983 (S. 2956); (2) Defense, 1983 (H.R. 7355); (3) Energy and Water, 1983 (H.R. 7145); (4) Foreign Assistance, 1983 (S. 3075); (5) Labor—HHS, 1983 (H.R. 7205); and (6) Treasury, Postal Service, 1983 (H.R. 7158). Although budget authority for these bills is provided in this joint resolution, a separate modified bill and table VIII for each are included where they would normally appear in this volume.]

JOINT RESOLUTION

Making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1983, and for other purposes, namely:

TITLE I

FURTHER CONTINUING APPROPRIATIONS ACT, 1983

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1982 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

Treasury, Postal Service, and General Government Appropriation Act, 1983.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed the House as of December 17, 1982, is different from that which would be available or granted under such Act as passed by the Senate as of December 17, 1982, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That where an item is included in only one version of an Act as passed by both Houses as of December [1]$10,876,737,000
17, 1982, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations of the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1982: *Provided further,* That for the purposes of this joint resolution, when an Act listed in this subsection has been

---

[1] Total amount appropriated for Treasury, Postal Service, and General Government Appropriations Act, 1983 (H.R. 7158). See the table VIII on pp. 1547-1549 for further information.

reported to the House or the Senate but not passed by that House as of December 17, 1982, it shall be deemed as having been passed by that House.

(4) Whenever an Act listed in this subsection has been passed by only the House as of December 17, 1982, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, but at a rate for operations of the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1982.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1982, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b)(1) Such amounts as may be necessary for continuing the
activities of the Foreign Assistance Appropriations Act of 1982, [1]$1,257,755,000
Public Law 97-121, under the terms and conditions, and at the rate,
provided for in the Act, notwithstanding section 10 of Public Law [1]*250,000,000*
91-672, and section 15(a) of the State Department Basic Authorities *(limitation on*
Act of 1956, or any other provision of law or section 102 of this joint *guaranteed*
resolution: *Provided,* That amounts allocated to each country under *loans)*
this paragraph shall not exceed those provided in fiscal year 1982
and new country programs shall not be initiated unless submitted
through the regular reprograming procedures of the Committees on
Appropriations: *Provided further,* That notwithstanding the provi-
sions of this paragraph making amounts available or otherwise
providing for levels of program authority, the following amounts
only shall be available and the following levels of authority only
shall be provided for the following accounts or under the following
headings: $284,100,437 for payment to the "Inter-American Develop- 284,100,437
ment Bank" and not to exceed $828,137,742 in callable capital *828,137,742*
subscriptions; $126,041,553 for payment to the "International Bank *(callable*
for Reconstruction and Development" and not to exceed *capital)*
$1,530,275,913 in callable capital subscriptions; $700,000,000 for pay- 126,041,553
ment to the "International Development Association"; $131,882,575 *1,530,275,913*
for payment to the "Asian Development Bank" and not to exceed *(callable*
$2,243,811 in callable capital subscriptions; $50,000,000 for payment *capital)*
to the "African Development Fund"; $249,002,000 for "International 700,000,000
Organizations and Programs"; including the provisions of section 131,882,575
103(g) of the Foreign Assistance Act of 1961, except that such funds *2,243,811*
shall be made available only in accordance with the Joint Explana- *(callable*
tory Statement of the Committee of Conference accompanying the *capital)*
conference report on this joint resolution (H.J. Res. 631); 50,000,000
$140,288,000 for "Energy and selected development activities, Devel- 249,002,000
opment Assistance"; $25,000,000 for "International disaster assist- 140,288,000
ance"; $93,757,000 for "Sahel development program", of which not 25,000,000
less than $2,000,000 shall be available only for the African Develop- 93,757,000
ment Foundation; $35,403,000 for "Payment to the Foreign Service [2]*2,000,000*
Retirement and Disability Fund"; $1,700,000 in foreign currencies 35,403,000
for "Overseas training and special development activities (foreign *1,700,000*
currency program)"; $2,576,000,000 for the "Economic Support *(foreign*
Fund" (without applying prior year earmarking of funds for Sudan *currency)*
and Poland), of which not less than $785,000,000 shall be available 2,576,000,000
for Israel and not less than $750,000,000 shall be available for Egypt;
$31,100,000 for "Peacekeeping operations"; $335,000,000 for "Operat- 335,000,000
ing expenses of the Agency for International Development"; 10,500,000
$10,500,000 for "Trade and development"; $109,000,000 for the 109,000,000
"Peace Corps", $395,000,000 for "Migration and Refugee Assistance" 395,000,000

---

[1] Reflects budget authority for nine accounts funded under section 101(b)(1) of Public Law 97-377, Further Continuing Appropriations, 1983, at levels provided for in the Foreign Assistance Appropriations Act, 1982 (Public Law 97-121). These accounts are identified in footnote 2 of the table VIII for the Foreign Assistance and Related Programs Appropriations Act, 1983 (see pp. 1516-1519 this volume.)

[2] African Development Foundation.

(without applying prior year earmarking of funds); $290,000,000 for $290,000,000
necessary expenses to carry out the provisions of section 503 of the
Foreign Assistance Act of 1961 and the provisions of title I of
S. 2608, as reported, of which not less than $110,000,000 shall be
available for Turkey, not less than $37,500,000 shall be available for
Portugal, and not less than $25,000,000 shall be available for
Morocco; $45,000,000 for "International Military Education and 45,000,000
Training"; $1,175,000,000 for necessary expenses to carry out sec- 1,175,000,000
tions 23 and 24 of the Arms Export Control Act and the provisions of
title I of S. 2608, as reported, of which not less than $750,000,000
shall be allocated to Israel ($1,700,000,000 of the amount provided
for the total aggregate credit sale ceiling during the current fiscal
year shall be allocated only to Israel) and not less than $425,000,000
shall be allocated to Egypt; $3,638,000,000 of contingent liability (of *3,638,000,000*
which not less than $290,000,000 shall be available for Turkey, not *(limitation on*
less than $52,500,000 shall be available for Portugal, not less than *guaranteed*
$75,000,000 shall be available for Morocco, and not less than *loans)*
$400,000,000 shall be available for Spain) for total commitments to
guarantee loans under "Foreign Military Credit Sales"; not to
exceed $125,000,000 are authorized to be made available for the *125,000,000*
"Special Defense Acquisition Fund"; and not to exceed [1]3,118,000,000
$4,400,000,000 of gross obligations for the principal amount of direct *4,400,000,000*
loans and $9,000,000,000 of total commitments to guarantee loans *(limitation on*
under "Export-Import Bank of the United States": *Provided further,* *direct loans)*
That none of the funds available under this paragraph may be made *9,000,000,000*
available for payment to the "International Finance Corporation": *(limitation on*
Provided further, That in addition to the funds made available *guaranteed*
under this paragraph for the "Economic Support Fund" $85,000,000 *loans)*
is available for the "Economic Support Fund" to be transferred to [2]85,000,000
the Agency for International Development for economic development assistance projects, under the terms and conditions of sections 103 through 106 of the Foreign Assistance Act of 1961, such projects to be approved through the established reprograming processes of the Appropriations Committee of the House of Representatives and of the Senate, except that none of the funds provided herein shall be available for nondevelopment activities including balance of payments support, commodity imports, sector loans, and program loans: *Provided further,* That notwithstanding any other provision of this joint resolution or any other Act, $5,500,000 of the funds provided for Honduras under the authority of this joint resolution shall not be made available until that country meets the final terms of the binding arbitration award established by the Inter-American Commercial Arbitration Commission as regards Construction Aggregates Corporation.

(2) Notwithstanding section 102 of this joint resolution, chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 128. TARGETING ASSISTANCE FOR THOSE LIVING IN ABSOLUTE POVERTY.—In carrying out this chapter, the President in fiscal year 1983, shall attempt to use not less than 40 per centum of the funds made available to carry out this chapter to finance productive facilities, goods, and services which will expeditiously and directly benefit those living in absolute poverty (as determined under the standards for absolute poverty adopted by the International Bank for Reconstruction and Development and the International Development Association). Such facilities, goods, and services may include, for example, irrigation facilities, extension services, credit for small farmers, roads, safe drinking water supplies, and health services. Such facilities, goods, and services may not include studies, reports, technical advice, consulting services, or any other items unless (A) they are used primarily by those living in absolute poverty themselves, or (B) they constitute research which produces or aims to produce techniques, seeds, or other items to be primarily used by those living in absolute poverty. Research shall not consititue * the major part of such facilities, goods, and services.": *Provided further*, That within six months after the date of approval of this joint resolution, the Administrator of the Agency for International Development shall report to Congress on the implementation of this provision, the types of projects determined to meet these requirements, and the effect on the overall United States foreign assistance program.

---

[1] Reflects new budget (obligational) authority corresponding to an Export-Import Bank direct loan level of $4.4 billion, subject to technical re-estimation.

[2] The total appropriation for the Economic Support Fund is $2,661,000,000; the sums of $2,576,000,000 and $85,000,000 to be transferred to AID.

[Total, Foreign Assistance:

[New budget (obligational) authority	*$11,231,729,565.]*
[Limitation on callable capital	*2,360,657,466.]*
[Limitation on guaranteed loans	*12,888,000,000.]*
[Foreign Currency Program	*1,700,000.]*

(c) Notwithstanding any other provision of this joint resolution, such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriation Act, 1983, at a rate of operations and to the extent and in the manner provided, to be effective as if it had been enacted into law as the regular appropriation Act, as follows:

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1983, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; $14,454,848,000. $14,454,848,000

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; $10,537,408,000. 10,537,408,000

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); $3,293,277,000. $3,293,277,000

---

*Misspelling as printed in slip copy of Public Law 97-377 (96 Stat. 1833). Should be "constitute".

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; $12,099,850,000. 12,099,850,000

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $1,247,250,000. 1,247,250,000

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or personnel while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $657,125,000. 657,125,000

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $170,900,000. 170,900,000

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $358,925,000. 358,925,000

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $1,698,800,000. $1,698,800,000

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $548,425,000. 548,425,000

[Total, title I, Military Personnel, $45,066,808,000.]

TITLE II

RETIRED MILITARY PERSONNEL

Retired Pay, Defense

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and Air Force, including the reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve, and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code; $16,154,800,000. 16,154,800,000

TITLE III

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $7,310,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $15,847,425,000, of which not less than $1,240,000,000 shall be available only for the maintenance of real property facilities. 15,847,425,000

Army Stock Fund

For the Army stock fund; $221,138,000. 221,138,000

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $2,620,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $21,079,712,000, of which not less than $657,000,000 shall be available only for the maintenance of real property facilities: *Provided*, That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than $2,887,000,000 shall be available for the performance of such work in Navy shipyards: *Provided further*, That funds herein provided shall be available for payments in support of the LEASAT program in accordance with the terms of the Aide Memoire, dated January 5, 1981. $21,079,712,000

Navy Stock Fund

For the Navy stock fund; $354,372,000. 354,372,000

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $1,481,671,000, of which not less than $218,000,000 shall be available only for the maintenance of real property facilities. 1,481,671,000

Marine Corps Stock Fund

For the Marine Corps stock fund; $11,812,000. 11,812,000

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, including the lease and associated maintenance of replacement aircraft for the CT-39 aircraft to the same extent and manner as authorized for service contracts by section 2306(g), title 10, United States Code; and not to exceed $4,490,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $16,915,766,000, of which not less than $1,100,000,000 shall be available only for the maintenance of real property facilities. 16,915,766,000

Air Force Stock Fund

For the Air Force stock fund; $161,600,000. 161,600,000

Operation and Maintenance, Defense Agencies

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $5,715,778,000: *Provided*, That not to exceed $7,890,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That not less than $80,000,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities. 5,715,778,000

Defense Stock Fund

For the Defense stock fund; $160,500,000. 160,500,000

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $705,584,000, of which not less than $35,000,000 shall be available only for the maintenance of real property facilities. $705,584,000

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $637,507,000, of which not less than $25,000,000 shall be available only for the maintenance of real property facilities. 637,507,000

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $51,094,000, of which not less than $1,000,000 shall be available only for the maintenance of real property facilities. 51,094,000

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $765,735,000, of which not less than $17,500,000 shall be available only for the maintenance of real property facilities. 765,735,000

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $1,195,067,000, of which not less than $35,000,000 shall be available only for the maintenance of real property facilities. 1,195,067,000

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; $1,822,603,000, of which not less than $35,000,000 shall be available only for the maintenance of real property facilities. $1,822,603,000

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; $875,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed $680,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311: *Provided*, That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313. 875,000

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; $147,500,000. 147,500,000

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $3,271,000, and not to exceed $1,500 can be used for official representation purposes. 3,271,000

[Total, title III, Operation and Maintenance, $67,279,010,000.]

TITLE IV

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,506,572,000, of which $10,000,000 shall be available only for procurement of C-12 cargo aircraft for the Army National Guard, to remain available for obligation until September 30, 1985: *Provided,* That notwithstanding any other provision of this Act, after the head of the agency concerned gives written notification of a proposed multiyear contract for the CH-47D Helicopter Modernization Program to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives, such contract may not then be awarded until the end of a period of 45 days beginning on the date of such notification. $2,506,572,000

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,287,000,000, of which $422,100,000 shall be available only for purchase of the Multiple Launch Rocket System under a multiyear contract, to remain available for obligation until September 30, 1985. 2,287,000,000

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes;

$4,551,946,000, and in addition, $198,200,000, of which $67,000,000 shall be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1981/1983", and $131,200,000 shall be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1982/1984", to remain available for obligation until September 30, 1985.

$4,551,946,000
198,200,000
(by transfer)

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2673, title 10, United States Code, and the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,122,394,000, to remain available for obligation until September 30, 1985.

2,122,394,000

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support (including not to exceed 7 vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle), and nontracked combat vehicles; the purchase of not to exceed two thousand and twenty-five passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $4,123,404,000, to remain available for obligation until September 30, 1985.

4,123,404,000

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $10,416,107,000, of which $267,800,000 shall be available only for purchase of C-2 aircraft under a multiyear contract, to remain available for obligation until September 30, 1985: *Provided,* That none of the funds appropriated or made available pursuant to this paragraph for the F/A-18 aircraft program may be obligated or expended until the Secretary of the Navy submits to the

10,416,107,000

Committees on Appropriations of the House of Representatives and the Senate a certified plan to incorporate a United States manufactured ejection seat system in F/A-18 aircraft purchased with fiscal year 1983 and future funds: *Provided further*, That none of the funds appropriated or made available pursuant to this paragraph for F/A-18 advance procurement may be obligated or expended for any of those aircraft scheduled to replace Navy attack mission aircraft squadrons until such time as the Secretary of Defense certifies, in writing, that the A-18 version of the aircraft meets the originally established attack mission requirements, goals, and specifications.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,561,700,000, of which $124,700,000 shall be available only for the purchase of Mark-46 torpedoes under a multiyear contract, to remain available for obligation until September 30, 1985, distributed as follows: For missile programs, $2,844,200,000; for the MK-48 torpedo program, $119,300,000; for the MK-46 torpedo program, $124,700,000; for the MK-60 torpedo program, $133,200,000; for the MK-30 mobile target program, $19,400,000; for the MK-38 minimobile target program, $2,300,000; for the antisubmarine rocket (ASROC) program, $10,100,000; for modification of torpedoes, $76,500,000; for the torpedo support equipment program, $66,900,000; for the MK-15 close in weapons system program, $118,740,000; for the MK-75 76-millimeter gun mount program, $10,700,000; for the MK-19 gun mount program, $400,000; for the 20-millimeter gun mount program, $400,000; for the modification of guns and gun mounts, $19,700,000; for the guns and gun mounts support equipment program, $17,460,000; and reductions of $1,100,000 for consultants, studies and analyses, and $1,200,000 for personnel security clearances.

$3,561,700,000

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended, as follows: for the Trident submarine program, $1,462,600,000; for Trident submarine program advance procurement, $81,300,000; for the CVN aircraft carrier program, $6,559,500,000, to be available for construction only under a firm, fixed price type contract; for the SSN-688 nuclear attack submarine program, $1,420,200,000; for the reactivation of the U.S.S. Iowa, $300,800,000; for the aircraft carrier service life extension program, $699,500,000; for the CG-47 AEGIS cruiser program, $2,901,700,000; for the LSD-41 landing ship dock program, $415,600,000; for the FFG guided missile frigate program, $646,300,000, of which not less than $40,000,000 shall be available only for an X-band phased array radar, and in addition, $35,000,000 shall be derived by transfer from the "FFG guided missile frigate program" of "Shipbuilding and Conversion, Navy, 1982/1986"; for the T-AO fleet oiler ship program, $173,000,000; for the MCM mine countermeasures ship program, $100,000,000; for the ARS salvage ship program, $50,000,000; for the T-AKRX fast logistics ship program, $44,000,000; for the T-AHX hospital ship program, $300,000,000, however, none of these funds may be obligated or expended until such time as the Department of the Navy provides a budget quality cost estimate, based upon a completed contract design which supports the original hospital ship requirements as presented to the Congress; for the LHD-1 amphibious assault ship program, $55,000,000; for craft, outfitting, post delivery, cost growth, and escalation on prior year programs, $907,900,000; and reductions in the amounts, as follows: $5,900,000 for personnel security clearances; $34,800,000 for consultant, studies and analyses; in all: $16,976,700,000, and in addition, $35,000,000 to be derived by transfer, to remain available for obligation until September 30, 1987: *Provided*, That of the appropriation for "Shipbuilding and Conversion, Navy," that expired for obligation on September 30, 1982, $176,200,000 shall remain available for obligation until September 30, 1984: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

$16,076,700,000
35,000,000
(by transfer)
176,200,000
(reappropriation)

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed three hundred and twenty-four passenger motor vehicles of which two hundred and ninety-two shall be for replacement only (including not to exceed 2 vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle); expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,727,075,000, to remain available for obligation until September 30, 1985, distributed as follows: For ship support equipment, $543,689,000; for communications and electronics equipment, $1,481,798,000; for aviation support equipment, $552,636,000; for ordnance support equipment, $667,456,000; for civil engineering support equipment, $172,837,000; for supply support equipment, $81,224,000; and for personnel/command support equipment, $227,435,000.

3,727,075,000

Procurement, Marine Corps

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and vehicles for the Marine Corps, including purchase of not to exceed one hundred and forty-three passenger motor vehicles for replacement only; $2,008,083,000, of which

2,008,083,000

$6,779,000 may not be obligated or expended for procurement of the 81mm SMAW Assault Rocket Launcher and ammunition until the Secretary of Defense certifies to the Committees on Appropriations of the House of Representatives and the Senate that all technical and operational requirements have been demonstrated and that no other weapon is available to fulfill those requirements, to remain available for obligation until September 30, 1985.

Aircraft Procurement, Air Force

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $17,658,500,000, of which $186,100,000 shall be available for contribution of the United States share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States share of contingent liability in connection with the NATO E-3A Cooperative Programme; of which $71,300,000 shall be available only for the procurement of B-707 aircraft to provide for engines and parts to reengine KC-135 aircraft; and of which $94,800,000 and, in addition, $50,000,000 to be derived by transfer from "Aircraft procurement, Air Force, 1982/1984", shall be available only for procurement of commercial wide body cargo aircraft; of which $795,000,000 shall be available only for purchase of KC-10 aircraft under a multiyear contract, and in addition, $120,000,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1982/1984", and shall be available only for the purchase of KC-10 aircraft under a multiyear contract, notwithstanding the provisions of the language contained in the Supplemental Appropriations Act, 1982; to remain available for obligation until September 30, 1985.

$17,658,500,000

50,000,000
(by transfer)

120,000,000
(by transfer)

Missile Procurement, Air Force

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $4,941,100,000, of which $102,000,000 shall be available to

4,941,100,000

initiate multi-year contracting for the global positioning system, and in addition, $15,000,000 shall be derived by transfer from "Missile Procurement, Air Force, 1982/1984", to remain available for obligation until September 30, 1985.

$15,000,000
(by transfer)

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand three hundred and fifty-nine passenger motor vehicles of which eight hundred and eighty-five shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; $5,563,777,000, and in addition, $4,963,000, which shall be derived by transfer from "Other Procurement, Air Force, 1982/1984", to remain available for obligation until September 30, 1985.

5,563,777,000
4,963,000
(by transfer)

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, other weapons, and other procurement for the reserve components of the Armed Forces, not to exceed $125,000,000, to remain available until September 30, 1985, distributed as follows: Army National Guard, not to exceed $50,000,000; Air National Guard, not to exceed $15,000,000; Army Reserve, not to exceed $15,000,000; Naval Reserve, not to exceed $15,000,000; Marine Corps Reserve, not to exceed $15,000,000; Air Force Reserve, not to exceed $15,000,000.

125,000,000

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand one hundred and thirty-nine passenger motor vehicles of which three hundred and forty-five shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; $828,145,000, to remain available for obligation until September 30, 1985.

828,145,000

[Total, title IV, Procurement:

[New budget (obligational) authority	[1] *$80,287,703,000.]*
[Appropriations	[1] *80,111,503,000.]*
[Reappropriations	*176,200,000.]*
[By transfer	*423,163,000.]*

---

[1] Reflects a reduction of $386,000,000 as specified in Sec. 790 on pp. 308–309.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, Development, Test, and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $3,879,683,000, to remain available for obligation until September 30, 1984. $3,879,683,000

Research, Development, Test, and Evaluation, Navy

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $5,965,751,000, of which not less than $15,000,000 shall be available only for the phased array radar improvement program for the Mark 92 fire control system, to remain available for obligation until September 30, 1984: *Provided,* That none of the funds appropriated or made available pursuant to this paragraph for the development of the Undergraduate Flight Training System (VTX-TS) may be obligated or expended until the Secretary of the Navy submits to the Committees on Appropriations of the House of Representatives and the Senate a certified plan to incorporate a United States manufactured ejection seat system in the new Undergraduate Flight Trainer Aircraft. 5,965,751,000

Research, Development, Test, and Evaluation, Air Force

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $10,650,661,000, to remain available for obligation until September 30, 1984: *Provided,* That none of the funds appropriated in this Act may be obligated or expended to initiate full scale engineering development of a basing mode for the MX missile, until such basing mode is approved by both Houses of Congress in a concurrent resolution, as specified in subsection (1) hereof. 10,650,661,000

(1) For the purposes of this section, the term "concurrent resolution" means only a resolution introduced in either House of Congress, the matter after the resolving clause of which is as follows: "That the approves the obligation and expenditure of funds appropriated in Public Law for MX missile procurement and full-scale engineering development of a basing mode for the MX misssile," the first blank space therein being filled with the name of the resolving House, and the second blank space being filled with the public law number of this statute. It shall not be in order to introduce any such resolution prior to the receipt by the Congress of the report of the President required under subsection (7).

(2) A resolution in the Senate shall be referred to the Committee on Appropriations of the Senate. A resolution in the House of Representatives shall be referred to the Committee on Appropriations of the House of Representatives.

(3) If the committee to which is referred the first resolution introduced in the Senate or the House, as the case may be, expressing approval of the obligation and expenditure of funds referred to in this subsection has not reported the resolution at the end of 45 calendar days after the introduction of a resolution pursuant to subsection (1) hereof, such committee shall be automatically dis-

charged from further consideration of the resolution and the resolution shall be placed on the calendar of the Senate, in the case of a resolution of the Senate, or the Union calendar, in the case of a resolution of the House of Representatives.

(4) When the committee has reported a resolution or been discharged under subsection (3) hereof it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged in the House and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(5)(A) Debate on the resolution shall be limited to not more than fifty hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(B) Motions to postpone and motions to proceed to the consideration of other business shall be decided without debate.

(C) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(6) Subsections (1) through (5) are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described in subsection (1), and they supercede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(7)(A) The President shall submit a report to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives, not earlier than March 1, 1983, containing:

(i) a detailed technical assessment of the closely spaced basing system transmitted by the President to Congress on November 22, 1982 or such modifications thereto as the President determines to be advisable;

(ii) a detailed technical assessment of other MX basing systems that might serve as alternatives to the closely spaced basing system transmitted by the President to Congress on November 22, 1982;

(iii) a detailed technical assessment of different types of intercontinental ballistic missiles that might serve as alternatives to the MX missile; and

(iv) a comparative detailed technical assessment of alternative programs including acceleration of the Trident II program to provide target coverage equivalent to that of the MX missile system, enhancements and improvements to the Minuteman missile force, and development and deployment of a land-based missile system in deep underground basing, multiple protective shelters and closely spaced basing incorporating mobility and deception, a road mobile missile smaller than the MX and a common missile for land and sea deployment.

(v) a reaffirmation by the President of his selection of the MX missile basing plan transmitted to Congress on November 22, 1982 or a proposal for an alternative basing plan.

(B) The President shall also include in the report submitted pursuant to paragraph (A) an assessment of the military capability of each alternative system or missile; an assessment of the survivability of each such system or missile against current and projected Soviet threats; an assessment of the projected cost of each such system or missile and possible upgrades thereof; an assessment of the impact each such system or missile might have on present and future arms control negotiations; an assessment of the geographic, geological, and other qualifications a site for each such system or missile would likely require; an assessment of the environmental impact each such system or missile would likely have; and the identification of possible sites for each such system or missile.

(C) The report required under this subsection shall not be subject to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, relating to environmental impact statements. *Provided further*, That notwithstanding any other provision of this Act, no initial flight test of the MX missile may be conducted until after both Houses of the Congress have agreed, in accordance with the provisions of subsections (1) through (5) of the preceding proviso, to a concurrent resolution approving the obligation and expenditure of funds for full-scale engineering development of a basing mode for such missile.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $2,153,189,000, to remain available for obligation until September 30, 1984: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred. $2,153,189,000

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; $55,000,000, to remain available for obligation until September 30, 1984. 55,000,000

[Total, title V, Research, Development, Test and Evaluation, $22,704,284,000.]

TITLE VI

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; $3,800,000, to remain available for obligation until September 30, 1984: *Provided,* That this appropriation shall be available in addition to other appropriations to such Department, for payments in the foregoing currencies. $3,800,000

TITLE VII

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 701. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 702. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 703. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided,* That such contracts may be renewed annually.

SEC. 704. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

SEC. 705. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement to General Services Administration for security guard services for protection of confidential files; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act.

SEC. 706. Any appropriation available to the Army, Navy, or Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

SEC. 707. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land or interest therein as authorized by section 2672 or 2675 of title 10, United States Code.

SEC. 708. Appropriations for the Department of Defense for the current fiscal year shall be available (a) for transportation to primary and secondary schools of minor dependents of military and civilian personnel of the Department of Defense as authorized for the Navy by section 7204 of title 10, United States Code; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of title 43, United States Code, section 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property, including maintenance thereof when contracted for as a part of the lease agreement, for twelve months beginning at any time during the fiscal year; (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended; (l) the purchase of right-hand-drive vehicles not to exceed $12,000 per vehicle; (m) for payment of unusual cost overruns incident to ship overhaul, maintenance, and repair for ships inducted into industrial fund activities or contracted for in prior fiscal years: *Provided*, That the Secretary of Defense shall notify the Congress promptly prior to obligation of any such payments; (n) for payments from annual appropriations to industrial fund activities and/or under contract for changes in scope of ship overhaul, maintenance, and repair after expiration of such appropriations, for such work either inducted into the industrial fund activity or contracted for in that fiscal year; and (o) for payments for depot maintenance contracts for twelve months beginning at any time during the fiscal year.

SEC. 709. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed $25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin American cooperation as authorized for the Navy by law (10 U.S.C. 7208); (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed $75 in any one case; (k) for carrying out section 10 of the Act of September 23, 1950, as amended; and (l) providing, without reimbursement, not to exceed $50,000,000 to procure secure communications systems, equipment and related items throughout the United States Government.

SEC. 710. The Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American small and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the resources and number of personnel jointly assigned to promoting both small and minority business involvement in purchases financed with funds appropriated herein, and by making available or causing to be made available to such businesses, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting small and minority business concerns to participate equitably as subcontractors on contracts financed with funds appropriated herein, and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

SEC. 711. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 712. During the current fiscal year no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap bailing or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

SEC. 713. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

SEC. 714. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the

Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenues from sales of commissary stores to make such reimbursement: *Provided,* That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further,* That no appropriation contained in this Act shall be available to pay any costs incurred by any commissary store or other entity acting on behalf of any commissary store in connection with obtaining the face value amount of manufacturer or vendor cents-off discount coupons unless all fees or moneys received for handling or processing such coupons are reimbursed to the appropriation charged with the incurred costs: *Provided further,* That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

SEC. 715. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

SEC. 716. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

SEC. 717. Vessels under the jurisdiction of the Department of Commerce, the Department of Transportation, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

SEC. 718. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided,* That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

SEC. 719. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

SEC. 720. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the Service concerned.

SEC. 721. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses of off-duty training of military personnel (except with regard to such charges of educational institutions (a) for enlisted personnel in the pay grade E–5 or higher with less than 14 years' service, for which payment of 90 per centum may be made or (b) for military personnel in off-duty high school completion programs, for which payment of 100 per centum may be made), nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training: *Provided*, That the foregoing limitation shall not apply to the Program for Afloat College Education.

SEC. 722. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

SEC. 723. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing in this section shall preclude the procurement of foreign produced specialty metals used in the production or manufacture of weapons or weapons systems made outside the United States, except those specialty metals which contain nickel from Cuba, or the procurement of chemical warfare protective clothing produced outside the United States, if such procurement is necessary to comply with agreements with foreign governments: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further,* That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed $4,000,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations: *Provided further,* That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 2.2 per centum: *Provided further,* That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 724. None of the funds appropriated by this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

SEC. 725. None of the funds appropriated by this Act may be obligated under section 206 of title 37, United States Code, for inactive duty training pay of a member of the National Guard or a member of a reserve component of a uniformed service for more than four periods of equivalent training, instruction, duty or appropriate duties that are performed instead of that member's regular period of instruction or regular period appropriate duty.

SEC. 726. Appropriations contained in this Act shall be available for the purchase of household furnishings, and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

SEC. 727. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

SEC. 728. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed $9,100,000 for the current fiscal year: *Provided,* That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

SEC. 729. Of the funds made available by this Act for the services of the Military Airlift Command, $100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided,* That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil reserve air fleet.

SEC. 730. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed $40 in cost for enlisted personnel: (1) discharged for misconduct, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; or (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

SEC. 731. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by the contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

$1,200,000,000 (transfer authority)

SEC. 732. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $1,200,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

SEC. 733. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided,* That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 734. Not more than $217,600,000 of the funds appropriated by this Act shall be made available for payment to the Federal Employees Compensation Fund, as established by 5 U.S.C. 8147.

SEC. 735. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

SEC. 736. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

SEC. 737. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects: *Provided*, That this limitation shall not apply to measures intended to be beneficial to the recipient and consent is obtained from the recipient or a legal representative acting on the recipient's behalf.

SEC. 738. Appropriations for the current fiscal year for operation and maintenance of the active forces shall be available for medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment); welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public and private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions.

SEC. 739. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 740. No funds appropriated by this Act shall be available to pay claims for nonemergency inpatient hospital care provided under the Civilian Health and Medical Program of the Uniformed Services for services available at a facility of the uniformed services within a 40-mile radius of the patient's residence: *Provided*, That the foregoing limitation shall not apply to payments that supplement primary coverage provided by other insurance plans or programs that pay for at least 75 per centum of the covered services.

SEC. 741. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions of section 1079(a) of title 10, United States Code, shall be available for (a) services of pastoral counselors, or family and child counselors, or marital counselors unless the patient has been referred to such counselor by a medical doctor for treatment of a specific problem with results of that treatment to be communicated back to the physician who made such referral; (b) special education, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis; (c) therapy or counseling for sexual dysfunctions or sexual inadequacies; (d) treatment of obesity when obesity is the sole or major condition treated; (e) surgery which improves physical appearance but which is not expected to significantly restore functions including, but not limited to, mammary augmentation, face lifts and sex gender changes except that breast reconstructive surgery following mastectomy and reconstructive surgery to correct serious deformities caused by congenital anomalies, accidental injuries and neoplastic surgery are not excluded; (f) reimbursement of any physician or other authorized individual provider of medical care in excess of the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code; or (g) any service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, optometrist, podiatrist, certified nurse-midwife, certified nurse practitioner, or certified clinical social worker, as appropriate, except as authorized by section 1079(a)(4) of title 10, United States Code:

Provided, That any changes in availability of funds for the Program made in this Act from those in effect prior to its enactment shall be effective for care received following enactment of this Act.

SEC. 742. Appropriations available to the Department of Defense for the current fiscal year shall be available to provide an individual entitled to health care under chapter 55 of title 10, United States Code, with one wig if the individual has alopecia that resulted from treatment of malignant disease: *Provided*, That the individual has not previously received a wig from the Government.

SEC. 743. Funds appropriated in this Act shall be available for the appointment, pay, and support of persons appointed as cadets and midshipmen in the two-year Senior Reserve Officers' Training Corps course in excess of the 20 percent limitation on such persons imposed by section 2107(a) of title 10, United States Code, but not to exceed 60 percent of total authorized scholarships.

SEC. 744. None of the funds appropriated by this Act shall be available to pay any member of the uniformed service for unused accrued leave pursuant to section 501 of title 37, United States Code, for more than sixty days of such leave, less the number of days for which payment was previously made under section 501 after February 9, 1976.

SEC. 745. None of the funds appropriated by this Act may be used to support more than 300 enlisted aides for officers in the United States Armed Forces.

SEC. 746. No appropriation contained in this Act may be used to pay for the cost of public affairs activities of the Department of Defense in excess of $32,900,000.

SEC. 747. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1) of that Act: *Provided*, That such amounts so credited shall be deposited in the Treasury as miscellaneous receipts as provided in 31 U.S.C. 484.

SEC. 748. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1982, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided*, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further*, That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision: *Provided further*, That enrollment standards contained in Department of Defense Directive 1215.8 for Senior Reserve Officers' Training Corps units, as revised during fiscal year 1981, may be used to determine compliance with this provision, in lieu of the standards cited above.

SEC. 749. (a) None of the funds appropriated by this Act or available in any working capital fund of the Department of Defense shall be available to pay the expenses attributable to lodging of any person on official business away from his designated post of duty, or in the case of an individual described under section 5703 of title 5, United States Code, his home or regular place of duty, when adequate government quarters are available, but are not occupied by such person.

(b) The limitation set forth in subsection (a) is not applicable to employees whose duties require official travel in excess of fifty percent of the total number of the basic administrative work weeks during the current fiscal year.

SEC. 750. (a) None of the funds appropriated by this Act shall be available to pay the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, if the provisions of section 6330(d) of title 10, are utilized in determining such member's eligibility for retirement under section 6330(b) of title 10: *Provided,* That notwithstanding the foregoing, time creditable as active service for a completed minority enlistment, and an enlistment terminated within three months before the end of the term of enlistment under section 6330(d) of title 10, prior to December 31, 1977, may be utilized in determining eligibility for retirement: *Provided further,* That notwithstanding the foregoing, time may be credited as active service in determining a member's eligibility for retirement under section 6330(b) of title 10 pursuant to the provisions of the first sentence of section 6330(d) of title 10 for those members who had formally requested transfer to the Fleet Reserve or the Fleet Marine Corps Reserve on or before October 1, 1977.

(b) None of the funds appropriated by this Act shall be available to pay that portion of the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, which is attributable under the second sentence of section 6330(d) of title 10 to time which, after December 31, 1977, is not actually served by such member.

SEC. 751. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve, which shall remain available until September 30, 1984.

SEC. 752. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 753. None of the funds appropriated by this Act may be used to support more than 9,901 full-time and 2,603 part-time military personnel assigned to or used in the support of Morale, Welfare, and Recreation activities as described in Department of Defense Instruction 7000.12 and its enclosures, dated September 4, 1980.

SEC. 754. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 755. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 756. None of the funds appropriated by this Act shall be used for the provision, care or treatment to dependents of members or former members of the Armed Services or the Department of Defense for the elective correction of minor dermatological blemishes and marks or minor anatomical anomalies.

SEC. 757. None of the funds appropriated by this Act shall be available for the purchase of insignia for resale unless the sales price of such insignia is adjusted to the extent necessary to recover the cost of purchase of such insignia and the estimated cost of all related expenses, including but not limited to management, storage, handling, transportation, loss, disposal of obsolete material, and management fees paid to the military exchange systems: *Provided,* That amounts derived by the adjustment covered by the foregoing limitations may be credited to the appropriations against which the charges have been made to recover the cost of purchase and related expense.

Sec. 758. None of the funds appropriated by this Act or heretofore appropriated by any other Act shall be obligated or expended for the payment of anticipatory possession compensation claims to the Federal Republic of Germany other than claims listed in the 1973 agreement (commonly referred to as the Global Agreement) between the United States and the Federal Republic of Germany.

Sec. 759. During the current fiscal year the Department of Defense may enter into contracts to recover indebtedness to the United States pursuant to section 3 of the Federal Claims Collection Act of 1966, as codified at section 3711 of title 31, United States Code, and amended by Public Law 97-258, September 13, 1982, and any such contract entered into by the Department of Defense may provide that appropriate fees charged by the contractor under the contract to recover indebtedness may be payable from amounts collected by the contractor to the extent and under the conditions provided under the contract.

Sec. 760. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

Sec. 761. None of the funds appropriated by this Act shall be available to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: *Provided*, That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care.

Sec. 762. None of the funds appropriated by this Act shall be obligated for the second career training program authorized by Public Law 96-347.

Sec. 763. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of surplus nonautomatic firearms less than .50 caliber.

Sec. 764. During the current fiscal year, not to exceed $125,000,000 of the funds provided in this Act for the Civilian Health and Medical Program of the Uniformed Services may be used to conduct a test program in accordance with the following guidelines: In carrying out the provisions of sections 1079 and 1086 of title 10, United States Code, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, may contract with organizations that assume responsibility for the maintenance of the health of a defined population, for the purpose of experiments and demonstration projects designed to determine the relative advantages and disadvantages of providing pre-paid health benefits: *Provided*, That such projects must be designed in such a way as to determine methods of reducing the cost of health benefits provided under such sections without adversely affecting the quality of care. Except as provided otherwise, the provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086, when the Secretary of Defense determines that such a deviation would serve the purpose of this section.

Sec. 765. None of the funds in this Act shall be available to execute a multiyear contract which employs any economic order quantity procurement or which includes an unfunded contingent liability in excess of $20,000,000 unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified in advance: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for major weapons systems except as specifically provided herein.

Sec. 766. None of the funds appropriated in this or any other Act for the Department of Defense shall be available for obligation to reimburse a contractor for the cost of commercial insurance that would protect against the costs of the contractor for correction of the contractor's own defects in materials or workmanship.

Sec. 767. None of the funds appropriated by this Act which are available for payment of travel allowances for per diem in lieu of subsistence to enlisted personnel shall be used to pay such an allowance to any enlisted member in an amount that is more than the amount of per diem in lieu of subsistence that the enlisted member is otherwise entitled to receive minus the basic allowance for subsistence, or pro rata portion of such allowance, that the enlisted member is entitled to receive during any day, or portion of a day, that the enlisted member is also entitled to be paid a per diem in lieu of subsistence: *Provided*, That if an enlisted member is in a travel status and is not entitled to receive a per diem in lieu of subsistence because the member is furnished meals in a Government mess, funds available to pay the basic allowance for subsistence to such a member shall not be used to pay that allowance, or pro rata portion of that allowance, for each day, or portion of a day, that such enlisted member is furnished meals in a Government mess.

Sec. 768. Effective January 1, 1982, none of the funds appropriated by this Act shall be available to pay the retired pay or retainer pay of a member of the Armed Forces for any month who, on or after January 1, 1982, becomes entitled to retired or retainer pay, in an amount that is greater than the amount otherwise determined to be payable after such reductions as may be necessary to reflect adjusting the computation of retired pay or retainer pay that includes credit for a part of a year of service to permit credit for a part of a year of service only for such month or months actually served: *Provided*. That the foregoing limitation shall not apply to any member who before January 1, 1982: (a) applied for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve; (b) is being processed for retirement under the provisions of chapter 61 of title 10 or who is on the temporary disability retired list and thereafter retired under the provisions of sections 1210 (c) or (d) of title 10; or (c) is retired or in an inactive status and would be eligible for retired pay under the provisions of chapter 67 of title 10, but for the fact that the person is under 60 years of age.

Sec. 769. None of the funds appropriated by this Act shall be obligated under the competitive rate program of the Department of Defense for the transportation of household goods to or from Alaska and Hawaii.

Sec. 770. None of the funds appropriated by this Act shall be available to approve a request for waiver of the costs otherwise required to be recovered under the provisions of section 21(e)(1)(C) of the Arms Export Control Act unless the Committees on Appropriations have been notified in advance of the proposed waiver.

SEC. 771. So far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of Defense.

SEC. 772. Funds available to the Department of Defense during the current fiscal year shall be available to establish a program to provide child advocacy and family counseling services to deal with problems of child and spouse abuse.

SEC. 773. None of the funds appropriated by this Act shall be available for the transportation of equipment or materiel designated as Prepositioned Materiel Configured in Unit Sets (POMCUS) in Europe in excess of four division sets.

SEC. 774. (a) None of the funds in this Act may be used to transfer any article of military equipment or data related to the manufacture of such equipment to a foreign country prior to the approval in writing of such transfer by the Secretary of the military service involved.

(b) No funds appropriated by this Act may be used for the transfer of a technical data package from any Government-owned and operated defense plant manufacturing large caliber cannons to any foreign government, nor for assisting any such government in producing any defense item currently being manufactured or developed in a United States Government-owned, Government-operated defense plant manufacturing large caliber cannons.

SEC. 775. None of the funds appropriated in this Act may be made available through transfer, reprograming, or other means for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 776. Of the funds appropriated by this Act for strategic programs, the Secretary of Defense shall provide funds for the Advanced Technology Bomber program at a level at least equal to the amount provided by the committee of conference on this Act in order to maintain priority emphasis on this program.

SEC. 777. Section 766(c) of the Department of Defense Appropriation Act, 1980, is amended by adding the following to the end thereof: ": *Provided*, That this limitation shall not apply to individuals who are at the top step of the compensation schedule, and who were employed as teachers in the Panama Canal Zone on September 30, 1979. This modification shall become effective on August 1, 1982".

SEC. 778. None of the funds available to the Department of Defense during the current fiscal year shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 779. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for the payment for any service or supply for persons enrolled in any other insurance, medical service, or health plan to the extent that the service or supply is a benefit under the other plan, except in the case of those plans administered under title XIX of the Social Security Amendments of 1965 (79 Stat. 286).

SEC. 780. None of the funds available to the Department of Defense shall be available for the procurement of manual typewriters which were manufactured by facilities located within States which are Signatories to the Warsaw Pact.

SEC. 781. Notwithstanding any other provision of law, $500,000 of the funds made available by this Act for Operation and Maintenance, Army, shall be available for payment for the cost of extending utility lines to connect with the proposed West Point Jewish Chapel.

SEC. 782. None of the funds appropriated by this Act may be used to appoint or compensate more than 35 individuals in the Department of Defense in positions in the Executive Schedule (as provided in sections 5312–5316 of title 5, United States Code).

SEC. 783. None of the funds made available by this Act shall be available to pay any member of the uniformed services a variable housing allowance pursuant to section 403(a)(2) of title 37, United States Code, in an amount that is greater than the amount which would have been payable to such member if the rates of basic allowance for quarters for members of the uniformed services in effect on September 30, 1982, had been increased by 8 per centum on October 1, 1982.

SEC. 784. None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programed to be occupied by, a military technician to a position to be held by a person in an active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programed to be occupied by, military technicians of the component concerned, below the number of positions occupied by military technicians in that component on September 30, 1982.

SEC. 785. None of the funds appropriated by this Act shall be available to pay claims for inpatient mental health services provided under the Civilian Health and Medical Program of the Uniformed Services in excess of sixty days per patient per year: *Provided*, That the foregoing limitation shall not apply to inpatient mental health services (a) provided under the Program for the Handicapped; (b) provided as residential treatment care; (c) provided as partial hospital care; (d) provided to individual patients admitted prior to January 1, 1983 for so long as they remain continuously in inpatient status for medically or psychologically necessary reasons; or (e) provided pursuant to a waiver for medical or psychological necessities, granted in accordance with the findings of current peer review, as prescribed in guidelines established and promulgated by the Director, Office of Civilian Health and Medical Program of the Uniformed Services.

SEC. 786. During the current fiscal year the Department of the Air Force will transfer from aircraft assigned to the active Air Force one C-130H aircraft in good condition to the Coast Guard without reimbursement.

SEC. 787. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon. This section does not apply to security or special mission automobiles.

SEC. 788. None of the funds provided in this Act may be used to impose civilian personnel ceilings on Department of Defense industrially funded activities: *Provided*, That any increase in civilian personnel of such industrial funds in excess of the number employed on September 30, 1982, shall not be counted for the purposes of any statutory or administratively imposed civilian personnel ceiling otherwise applicable during fiscal year 1983.

SEC. 789. Appropriations or funds available to the Department of Defense during the current fiscal year may be transferred to appropriations provided in this Act for research, development, test, and evaluation to the extent necessary to meet increased pay costs authorized by or pursuant to law, to be merged with and to be available for the same purposes, and the same time period, as the appropriation to which transferred.

SEC. 790. Notwithstanding the budget authority levels provided in title IV of this Act for the procurement appropriation accounts, the sum total of such budget authority levels is hereby reduced by $386,000,000: *Provided*, That not more than $2,100,000,000 of the remaining budget authority provided in title IV of this Act and as further reduced herein for the procurement appropriation accounts may be obligated or expended to pay independent research and development and bid and proposal costs allocated to procurement contracts as items of indirect expense.

[1] *–$386,000,000 (reduction)*

SEC. 791. No later than the end of the second fiscal year following the fiscal year for which appropriations for Operation and Maintenance have been made available to the Department of Defense, unobligated balances of such appropriations provided for fiscal year 1982 and thereafter may be transferred into the appropriation "Foreign Currency Fluctuations, Defense" to be merged with and available for the same time period and the same purposes as the appropriation to which transferred: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amount in the appropriation "Foreign Currency Fluctuations, Defense" does not exceed $970,000,000 at the time such a transfer is made.

SEC. 792. During the current fiscal year, for the purposes of the appropriation "Foreign Currency Fluctuations, Defense" the foreign currency exchange rates used in preparing budget submissions shall be the foreign currency exchange rates as adjusted or modified, as reflected in applicable Committee reports on this Act.

SEC. 793. None of the funds provided in this Act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

SEC. 794. None of the funds made available by this Act shall be used in any way for the leasing to non-Federal agencies in the United States aircraft or vehicles owned or operated by the Department of Defense when suitable aircraft or vehicles are commercially available in the private sector: *Provided*, That nothing in this section shall affect authorized and established procedures for the sale of surplus aircraft or vehicles: *Provided further*, That nothing in this section shall prohibit such leasing when specifically authorized in a subsequent Act of Congress.

SEC. 795. None of the funds made available by this Act shall be available for any competition between the currently approved LANTIRN system and any other system under provisions of section 203 of Public Law 97-252.

SEC. 796. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 797. None of the funds made available in the Act or any subsequent Act shall be available for the purchase of the alternate or new model fighter aircraft engine that does not have a written warranty or guarantee attesting that it will perform not less than 3,000 tactical cycles. The warranty will provide that the manufacturer must perform the necessary improvements or replace any parts to achieve the required performance at no cost to the Government.

SEC. 798. Sections 308(g) and 308a(c) of title 37, United States Code, are amended by striking "December 17, 1982" and inserting in lieu thereof "March 31, 1983".

SEC. 799. Funds available under this Act may be used by the Department of Defense to enter into purchases of or commitments to purchase metals, minerals or other materials under section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. 2093): *Provided*, That the total funds under this Act for such purchases or commitments to purchase shall not exceed $50,000,000.

---

[1] Reflected in total of title IV on p. 291.

Sec. 799A. None of the funds made available by this Act may be used to support active United States military personnel stationed on shore in Europe at the end of fiscal year 1983 in excess of the planned number of such personnel stationed on shore in Europe at the end of fiscal year 1982 (315,600): *Provided*, That this limitation may be waived by the President upon a declaration to Congress of overriding national security requirements.

Sec. 799B. After the date of enactment of this Act, annual sales of silver from the National Defense Stockpile under the authority of Public Law 97-35, or any other Act, shall not exceed 10 per centum of the silver produced from existing domestic producing mines in the preceding 12 month period.

TITLE VIII

RELATED AGENCIES

Intelligence Community Staff

For necessary expenses of the Intelligence Community Staff; $15,856,000. $15,856,000

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $91,300,000. 91,300,000

This Act may be cited as the "Department of Defense Appropriation Act, 1983".

[Total, title VIII, Related Agencies	*$107,156,000.]*
[Total, Department of Defense and Related Agencies:	
[New budget (obligational) authority	*$231,603,561,000.]*
[Appropriations	*231,427,361,000.]*
[Reappropriations	*176,200,000.]*
[By transfer	*423,163,000.]*
[Transfer authority	*1,200,000,000.]*

(d) Such amounts as may be necessary for programs, projects, and activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1983 (S. 2956), at a rate for operations and to the extent and in the manner provided for in such Act as reported in the Senate on September 24, 1982, as if such Act had been enacted into law, except that the following appropriation items shall be at a rate for operations and to the extent and in the manner provided herein: 9,264,172,000

DEPARTMENT OF COMMERCE

General Administration

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed $2,000 for official entertainment, $31,613,000. (31,613,000)

Bureau of the Census

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs, provided for by law, $97,294,000, of which $150,000 shall be available together with $50,000 from non-Federal sources for a new combined monthly survey of men's and women's apparel, to remain available until expended. None of the funds made available to the Bureau of the Census under this Act may be expended for prosecution of any person for the failure to return 1978 Agricultural Census forms 78-A40A or 78-A40B, or 78-A40C or 78-A40D, or form 79-A9A, or form 79-A9B, or for the preparation of similar forms for any future agricultural census. ($97,294,000)

Economic and Statistical Analysis

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, $36,832,000. (36,832,000)

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $168,500,000, and in addition, $30,000,000 shall be available by transfer from the unobligated balances in the Economic Development Revolving Fund, notwithstanding section 203 of the Act of 1965: *Provided*, That during 1983 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal.

(168,500,000)
(30,000,000)
(by transfer)
(150,000,000)
(limitation on guaranteed loans)

ECONOMIC DEVELOPMENT REVOLVING FUND

(LIMITATION ON LOAN GUARANTEES)

During fiscal year 1983, total commitments to guarantee loans to steel companies shall not exceed $20,000,000 of contingent liability for loan principal.

(20,000,000)
(limitation on guaranteed loans)

International Trade Administration

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $135,200 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use abroad; $166,426,000, to remain (166,426,000) available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. During fiscal year 1983 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $12,484,000. During fiscal year 1983, total commitments to guarantee loans shall not exceed $28,250,000 of contingent liability for loan principal.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, or other agreements with public or private organizations, $48,000,000, of which $33,463,000 shall remain available until expended: *Provided,* That not to exceed $14,537,000 shall be available for program management: *Provided further,* That none of the funds appropriated in this paragraph or in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the House and Senate Appropriations Committees have approved the performance of the program, project, or activity as a central service in accordance with the policies of said Committees applicable to reprogramming of funds. ($48,000,000)

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration, as provided for by law, including employment of aliens by contract for service abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $5,000 for representation expenses abroad; $8,100,000 of which $500,000 shall be used only to provide direct financial assistance to the State of Hawaii (which has been declared as a major disaster area by the President) and that such funds: (1) shall be used to supplement and increase rather than replace funds that normally would be used to promote travel by foreign visitors to Hawaii; (2) shall be obligated or expended within 60 days of the date of enactment of this Act; and (3) shall not be used to pay the administrative costs of the United States Travel and Tourism Administration or any other unit of the Federal Government. (8,100,000)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; $850,127,000, to remain available until expended, of which so much as may become available during the current fiscal year shall be derived from the Pribilof Islands Fund, and, in addition, $22,600,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries", and $4,140,000 from repayments of principal and interest on outstanding loans in the fund entitled "Coastal Energy Impact Fund".

($850,127,000)
(22,600,000)
(by transfer)
(4,140,000)
(by transfer)

FISHERIES LOAN FUND

For expenses necessary to carry out the provisions of section 221 of the American Fisheries Promotion Act of December 22, 1980 (Public Law 96-561), there are appropriated to the Fisheries Loan Fund, $10,000,000 from receipts collected pursuant to that Act: *Provided,* That during fiscal year 1983 not to exceed $300,000 of the Fisheries Loan Fund shall be available for administrative expenses.

(10,000,000)

SCIENCE AND TECHNICAL RESEARCH

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, $117,861,000, to remain available until expended. Of the foregoing amount, not to exceed $47,816,000 is for Measurement, Research and Standards (including not to exceed $1,000,000 for "Measurement Standards for the Handicapped"); not to exceed $21,635,000 is for Engineering Measurements and Standards; not to exceed $10,000,000 is for Computer Science and Technology; not to exceed $13,557,000 is for Core Research Program for Innovation and Productivity; not to exceed $5,491,000 is for the Fire Research Center; not to exceed $6,986,000 is for Technical Competence; not to exceed $12,376,000 is for Central Technical Support; and not to exceed $6,286,000 may be transferred to the "Working Capital Fund". $700,000 is provided for a metal processing program.

(117,861,000)

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $12,667,000, to remain available until expended, of which $503,000 of prior year unobligated balances in the appropriation "Public telecommunications facilities planning and construction" shall be transferred to this appropriation.

(12,164,000)
(503,000)
(by transfer)

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

No funds in this title shall be used to sell to private interests, except with the consent of the borrower, or contract with private interests to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

[Total, Department of Commerce, $1,546,917,000.]

DEPARTMENT OF TRANSPORTATION

Maritime Administration

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, including not to exceed $2,500 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed $2,500 for representation allowances; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; $78,113,000, to remain available until expended: *Provided,* That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

($78,113,000)

Federal Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $63,638,000: *Provided,* That notwithstanding any other provision of law, the provisions of sections 10, 11(b), 18, 20, and 21 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374) are hereby extended until the termination date set forth in section 102(c) of H.J. Res. 631, as enacted into law, nothwithstanding subsections 10(e) and 21(i) of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

(63,638,000)

Small Business Administration

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed $1,500 for official reception and representation expenses, $202,029,000; and for grants for Small Business Development Centers as authorized by section 21(a) of the Small Business Act, as amended $16,000,000. In addition, $25,600,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster loan fund".

(202,029,000)

(16,000,000)

(25,600,000)
(by transfer)

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, $128,700,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be incurred by the "Business loan and investment fund", authorized by the Small Business Act, as amended, $185,000,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be made only to disabled veterans and veterans of the Vietnam era as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72, $25,000,000.

(128,700,000)

(185,000,000)

(25,000,000)

[Total, Department of Commerce and Related Agencies, $2,245,397,000.]

DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $54,873,000, of which $350,000 is to remain available until expended for the Federal justice research program. ($54,873,000)

Legal Activities

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, $43,389,000. (43,389,000)

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys, and marshals, and bankruptcy trustees; including acquisition, lease, maintenance, and operation of aircraft, $330,981,000. (330,981,000)

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, $34,254,000: *Provided*, That not to exceed $4,050,000 shall be available for the purpose of renovating, constructing, and equipping State and local jail facilities that confine Federal prisoners under the Cooperative Agreement Program: *Provided further*, That amounts made available for constructing any local jail facility shall not exceed the cost of constructing space for the average Federal prisoner population for that facility as projected by the Attorney General: *Provided further*, That following agreement on or completion of any Federally assisted jail construction, the availability of such space shall be assured and the per diem rate charged for housing Federal prisoners at that facility shall not exceed direct operating costs for the period of time specified in the cooperative agreement. (34,254,000)

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; $35,700,000. (35,700,000)

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by Title X of the Civil Rights Act of 1964, $5,764,000. (5,764,000)

Interagency Law Enforcement

ORGANIZED CRIME DRUG ENFORCEMENT

For expenses necessary for the detection, investigation, prosecution, and incarceration of individuals involved in organized criminal drug trafficking not otherwise provided for, $127,500,000, of which $18,000,000 is to remain available until expended for construction of new facilities and constructing, remodeling, and equipping buildings and facilities at existing detention and correctional institutions. (127,500,000)

Federal Bureau of Investigation

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use (not to exceed one thousand three hundred for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $825,154,000, of which not to exceed $3,000,000 for automated data processing and telecommunications and $600,000 for undercover operations shall remain available until September 30, 1984: *Provided,* That notwithstanding the provisions of title 31 U.S.C. 483(a) and 484, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit not more than $13,500,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further,* That passenger motor vehicles for police-type use may be purchased without regard to the general purchase price limitation for the current fiscal year. ($825,154,000)

Immigration and Naturalization Service

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed four hundred one of which four hundred shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; and for expenses necessary under Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96–442) for the processing, care, maintenance, security, transportation, and the initial reception and placement in the United States of Cuban and Haitian entrants; $484,431,000, of which not to exceed $400,000 shall remain available for research until expended: *Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $20,000 except in such instances when the Commissioner makes a determination that this restriction is impossible to implement. (484,431,000)

Drug Enforcement Administration

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed two hundred seventy-seven passenger motor vehicles (for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $248,162,000, of which not to exceed $1,200,000 for research shall remain available until expended and $1,700,000 for purchase of (248,162,000) evidence and payments for information shall remain available until September 30, 1984.

General Provisions—Department of Justice

Sec. 201. A total of not to exceed $35,000 from funds appropriated to the Department of Justice in this title shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

Sec. 202. Notwithstanding section 501(e)(2)(B) of Public Law 96-422, funds appropriated to the Department of Justice in this title may be expended for assistance to Cuban-Haitian entrants as authorized under section 501(c) of said Act.

Sec. 203. Authorities contained in Public Law 96-132, "Department of Justice Appropriation Authorization Act, Fiscal Year 1980", are in effect until the termination date in section 102(c) of this joint resolution as enacted into law.

[Total, Department of Justice, $2,190,208,000.]

RELATED AGENCIES

Commission on Civil Rights

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $11,626,000. ($11,626,000)

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended, 29 U.S.C. 206(d) and 621-634, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $18,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended and sections 6 and 14 of the Age Discrimination in Employment Act; $142,771,000. (142,771,000)

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $241,000,000: *Provided,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United States and is— (241,000,000)

(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15), (20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007(b)(11) of the Legal Services Corporation Act, to be an alien described in subparagraph (C) of such section: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (a) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (b) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: *Provided further,* That none of the funds appropriated in this Act shall be expended by the Legal Services Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself: *Provided further,* That none of the funds appropriated in this Act shall be available to any recipient to be used—

(A) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or

(B) to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official, upon the formal request of such official: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal government or any State or local government unless (1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient; (2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and (3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interests of the clients: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to section 11 of H.R. 3480, as passed the House of Representatives on June 18, 1981: *Provided further,* That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a) (1) and (3) so as to insure that funding for each such current grantee and contractor is maintained in 1983 at the annualized level at which each such grantee and contractor was funded in 1982, or in the same proportion which total appropriations to the Corporation in fiscal year 1983 bear to the total appropriations to the Corporation in fiscal year 1982, until action is taken by directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further,* That no member of the Board of Directors of the Legal Services Corporation shall be compensated for his services to the Corporation except for the payment of an attendance fee at meetings of the Board at a rate not to exceed the highest daily rate for grade fifteen (15) of the General Schedule and necessary travel expenses to attend Board meetings in accordance with the Standard Government Travel Regulations: *Provided further,* That no officer or employee of the Legal Services Corporation or a recipient program shall be reimbursed for membership in a private club, or be paid severance pay in excess of what would be paid a Federal employee for comparable service.

[Total, Related Agencies, $395,397,000.]

[Total, Department of Justice and Related Agencies, $2,585,605,000.]

DEPARTMENT OF STATE

Administration of Foreign Affairs

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 240 et seq.), and section 2 of the Act of August 1, 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; $995,000,000, of which $25,000,000 shall remain available until September 30, 1984. ($995,000,000)

REOPENING CONSULATES

For necessary expenses of the Department of State and the Foreign Service for reopening and operating certain United States consulates as specified in Section 103 of the Department of State Authorization Act, Fiscal Years 1982 and 1983, $1,000,000. (1,000,000)

International Organizations and Conferences

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $444,315,000, of which $12,506,000 shall be for payment of the full 1983 assessed contributions to the Inter-American Institute for Cooperation on Agriculture: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1982, through external borrowings.

($444,315,000)

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of United Nations peacekeeping forces, $73,400,000: *Provided*, That section 149 of Public Law 97-276 shall be effective until the termination date of H.J. Res. 631 as enacted into law.

(73,400,000)

THE ASIA FOUNDATION

For a grant to the Asia Foundation, $4,100,000 to remain available until expended.

(4,100,000)

Commission on Wartime Relocation and Internment of Civilians

SALARIES AND EXPENSES

For necessary expenses of the Commission on Wartime Relocation and Internment of Civilians, as authorized by Public Law 96-317, $300,000 to be available only until June 30, 1983.

(300,000)

United States Information Agency

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $20,000); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed $10,000; $407,830,000, of which not to exceed $2,671,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided*, That not to exceed $500,000 may be used for representation abroad: *Provided further*, That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended; and, for expenses of certain exchange programs of the United States Information Agency, $84,292,000, of which $73,965,000 shall be for the Fulbright and

(407,830,000)

(84,292,000)

International Visitors Programs, $3,206,000 shall be for the Humphrey Fellowship Program, and $7,121,000 shall be for the Private Sector Programs.

[Total, Department of State, $2,010,237,000.]

THE JUDICIARY

BANKRUPTCY COURTS, SALARIES AND EXPENSES

For salaries and expenses of the judges and other officers and employees of the Bankruptcy Courts of the United States, not otherwise provided for, $89,000,000. ($89,000,000)

[Total, The Judiciary ....$89,000,000.]

[Total, Departments of Commerce, Justice, State, Judiciary and Related Agencies:

[New budget (obligational) authority ....[1] *$6,930,239,000.]*

[By transfer .... 82,843,000.]

[Limitation on guaranteed loans .... 170,000,000.]

(e)(1) Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1983, at a rate for operations and to the extent in the following Act, notwithstanding any other provision of the joint resolution; this subsection shall be effective as if it had been enacted into law as the regular appropriation Act:

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1983, and for other purposes.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $219,921,000. 219,921,000

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $62,029,000. 62,029,000

[Total, Community Service Employment for Older Americans, $281,950,000.]

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and allowances to ex-servicemen, as authorized by title 5, chapter 85 of the United States Code, as amended, of benefits and payments as authorized by title II of Public Law 95-250, as amended, of trade adjustment benefit payments and allowances, as provided by law (part I, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended) $230,000,000, together with such amounts as may be 230,000,000
necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided,* That amounts recovered from the States during the current fiscal year pursuant to 5 U.S.C. 8505(d) shall be available for such payments during the year. Amounts received or recovered

---

[1] Does not reflect total new budget (obligational) authority available for Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (S. 2956). This amount includes only those accounts which differ from S. 2956 as reported in the Senate on September 24, 1982 (see sec. 101(d) on p. 310), and is included in the extended bill version of S. 2956 on pp. 105-129, which totals $9,264,172,000.

pursuant to section 208(e) of Public Law 95-250 shall be available for payments.

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For grants for activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49n; 39 U.S.C. 3202(a)(1)(E)); Veterans' Employment and Readjustment Act of 1972, as amended (38 U.S.C. 2001-2013); title III of the Social Security Act, as amended (42 U.S.C. 501-503); and necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, chapter 2, title II, of the Trade Act of 1974, as amended, and sections 101(a)(15)(H)(ii) and 212(a)(14) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), including, upon request of any State, the payment of rental for space made available to such State in lieu of grants for such purpose, $22,200,000, together with not to exceed $2,454,300,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund and of which $627,176,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived.

$2,454,300,000 (limitation on trust fund transfer)
22,200,000

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended, and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code and by title VI of the Tax Equity and Fiscal Responsibility Act of 1982, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1984, $5,411,000,000.

5,411,000,000

[Total, Employment and Training Administration, [1]$9,825,615,000.]

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Services Administration, $58,077,000.

58,077,000

PENSION BENEFIT GUARANTY CORPORATION

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program through September 30, 1983, for such Corporation.

---

[1] Includes $91,465,000 and $3,764,000,000 appropriated under sec. 101(e)(2) of this joint resolution (see p. 346); and $25,000,000 appropriated under sec. 162 of this joint resolution (see p. 362). For further detail see table VIII, p. 1529.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal and local agencies and their employees for inspection services rendered, $169,296,000, together with $347,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act.

$169,296,000
347,000 (limitation on trust fund transfer)

SPECIAL BENEFITS

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, $339,600,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided,* That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1983.

339,600,000

BLACK LUNG DISABILITY TRUST FUND

For payments from the Black Lung Disability Trust Fund, $673,544,000, of which $639,255,000 shall be available until September 30, 1984, for payment of all benefits and interest on advances under subsection (c)(2) of section 9501 of the Internal Revenue Code of 1954, as amended, as authorized by section 9501(d) (1), (2), (4), and (7) of that Act and of which $21,192,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses and $13,097,000 for transfer to Departmental Management, Salaries and Expenses for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided,* That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: *Provided further,* That in addition, such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

673,544,000
756,000

[Total, Employment Standards Administration, $1,183,196,000.]

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $205,256,000, including not to exceed $47,625,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the

205,256,000

Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to enforce or prescribe as a condition for initial, continuing, or final approval of State plans under section 18 of the Occupational Safety and Health Act of 1970, State administrative or enforcement staffing levels which are greater than levels which are determined by the Secretary to be equivalent to Federal staffing levels: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard, rule, or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful, or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act, unless such establishment or workplace is cited, on the basis of such inspection, for ten or more violations: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, and take any action pursuant to such investigation authorized by such Act;

(6) to take any action authorized by such Act with respect to complaints of discrimination againt employees for exercising rights under such Act: *Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for the proposal or assessment of any civil penalties for the violation or alleged violation by an employer of ten or fewer employees of any standard, rule,

regulation, or order promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful or repeated violations and violations which pose imminent danger under section 13 of the Act) if, prior to the inspection which gives rise to the alleged violation, the employer cited has (1) voluntarily requested consultation under a program operated pursuant to section 7(c)(1) or section 18 of the Occupational Safety and Health Act of 1970 or from a private consultative source approved by the Administration and (2) had the consultant examine the condition cited and (3) made or is in the process of making a reasonable good faith effort to eliminate the hazard created by the condition cited as such, which was identified by the aforementioned consultant, unless changing circumstances or workplace conditions render inapplicable the advice obtained from such consultants: *Provided further,* That none of the funds appropriated under this paragraph may be obligated or expended for any State plan monitoring visit by the Secretary of Labor under section 18 of the Occupational Safety and Health Act of 1970, of any factory, plant, establishment, construction site, or other area, workplace or environment where such a workplace or environment has been inspected by an employee of a State acting pursuant to section 18 of such Act within the six months preceding such inspection: *Provided further,* That this limitation does not prohibit the Secretary of Labor from conducting such monitoring visit at the time and place of an inspection by an employee of a State acting pursuant to section 18 of such Act, or in order to investigate a complaint about State program administration including a failure to respond to a worker complaint regarding a violation of such Act, or in order to investigate a discrimination complaint under section 11(c) of such Act, or as part of a special study monitoring program, or to investigate a fatality or catastrophe: *Provided further,* That none of the funds appropriated under this paragraph may be obligated or expended for the inspection, investigation, or enforcement of any activity occurring on the Outer Continental Shelf which exceeds the authority granted to the Occupational Safety and Health Administration by any provision of the Outer Continental Shelf Lands Act, or the Outer Continental Shelf Lands Act Amendments of 1978.

Mine Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $153,828,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the purchase of not to exceed eighty-eight passenger motor vehicles for replacement only; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirement, with respect to shell dredging, or with respect to any sand, gravel, $153,828,000 surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $120,143,000.

$120,143,000

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including $1,973,000 for the President's Committee on Employment of the Handicapped, $91,864,000, together with not to exceed $8,752,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund and of which $8,535,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001-03.

[1]93,864,000
8,752,000
(limitation on trust fund transfer)

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, $67,000, to remain available until expended. This appropriation shall be available in addition to other appropriations to such agency for payments in foreign currencies.

67,000

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $38,133,000, together with not to exceed $6,835,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

38,133,000
6,835,000
(limitation on trust fund transfer)

GENERAL PROVISION

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

This title may be cited as the "Department of Labor Appropriation Act, 1983".

[Total, Departmental Management, $132,064,000.]

[Total, title I, Department of Labor:
[New budget (obligational) authority .... [2]$11,678,179,000
[Limitation on trust fund transfer .... [3]2,499,672,000

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For carrying out titles III, V, VII, VIII, X, and XIX of the Public Health Service Act, the Act of August 8, 1946 (5 U.S.C. 7901), section

---

[1] Includes $2,000,000 appropriated under sec. 166 of this joint resolution (see p. 363).

[2] Includes $91,465,000 and $3,764,000,000 appropriated under sec. 101(e)(2) of this joint resolution (see p. 346); and $25,000,000 appropriated under sec. 162 of this joint resolution (see p. 362). For further detail see table VIII, (p. 1529).

[3] Includes *$29,438,000* limitation under sec. 101(e)(2) of this joint resolution (see p. 346).

1 of the Act of July 19, 1963 (42 U.S.C. 253a), section 108 of Public Law 93-353, section 427(a) of the Federal Coal Mine Health and Safety Act, as amended, and title V of the Social Security Act, $1,018,563,000 of which $1,732,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with Hansen's disease; and of which $3,292,000, to be available until expended, shall be used to renovate the National Hansen's Disease Center: *Provided,* That this appropriation shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who has participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further,* That when the Health Services Administration operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in advances to this appropriation: *Provided further,* That during 1983, and within the resources and authority available under sections 338 and 338E of the Public Health Service Act, gross obligations for the principal amount of direct loans under section 338E of that Act shall not exceed $1,000,000: *Provided further,* That none of the funds made available by this Act shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer of the Public Health Service for any period during which the officer is providing obligated service under section 338B (or under former sections 225(e) or 752) of the Public Health Service Act except that this proviso shall not apply to any period of service covered by an agreement entered into by an officer under 37 U.S.C. 302(c)(1) before the date of enactment of this Act.

$1,018,563,000

1,000,000 (limitation on direct loans)

CENTERS FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

To carry out titles III, XI, and XIX of the Public Health Service Act, the Federal Mine Safety and Health Act of 1977, and the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $290,701,000, of which $2,050,000 shall remain available until expended and shall be for construction and equipment of facilities of or used by the Centers for Disease Control: *Provided,* That training of employees of private agencies shall be made subject to reimbursement or advances to this appropriation for the full cost of such training.

290,701,000

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out, to the extent not otherwise provided, the Public Health Service Act with respect to cancer, $983,576,000.

983,576,000

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For expenses, not otherwise provided for, necessary to carry out the Public Health Service Act with respect to heart, lung, blood vessel, and blood diseases, $622,745,000.

622,745,000

NATIONAL INSTITUTE OF DENTAL RESEARCH

For expenses, not otherwise provided for, to carry out title IV of the Public Health Service Act with respect to dental diseases, $78,860,000.

$78,860,000

NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

For expenses necessary to carry out title IV of the Public Health Service Act with respect to arthritis, diabetes, digestive and kidney diseases, $412,182,000.

412,182,000

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

For expenses necessary to carry out, to the extent not otherwise provided, title IV of the Public Health Service Act with respect to neurological and communicative disorders and stroke, $295,719,000.

295,719,000

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses, not otherwise provided for, to carry out title IV of the Public Health Service Act with respect to allergy and infectious diseases, $273,581,000.

273,581,000

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For expenses, not otherwise provided for, necessary to carry out title IV of the Public Health Service Act with respect to general medical sciences, $369,561,000.

369,561,000

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

To carry out, except as otherwise provided, title IV of the Public Health Service Act with respect to child health and human development, $253,655,000.

253,655,000

NATIONAL EYE INSTITUTE

For expenses necessary to carry out title IV of the Public Health Service Act, with respect to eye diseases and visual disorders, $141,561,000.

141,561,000

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

To carry out, except as otherwise provided, sections 301, 311, and 472 of the Public Health Service Act with respect to environmental health sciences, $164,367,000.

164,367,000

NATIONAL INSTITUTE ON AGING

To carry out, except as otherwise provided, title IV of the Public Health Service Act with respect to aging, $93,996,000.

93,996,000

RESEARCH RESOURCES

To carry out, except as otherwise provided, sections 301 and 472 of the Public Health Service Act with respect to research resources and general research support grants, $213,804,000: *Provided*, That none of these funds, with the exception of funds for the Minority Biomedical Support program, shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

213,804,000

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, $10,147,000, of which $1,800,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory. $10,147,000

NATIONAL LIBRARY OF MEDICINE

To carry out, to the extent not otherwise provided for, section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, $46,043,000. 46,043,000

OFFICE OF THE DIRECTOR

For expenses necessary for the Office of the Director, National Institutes of Health, $24,683,000, including purchase of not to exceed thirteen passenger motor vehicles for replacement only. 24,683,000

BUILDINGS AND FACILITIES

For construction of, and acquisition of sites and equipment for, facilities of or used by the National Institutes of Health, where not otherwise provided, $17,500,000, to remain available until expended. 17,500,000

[Total, National Institutes of Health, $4,001,980,000.]

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, and alcoholism, $777,556,000, of which $100,000 for design, modernization and improvement of government owned or leased intramural research facilities shall remain available until expended. 777,556,000

SAINT ELIZABETHS HOSPITAL

For expenses necessary for the maintenance and operation of Saint Elizabeths Hospital in the District of Columbia, $76,505,000: *Provided,* That the Secretary of Health and Human Services may set rates for inpatient and outpatient services provided through Saint Elizabeths Hospital that in the aggregate do not exceed the estimated total cost of providing such services, and may bill and collect from (prospectively or otherwise) individuals, the District of Columbia Executive agencies and other entities for any services so provided. Amounts so collected shall be credited to the appropriation for Saint Elizabeths Hospital for the year in which the services are provided. 76,505,000

[Total, Alcohol, Drug Abuse, and Mental Health Administration, $854,061,000.]

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

For carrying out titles III, IV, VII, VIII, and XVI of the Public Health Service Act and section 1122 of the Social Security Act, $188,531,000 of which $1,500,000 shall remain available until expended for loan guarantees made prior to fiscal year 1981 and interest subsidies under part B of title VII, $5,000,000 shall remain available until expended for grants for construction of teaching facilities under section 720(a)(3) of the Public Health Service Act, and $29,000,000 shall be available until expended to enable the Secretary of Health and Human Services to enter into appropriate financial arrangements to repay in full any loan to Meharry Medi- [1]252,963,000 cal College guaranteed under section 726 (formerly section 729) of the Public Health Service Act.

---

[1] Includes $64,432,000 appropriated under sec. 101(e)(2) of this joint resolution (see p. 346).

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

For carrying out title XVI of the Public Health Service Act, $32,000,000 shall be available without fiscal year limitation for the payment of interest subsidies. The total principal amount of loans to be guaranteed or directly made, which may be allotted among the States, pursuant to titles VI and XVI of the Public Health Service Act shall not exceed a cumulative amount of $1,500,000,000. During fiscal year 1983, no commitments for direct loans or loan guarantees shall be made.

$32,000,000

[Total, Health Resources Administration, $284,963,000.]

ASSISTANT SECRETARY FOR HEALTH

HEALTH SERVICES MANAGEMENT

For the expenses necessary for the Office of the Assistant Secretary for Health and for carrying out titles III, XIII, and XX of the Public Health Service Act, $96,694,000 and section 2008(g) does not apply to these programs.

96,694,000

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

Any amounts received by the Secretary as repayment of loans under title XIII of the Public Health Service Act for direct loans as authorized by said title XIII, and not to exceed $16,500,000 may be disbursed with respect to any liability or contingent liability incurred prior to 1983. During 1983 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $24,500,000.

24,500,000
(limitation on direct loans)

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amounts as may be required during the current fiscal year: *Provided,* That none of these funds shall be available for payment to retired personnel of the Coast Guard or the National Oceanic and Atmospheric Administration or to the survivors of such personnel or for payment of medical care for dependents of such personnel and shall be used solely for Commissioned Officers of the Public Health Service, their dependents and survivors.

78,861,000
(indefinite)

[Total, Assistant Secretary for Health, $175,555,000.]

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, title XIX of the Social Security Act, $19,361,845,000 to remain available until expended.

19,361,845,000

For making, after June 30 of the current fiscal year, payments to States under title XIX of the Social Security Act, for the last three months of the current fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title to be charged to the subsequent appropriation therefor for the current or succeeding fiscal year.

In the administration of title XIX of the Social Security Act, payments to a State under such title for any quarter in the period beginning July 1 of the prior year and ending September 30 of the current year may be made with respect to a State plan approved under such title prior to or during such period. After a plan or plan amendment is approved, payment may be made with respect to it for the quarter in which it was submitted or any subsequent quarter in which it remains in effect.

Such amounts as may be necessary from this appropriation shall be available for grants to States for any period in the prior fiscal year subsequent to June 30 of that year.

[1] −$4,745,585,000

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1984, $5,105,600,000 to remain available until expended.

5,105,600,000 *(advance appropriation for fiscal year 1984)*

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 229(b) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 278(d) of P.L. 97-248, $15,347,000,000.

15,347,000,000

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII and XIX of the Social Security Act, and sections 1526 and 1533(d) of the Public Health Service Act, $92,905,000 together with not to exceed $959,671,000, to be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein: *Provided*, That these amounts shall be in addition to funding for this purpose available under section 118 of Public Law 97-248: *Provided further*, That $20,000,000 of the foregoing amount shall be expended only to the extent necessary to process workloads not anticipated in the budget estimates and to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That none of the funds appropriated under this paragraph shall be allotted or otherwise awarded to any Professional Standards Review Organization which the Secretary of the Department of Health and Human Services has determined should be terminated from the Professional Standards Review Program because of its inability to effectively or efficiently discharge its responsibilities under the Social Security Act.

92,905,000
959,671,000 (limitation on trust fund transfer)

[Total, Health Care Financing Administration, $35,161,765,000.]

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 217(g), 228(g), 229(b), and 1131(b)(2) of the Social Security Act, $855,213,000.

855,213,000

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and to parties, their representatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $1,093,000,000: *Provided*, That after July 31, such amounts for benefit payments as may be necessary may be charged to the subsequent year appropriation.

---

[1] Appropriation available in fiscal year 1982.

$1,093,000,000

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program under title XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the social security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $8,543,616,000 to remain available until expended: *Provided*, That after July 31, such amounts for benefit payments as may be necessary may be charged to the subsequent year appropriation: *Provided further*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

8,543,616,000
[1] −28,133,000

ASSISTANCE PAYMENTS PROGRAM

For carrying out, except as otherwise provided, titles I, IV, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C., ch. 9), $6,684,207,000, to remain available until expended.

6,684,207,000

For making, after May 31 of the current fiscal year, payments to States under titles I, IV, X, XIV, and XVI of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and expenditures to be charged to the subsequent appropriations therefor for the current fiscal year.

−708,659,000

For making payments to States under titles I, IV, X, XIV, and XVI of the Social Security Act for the first quarter of fiscal year 1984, $1,718,000,000, to remain available until expended.

1,718,000,000
(advance appropriation for fiscal year 1984)

CHILD SUPPORT ENFORCEMENT

For carrying out, except as otherwise provided, titles IV-D and XI of the Social Security Act, $347,500,000 to remain available until expended.

347,500,000

For making, after May 31 of the current fiscal year, payments to States under title IV-D of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and the expenditures to be charged to the subsequent appropriations therefor.

For making payments to States under title IV-D of the Social Security Act for the first quarter of fiscal year 1984, $118,000,000 to remain available until expended.

118,000,000
(advance appropriation for fiscal year 1984)

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

For carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,850,000,000.

[2] 1,975,000,000

REFUGEE AND ENTRANT ASSISTANCE

For expenses necessary to carry out the provisions of the Refugee Act of 1980, as amended, and sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980, $585,000,000: *Provided*, That such

585,000,000

---

[1] Appropriation available in fiscal year 1982.

[2] Includes $25,000,000 appropriated under sec. 148 of this joint resolution (see p. 358), and $100,000,000 appropriated under sec. 160 of this joint resolution (see p. 362).

funds may be expended for individuals who would meet the definition of "Cuban and Haitian entrant" under section 501(e) of the Refugee Education Assistance Act, 94 Stat. 1810, but for the application of paragraph (2)(B) thereof.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than $3,408,451,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That travel expense payments under section 1631(h) of such Act may be made only when travel of more than seventy-five miles is required: *Provided further,* That $50,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates, for automation projects, and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further,* That $47,026,000 authorized herein shall be available only for acquisition of sites, construction, renovation, and equipment of facilities and for payments for principal, interest, taxes and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 and the Public Buildings Amendments of 1972, and shall remain available until expended: *Provided further,* That $151,625,000 for automatic data processing and telecommunications activities shall remain available until expended.

$3,408,451,000 (limitation on administrative expenses)

[Total, Social Security Administration, $21,182,744,000.]

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANTS

For carrying out the Social Services Block Grant Act, $2,450,000,000.

2,450,000,000

HUMAN DEVELOPMENT SERVICES

For carrying out, except as otherwise provided, the Older Americans Act of 1965, the Child Abuse Prevention and Treatment Act, title VIII of the Community Services Act, the Developmental Disabilities Assistance and Bill of Rights Act of 1981, and the Head Start Act of 1981, $1,753,514,000, of which $43,180,000 shall be for grants under part C of the Developmental Disabilities Assistance and Bill of Rights Act, and $7,320,000 shall be for section 113 of such Act.

[1] 1,757,014,000

CHILD WELFARE SERVICES

For carrying out, except as otherwise provided, parts A, B, and E of title IV and sections 1110 and 1115 of the Social Security Act and title II of Public Law 95-266 (adoption opportunities), $572,669,000.

572,669,000

WORK INCENTIVES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such programs, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, $270,760,000 which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes.

270,760,000

---

[1] Includes $3,500,000 appropriated under sec. 141 of this joint resolution (see p. 356).

OFFICE OF COMMUNITY SERVICES

COMMUNITY SERVICES BLOCK GRANT

For carrying out the Community Services Block Grant Act, $360,500,000, of which $18,840,000 shall be for carrying out section 681(a)(2)(A), $3,840,000 shall be for carrying out section 681(a)(2)(D), $2,880,000 shall be for carrying out section 681(a)(2)(E), and $5,760,000 shall be for carrying out section 681(a)(2)(F): *Provided*, That the Secretary of Health and Human Services may waive the requirements of section 138 of Public Law 97-276, relating to continuing appropriations for fiscal year 1983, for any State applying for such a waiver if—

$360,500,000

(1) the State had, prior to October 1, 1982, submitted an application for fiscal year 1983 under the Community Services Block Grant Act, containing provisions for the use of assistance under that Act by political subdivisions; and

(2) the chief executive officer of the State certifies that, in at least 45 percent of the counties of the State, services assisted under the Community Services Block Grant Act were not available in fiscal year 1982 (other than a State for which the distribution of funds within the State for such fiscal year was contested by more than one eligible entity).

[Total, Assistant Secretary for Human Development Services, $5,410,943,000.]

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

For expenses not otherwise provided, which are necessary for general departmental management, including hire of six medium sedans, $158,143,000, together with not to exceed $8,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

158,143,000
8,000,000 (limitation on trust fund transfer)

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, $44,921,000, together with not to exceed $6,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

44,921,000
6,000,000 (limitation on trust fund transfer)

For making payments to States for medicaid State fraud control units under section 1903(a)(6) of the Social Security Act for fiscal year 1983, $36,346,000.

36,346,000

For making, after May 31 of the current fiscal year, payments to States under section 1903(a)(6) of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, not to exceed $5,000,000, the obligations and expenditures to be charged to the subsequent appropriations therefor.

[1] −10,000,000

For making payments to States for medicaid State fraud control units under section 1903(a)(6) of the Social Security Act for the first quarter of fiscal year 1984, $10,000,000 to remain available until expended.

10,000,000
(advance appropriation for fiscal year 1984)

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $19,163,000, together with not to exceed $2,350,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

19,163,000
2,350,000 (limitation on trust fund transfer)

---

[1] Appropriation available in fiscal year 1982.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $14,718,000: *Provided*, That not less than $1,500,000 shall be obligated to continue research on poverty conducted by the Institute for Research on Poverty. $14,718,000

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 202. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

SEC. 203. Appropriations in this Act for the Health Services Administration, the National Institutes of Health, the Centers for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, the Health Resources Administration, the Office of the Assistant Secretary for Health, the Health Care Financing Administration, and Departmental Management shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents, assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18; not to exceed $9,500 for official reception and representation expenses related to any health agency of the Department when specifically approved by the Assistant Secretary for Health.

SEC. 204. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term: *Provided, however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

SEC. 205. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327(a) of the Public Health Service Act.

SEC. 206. Funds appropriated in this title for the Social Security Administration and the Office of Child Support Enforcement shall be available for not to exceed $5,000 for official reception and representation expenses related to income maintenance or child support enforcement activities of the Department when specifically approved by the Commissioner of Social Security.

SEC. 207. Funds appropriated in this title for the Health Care Financing Administration shall be available for not to exceed $2,000 for official reception and representation expenses when specifically approved by the Administrator of the Health Care Financing Administration.

This title may be cited as the "Department of Health and Human Services Appropriation Act, 1983".

[Total, Departmental Management, $273,291,000.]

[Total, title II, Department of Health and Human Services:

[New budget (obligational) authority	*$68,654,566,000.]*
[Appropriations	*61,702,966,000.]*
[Appropriations, fiscal year 1984	*6,951,600,000.]*
[Limitation on trust fund transfer	*976,021,000.]*
[Limitation on direct loans	*25,500,000.]*
[Limitation on administrative expenses	*3,408,451,000.]*

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $3,160,394,000 to become available on July 1, 1983, and remain available until September 30, 1984: *Provided,* That no funds shall be used for the purposes of section 554(a)(1)(B), $4,746,000 shall be available for purposes of section 555(d), $255,744,000 shall be available for the purposes of section 554(a)(2)(A), $146,520,000 shall be available for purposes of section 554(a)(2)(B), and $32,616,000 shall be available for purposes of section 554(a)(2)(C). $3,160,394,000

For carrying out section 418 of the Higher Education Act, $7,500,000. 7,500,000

SPECIAL PROGRAMS

For carrying out the consolidated programs and projects authorized under chapter 2 of the Education Consolidation and Improvement Act of 1981; title IX, part C of the Elementary and Secondary Education Act; title IV of the Civil Rights Act of 1964; the Follow Through Act; sections 1524 and 1525 of the Education Amendments of 1978; and Public Law 92-506, $534,500,000: *Provided,* That $450,655,000 to carry out the State block grant program authorized under chapter 2 of the Education Consolidation and Improvement Act shall become available for obligation on July 1, 1983, and shall remain available until September 30, 1984: *Provided further,* That $28,765,000 for the purpose of subchapter D of the Education Consolidation and Improvement Act shall become available for obligation on October 1, 1982: *Provided further,* That $3,000,000 of the amount appropriated above shall be for the purpose of Public Law 534,500,000

92-506 of which $1,500,000 shall become available on July 1, 1983, and shall remain available until September 30, 1984.

BILINGUAL EDUCATION

For carrying out, to the extent not otherwise provided, title VII of the Elementary and Secondary Education Act and part B, subpart 3 of the Vocational Education Act, as amended, $138,057,000, of which $3,686,000 for part B, subpart 3 of the Vocational Education Act shall become available on July 1, 1983, and shall remain available until September 30, 1984: *Provided*, That $2,400,000 of the funds appropriated by title III of this bill shall be used for section 751 of title VII of the Elementary and Secondary Education Act. $138,057,000

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), $455,000,000, of which $445,000,000 shall be for entitlements under sections 2 and 3 and $10,000,000 shall be for payments under section 7 of said Act: *Provided*, That payment to any local educational agency with respect to entitlements under section 3(a) shall be 90 per centum of the amount of such payment for the fiscal year 1981 unless such agency is determined eligible for payment under section 3(d)(2)(B), except that payment to any local educational agency with respect to entitlements under section 3(a) shall be 95 per centum of the amount of such payment for fiscal year 1981 for any such agency in which the number of children determined under such section 3(a) is at least 20 per centum of the total number of children who are in average daily attendance at the schools of such agency; and payment to any local educational agency with respect to entitlements under section 3(b) shall not exceed the amount of such payment for the fiscal year 1982 unless such agency is determined eligible for payment under section 3(d)(2)(B): *Provided further*, That notwithstanding the payment provisions stated herein, the Secretary is authorized to determine and make payment of a fair and equitable amount with regard to an otherwise eligible local educational agency which was not eligible in the fiscal years 1981 or 1982: *Provided further*, That the aggregate amount for payments of entitlements calculated under section 3(d)(2)(B) shall not exceed $15,000,000: *Provided further*, That no payments shall be made under section 3 of said Act to any local educational agency whose payment under that section fails to exceed $5,000: *Provided further*, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further*, That in addition to the $10,000,000 appropriated in the foregoing, there is hereby appropriated $5,000,000 for section 2 for the purpose of paying entitlements, including the payment of entitlements under this section for the Douglas School District in the State of South Dakota impacted as a result of Ellsworth Air Force Base which shall be made at 100 per centum of the amount to which such school district is entitled under section 2. 455,000,000 5,000,000

For carrying out the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: *Provided*, That with the exception of up to $8,500,000 for section 10 and up to $8,500,000 for section 14 (a) and (b), none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under sections 5 and 14(c). 20,000,000

EDUCATION FOR THE HANDICAPPED

For carrying out the Education of the Handicapped Act, $1,110,252,000, of which $970,000,000 for section 611 and $25,000,000 for section 619 shall become available for obligation on July 1, 1983, and shall remain available until September 30, 1984.

$1,110,252,000

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, $1,036,727,000, of which $939,753,158 shall be for allotments under section 100(b)(1), $4,146,842 shall be for activities under section 110(b)(3), and $650,000 shall be made available to the Navajo Tribal Council for activities under section 130: *Provided*, That of the amount appropriated for centers for independent living under part B of title VII of the Rehabilitation Act of 1973, such amounts as are necessary shall be available for fiscal year 1983 to fund all such centers which received assistance under such part in fiscal year 1981 at the level of assistance made to each such center in fiscal year 1981: *Provided further*, That of the amount appropriated and available for projects with industry under section 621 of the Rehabilitation Act of 1973, such amounts as are necessary shall be available for fiscal year 1983 to fund all such projects which received assistance under such part in fiscal year 1981 at the level of assistance made to each such project in fiscal year 1981.

1,036,727,000

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Vocational Education Act, and the Adult Education Act, $816,500,000 which shall become available for obligation on July 1, 1983, and shall remain available until September 30, 1984, except that $7,678,000 for part B, subpart 2 of the Vocational Education Act shall become available for obligation on July 1, 1983, and shall remain available until expended: *Provided*, That $6,500,000 for State advisory councils under section 105 of the Vocational Education Act shall be used to provide to each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands an amount equal to the amount it received in the previous fiscal year: *Provided further*, That not to exceed $99,590,000 shall be for carrying out part A, subpart 3, of the Vocational Education Act: *Provided further*, That $2,243,100 shall be made available for the National Occupational Information Coordinating Committee.

816,500,000

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 2, and 3 of part A, and parts C and E of title IV of the Higher Education Act, $3,567,800,000 which shall remain available until September 30, 1984: *Provided*, That amounts appropriated for Pell Grants shall be available first to meet any insufficiencies in entitlements resulting from the payment schedule for Pell Grants published by the Secretary of Education for the 1982–1983 academic year: *Provided further*, That pursuant to section 411(b)(4)(A) of the Higher Education Act, amounts appropriated herein for Pell Grants which exceed the amounts required to meet the payments schedule published for any fiscal year by 15 per centum or less shall be carried forward and merged with amounts appropriated for the next fiscal year: *Provided further*, That the maximum grant a student may receive in the 1983–1984 academic year shall be $1,800 notwithstanding section 411(a)(2)(A)(i)(III) of the Higher Education Act: *Provided further*, That notwithstanding any other provision of law, such sums as may be necessary not to exceed $30,000,000 of the amount appropriated by Public Law 97–257 for

3,567,800,000

Pell Grants shall be available for the purpose of restoring eligibility for Pell Grants to individuals adversely affected by the modification, pursuant to paragraphs (4) and (5) of section 124 of Public Law 97-92, of the family contribution schedule with respect to the treatment of payments under title 38, United States Code, to such individuals. For the purposes of determining eligibility and amount of Pell Grant awards under this section, only one-third of the benefits received under such title 38 shall be considered as student financial assistance. The Secretary of Education shall take such steps as may be necessary to notify such individuals of restored eligibility and to make appropriate allocations of the reserved sum: *Provided further,* That notwithstanding any other provision of this Act, any other Act, or section 415B of the Higher Education Act of 1965, the Secretary shall apportion the sums appropriated pursuant to section 415A of the Higher Education Act of 1965 for the fiscal year 1983 among the States so that each State's apportionment bears the same ratio to the total amount appropriated as that State's apportionment in the fiscal year 1982 bears to the total amount appropriated pursuant to section 415A for that fiscal year.

GUARANTEED STUDENT LOANS

For necessary expenses under title IV, part B of the Higher Education Act, $3,100,500,000, to remain available until expended. $3,100,500,000

HIGHER AND CONTINUING EDUCATION

For carrying out titles III; VI, parts A and B; VIII; IX, parts B, D and E; title X; and sections 417, 420, and 734 of the Higher Education Act; section 406A(2) of the General Education Provisions Act (20 U.S.C. 1221e-1b(2)); section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961; title XIII, part H, subparts 1 and 2 of the Education Amendments of 1980; H.R. 3598 as passed the House on November 4, 1981; and title V, section 528(5) of the Omnibus Budget Reconciliation Act of 1981, without regard to section 512(b) of the Omnibus Budget Reconciliation Act of 1981, $385,525,000: 385,525,000 *Provided,* That funds made available in Public Law 96-536, section 110 for the Wayne Morse Chair of Law and Politics shall remain available for obligation until September 30, 1985: *Provided further,* That $2,000,000 shall be available until expended for the Carl Albert Congressional Research and Studies Center: *Provided further,* That $25,000,000 made available for interest subsidy grants under section 734 of the Higher Education Act shall remain available until expended: *Provided further,* That sections 922(b)(2) and 922(e)(2) and the funding limitations set forth in section 922(e) of the Higher Education Act shall not apply to funds in this Act.

HIGHER EDUCATION FACILITIES LOANS AND INSURANCE

For the payment of principal and interest on participation certificates as authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, issued by the Government National Mortgage Association as trustee on the behalf of the Department of Education pursuant to the Federal National Mortgage Association Act (12 U.S.C. 1717(c)), and for the payment of interest expenses to the Department of the Treasury as required by title VII, section 733(b)(2) of the Higher Education Act, $20,143,000 to remain 20,143,000 available until expended. The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C.

849) as may be necessary in carrying out the program set forth in the budget for the current fiscal year. During fiscal year 1983, no new commitments for loans may be made from this account.

COLLEGE HOUSING LOANS

The aggregate amount of commitments for loans made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749), for the fiscal year 1983 shall not exceed the total of loan repayments and other income available during such period, less operating costs. Payments of insufficiencies in fiscal year 1983 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717) shall be made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749) using loan repayments and other income available during fiscal year 1983. During fiscal year 1983 and within the resources and authority available, gross commitments for the principal amount of direct loans shall be $40,000,000. *$40,000,000 (limitation on direct loans)*

EDUCATIONAL RESEARCH AND STATISTICS

For necessary expenses for education statistics activities and for research and development, to carry out sections 405 and 406 of the General Education Provisions Act, $64,203,000. 64,203,000

EDUCATIONAL, RESEARCH, AND TRAINING ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be in excess of the normal requirements of the United States, for necessary expenses of the Department of Education, as authorized by law, $516,000, to remain available until expended. 516,000

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I and III of the Library Services and Construction Act (20 U.S.C., ch. 16); title II, part A, part B except section 224, and part C of the Higher Education Act, notwithstanding the provisions of section 221, $80,320,000. 80,320,000

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-105), $5,000,000. 5,000,000

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681 et seq.), $26,300,000. 26,300,000

GALLAUDET COLLEGE

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027) and for the partial support of Gallaudet College authorized by the Act of June 18, 1954 (68 Stat. 265), $52,000,000. 52,000,000

HOWARD UNIVERSITY

For partial support of Howard University, $145,200,000. 145,200,000 If requested by the university, construction financed by prior year appropriations to this account shall be supervised by the General Services Administration.

[Total, Special Institutions, $228,500,000.]

Office for Civil Rights

SALARIES AND EXPENSES

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $44,868,000. $44,868,000

Departmental Management

SALARIES AND EXPENSES

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three medium sedans, $222,000,000. During the current fiscal year up to $10,500,000 from collections of federally insured defaulted loans may be transferred to this account for payment of related collection activities. 222,000,000

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $12,840,000. 12,840,000

[Total, Departmental Management, $234,840,000.]

General Provisions

Sec. 301. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Sec. 302. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet College shall be subject to audit by the Secretary of Education.

Sec. 303. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

Sec. 304. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Sec. 305. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Sec. 306. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

Sec. 307. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

This title may be cited as the "Department of Education Appropriation Act, 1983".

[Total, title III, Department of Education:
[New budget (obligational) authority .... $15,011,145,000.]
[Limitation on direct loans .... 40,000,000.]

TITLE IV—RELATED AGENCIES

Action

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, $129,321,000, of which $11,831,000 shall be available to carry out title I, part A of said Act: *Provided,* That none of the funds appropriated under this heading may be used to close State field offices of the Action agency or to reduce the number of personnel engaged in operating State field offices of the Action agency. $129,321,000

Corporation for Public Broadcasting

PUBLIC BROADCASTING FUND

For payment to the Corporation for Public Broadcasting, as authorized by the Public Broadcasting Amendments Act of 1981, an amount which shall be available within limitations specified by said Act, for the fiscal year 1985, $130,000,000: *Provided,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties and similar forms of entertainment for government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity excluding from participation in, denying the benefits of, or discriminating against any person on the basis of race, color, national origin, religion or sex. 130,000,000 *(advance appropriation for fiscal year 1985)*

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes and for convening factfinding boards of inquiry appointed by the Director in the health care industry; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 125a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. Chapter 71), $21,321,000. $21,321,000

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $3,686,000. 3,686,000

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), $674,000. 674,000

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

For necessary expenses to carry out section 491 of the Higher Education Act, $840,000. 840,000

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $124,045,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes. 124,045,000

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $5,468,000. 5,468,000

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $6,316,000. $6,316,000

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $430,000,000, which shall be credited to the account in 12 approximately equal amounts on the first day of each month in the fiscal year. 430,000,000

LIMITATION ON ADMINISTRATION

For expenses necessary for the Railroad Retirement Board, $46,361,000 to be derived from the railroad retirement accounts: *Provided*, That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 1,162 full-time-equivalent employees: *Provided further*, That $500,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further*, That notwithstanding any other provisions in law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228 a–r). For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $16,644,000 shall be apportioned for fiscal year 1983 pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665) from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 416 full-time-equivalent employees. *46,361,000 (limitation on salaries and expenses)*

MILWAUKEE RAILROAD RESTRUCTURING, ADMINISTRATION

For administrative expenses authorized by section 14(c) of the Milwaukee Railroad Restructuring Act, $250,000. 250,000

[Total, Railroad Retirement Board, $430,250,000.]

Soldiers' and Airmen's Home

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, $26,718,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army. 26,718,000

[Total, title IV, Related Agencies:

[New budget (obligational) authority	*$878,639,000.]*
[Appropriations	*748,639,000.]*
[Appropriations, fiscal year 1985	*130,000,000.]*
[Limitation on expenses	*46,361,000.]*

TITLE V—GENERAL PROVISIONS

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

SEC. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Education, and Health and Human Services are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 509. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 510. The Secretaries of Labor, Education, and Health and Human Services are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I, II, and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 511. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

SEC. 512. Section 104 of Public Law 97-276 is deemed to charge no amount appropriated by section 132, 134, 137, 141, or 142 of that joint resolution to any appropriation, fund, or authorization contained in this or any other measure whenever enacted.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1983".

(2) Such amounts as may be necessary for carrying out the following activities, not otherwise provided for, at the current rate:

health planning activities authorized by the Public Health Service Act: *Provided*, That, notwithstanding section 102 of this joint resolution, no penalty shall be applied nor any State or agency agreement terminated pursuant to sections 1512, 1515 or 1521 of the Public Health Service Act during fiscal year 1983; [1] ($64,432,000)

activities under the Comprehensive Employment and Training Act as authorized by section 181 of the Job Training Partnership Act, Public Law 97-300; sections 236, 237, and 238 of the Trade Act of 1974, as amended; section 51 of the Internal Revenue Code of 1954, as amended; and sections 210, 211, and 212 of Public Law 95-250; and [2] (3,764,000,000)

activities under the Department of Labor, Employment and Training Administration, for "Program Administration". [2] (91,465,000) [3] *(29,438,000) (limitation on trust fund transfer)*

(3) Notwithstanding any other provision of this joint resolution, neither the restriction contained in the proviso under the heading "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION: SALARIES AND EXPENSES" in Public Law 97-257 (96 Stat. 844) nor any similar or comparable provision of any other law shall apply or have any continuing effect during fiscal year 1983 or any succeeding fiscal year.

[Total, title V, General Provisions:

[New budget (obligational) authority	*$3,919,897,000.]*
[Limitation on trust fund transfer	*29,438,000.]*

[Total, Departments of Labor, HHS, Education and Related Agencies:

[New budget (obligational) authority	[4] *$96,222,529,000.]*
[Appropriations	*89,140,929,000.]*
[Appropriations, fiscal year 1984	*6,951,600,000.]*
[Appropriations, fiscal year 1985	*130,000,000.]*
[Limitation on trust fund transfer	*3,475,693,000.]*
[Limitation on administrative expenses	*3,454,812,000.]*
[Limitation on direct loans	*65,500,000.]*

---

[1] Included under "Health Resources Administration", "health resources" (see p. 329).

[2] Included in total for "Employment and Training Administration" (see p. 322). Also shown in table VIII (p. 1529) under "Employment and Training Administration".

[3] Included in totals for title I, Department of Labor (see p. 326).

[4] Includes amounts appropriated later in this joint resolution as follows: $3,500,000 (p. 356), $25,000,000 (p. 358), $100,000,000 (p. 362), $25,000,000 (p. 362), and $2,000,000 (p. 363).

(f) Such amounts as may be necessary for continuing activities which were conducted in fiscal year 1982, for which provision was made in the Energy and Water Development Act, 1982, at the current rate of operations: *Provided,* That no funds under this heading shall be used for further study or construction or in any fashion for a federally funded waterway which extends the Tennessee Tombigbee project south from the city of Demopolis, Alabama: *Provided further,* That no appropriation, fund or authority made available by this joint resolution or any other Act may be used directly or indirectly to significantly alter, modify, dismantle, or otherwise change the normal operation and maintenance required for any civil works project under Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Operation and Maintenance, General, and the operation and maintenance activities funded in Flood Control, Mississippi River and Tributaries: *Provided further,* That of such amount, $1,000,000 shall be available only to provide for a wider navigation opening at the Franklin Ferry Bridge, Jefferson County, Alabama: *Provided further,* That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1982 without prior approval of the Committees on Appropriations: *Provided further,* That Department of Energy, Atomic Energy Defense Activities, shall be funded at not to exceed an annual rate for new obligational authority of $5,700,000,000, of which not more than $4,372,000,000 shall be available for operating expenses and not more than $1,328,000,000 shall be available for plant and capital equipment, except that no funds shall be available for Project 82–D–109: *Provided further,* That no appropriation, fund or authority made available to the Department of Energy by this joint resolution or any other Act, shall be used for any action which would result in a significant reduction of the employment levels for any program or activity below the employment levels in effect on September 30, 1982:

[1] $15,962,090,000
−1,967,860,000
(revenues applied)

[2] (5,700,000,000)

[Total, Energy and Water Development Appropriations, 1983, $13,985,230,000.]

(g) Notwithstanding section 102(c) of this joint resolution, the following amounts are provided for fiscal year 1983:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $519,711,198: *Provided,* That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $8,651,475,689: *Provided further,* That of the budget authority provided herein, $361,760,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,834,000,000 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), and $2,500,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437l): *Provided further,* That all budget authority recaptured

519,711,198
(annual contract authorization)
8,651,475,689
(contract authority)

---

[1] See table VIII for Energy and Water Development Appropriation Act, 1983 on pp. 1513-1515 for further information and breakout.

[2] Included in total for Department of Energy under the Energy and Water Development Appropriation Act 1983 (see table VIII on p. 1513, this volume).

and becoming available for obligation in fiscal year 1983 shall only be made available for annual contributions contracts under the section 8 moderate rehabilitation program and the section 8 existing housing program (42 U.S.C. 1437f): *Provided further,* That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1983, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1983: *Provided further,* That the $89,321,727 of budget authority deferred and made available in accordance with the provisos under the heading "Annual Contributions for Assisted Housing" in Chapter VII of the Supplemental Appropriations Act, 1982 (Public Law 97-257), shall be made available for the modernization of vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act: *Provided further,* That none of the merged amounts available for obligation in 1983 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): *Provided further,* That with respect to newly constructed and substantially rehabilitated projects under section 8 of the United States Housing Act of 1937, as amended, during 1983, the Secretary shall not impose a percentage or other arbitrary limitation on the cost and rent increases resulting from increased construction cost in exercising the authority to approve cost and rent increases set forth in section 8(1) of such Act: *Provided further,* That no funds provided in this joint resolution or any other Act shall be used to administer or implement any regulation, policy direction or handbook instruction concerning maximum total development costs applicable to the public housing, Indian housing or low-rent homeownership programs not in effect before September 7, 1982: *Provided further,* That the proceeding proviso may be waived by the Committees on Appropriations after the Department of Housing and Urban Development presents to the Appropriations Committees, an analysis of the impact of the maximum total development cost regulation, published September 8, 1982 in the Federal Register, amending 24 CFR 804, 805 and 841, upon the ability of local public housing authorities to develop the units in the pipeline in a timely fashion.

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

For an additional amount for direct loan obligations for "Housing for the Elderly or Handicapped Fund" under section 202 of the Housing Act of 1959, as amended, (12 U.S.C. 1701q), $181,200,000: *Provided,* That title I of the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1983 (Public Law 97-272) is amended by striking out the period at the end of the paragraph under the heading "Housing for the Elderly or Handicapped Fund", and inserting in lieu thereof the following: *Provided further,* That notwithstanding section 202(a)(3) of such Act, loans made in fiscal year 1983 shall bear an interest rate which does not exceed 9.25 per centum, including the allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program.".

$181,200,000 *(authority to borrow)*

RENT SUPPLEMENT

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is reduced in fiscal year 1983 by not more than $105,160,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

–$105,160,000 (limitation on annual contract authority)

–2,830,360,000 *(rescission of contract authority)*

FEDERAL HOUSING ADMINISTRATION FUND

For an additional amount for commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, $6,100,000,000: *Provided*, That section 207(c)(3), the second proviso of section 213(b)(2), section 220(d)(3)(B)(iii), section 221(d)(3)(ii), section 221(d)(4)(ii), section 231(c)(2) and section 234(e)(3) of the National Housing Act are each amended by inserting "(by not to exceed 140 per centum where the Secretary determines that a mortgage other than one purchased or to be purchased under section 305 of this Act by the Government National Mortgage Association in implementing its special assistance functions is involved)" after "90 per centum".

6,100,000,000 (limitation on guaranteed loans)

[Total, Housing Programs (net), $6,002,315,689.]

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTIONS FUND

During 1983, within the resources and authority available, gross obligations for the principal amounts of direct loans made pursuant to section 305 of the National Housing Act, as amended (12 U.S.C. 1720), shall not exceed $500,000,000, which may be financed with collections received in 1983, and additional obligations are authorized in such amounts as are necessary for increases to prior year commitments.

500,000,000 (limitation on direct loans)

[Total, Department of Housing and Urban Development:

[New budget (obligational) authority	*$6,002,315,689.]*
[Contract authority	*8,651,475,689.]*
[Rescission of contract authority	*–2,830,360,000.]*
[Authority to borrow	*181,200,000.]*
[Increased limitation for annual contract authority	*519,711,198.]*
[Increased limitation on direct loans	*500,000,000.]*
[Increased limitation on guaranteed loans	*6,100,000,000..]*

(h) Notwithstanding any other provision of this joint resolution such amounts as may be necessary for programs, projects, or activities provided for in the Department of the Interior and Related Agencies Appropriation Act, 1983 (H.R. 7356), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 97-978), passed by the House of Representatives on December 18, 1982, and by the Senate on December 19, 1982, as if such Act had been enacted into law: *Provided*, That notwithstanding any other provision of this joint resolution or any other Act including the Department of the Interior and Related Agencies Appropriation Act, 1983, $2,000,000 is appropriated for "Fossil energy research and development", Department of Energy, to remain available until expended.

(Interior appropriations, 1983)

2,000,000

(i) Notwithstanding any other provision of this joint resolution such sums as may be necessary for programs, projects, or activities provided for in the Department of Agriculture, Rural Development and Related Agencies Appropriation Act, 1983 (H.R. 7072), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Number 97-957), filed in the House of Representatives on December 10, 1982, as if such Act had been enacted into law.

(Agriculture appropriations, 1983)

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 17, 1982, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) September 30, 1983, whichever first occurs.

(September 30, 1983 expiration date)

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such projects or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

(Authorizing legislation)

SEC. 106. No provision in any appropriation Act for the fiscal year 1983 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

("Blue collar" pay ceiling)

SEC. 107. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending September 30, 1983, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or an employee covered by section 5348 of that title, in an amount which exceeds—

(1) for the period from October 1, 1982, until the next applicable wage survey adjustment becomes effective, the rate which was payable for the applicable grade and step to such employee under the applicable wage schedule that was in effect and payable on September 30, 1982; and

(2) for the period consisting of the remainder of the fiscal year ending September 30, 1983, a rate which exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1983.

(b) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of the Civil Service Reform Act of 1978, the provisions of subsection (a) of this section shall apply (in such manner as the Office of Personnel Management shall prescribe) to prevailing rate employees to whom such section 9(b) applies, except that the provisions of subsection (a) may not apply to any increase in a wage schedule or rate which is required by the terms of a contract entered into before the date of enactment of this Act.

(c) For the purposes of subsection (a) of this section, the rate payable to any employee who is covered by this section and who is paid from a schedule which was not in existence on September 30, 1982, shall be determined under regulations prescribed by the President.

(d) The provisions of this section shall apply only with respect to pay for services performed by affected employees after the date of enactment of this Act.

(e) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(f) Notwithstanding the limitations imposed on prevailing rate pay pursuant to subsection (a) of this section and section 109 of Public Law 97-276, an Act to make continuing appropriations for the fiscal year 1983, such limitations shall not apply to wage adjustments for prevailing rate supervisors provided by the supervisory pay plan published in the Federal Register on May 21, 1982. (47FR22100).

SEC. 108. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted: *Provided*, That no part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year 1982.

(INCLUDING TRANSFER OF FUNDS)

SEC. 109. Notwithstanding any other provision of this joint resolution, the following administrative provision shall apply to the Veterans Administration: The $35,000,000 limitation on Veterans Administration medical automatic data processing services carried in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983 (Public Law 97-272), is hereby repealed: *Provided*, That none of the funds which are made available by this or any other Act shall be used to further develop, implement, install, administer, operate, or maintain the computerized medical information support system (COMISS) as described in the VA ADP and Telecommunications Plan, fiscal years 1984-1987, dated September 1982, except to administer, operate and maintain the currently operational outpatient automated pharmacy, prescription, labeling, and editing system (APPLES) at locations where such system is currently operating: *Provided further*, That fifty-two of the full-time equivalent employment (FTEE) ceiling assigned to the Office of Data Management and Telecommunications for the development of COMISS shall immediately be transferred to the Department of Medicine and Surgery to support the decentralized hospital computer program: *Provided further*, That the FTEE ceiling for the Office of Data Management and Telecommunications in fiscal year 1983 shall not exceed one thousand nine hundred and thirty-four, including not to exceed one FTEE located in the Central Office to support APPLES: *Provided further*, That $1,000,000 of the amount appropriated to the "General operating expenses" account in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983 (Public Law 97-272), is hereby transferred to the "Medical care" account to support the transferred FTEE.

−$35,000,000
(decrease in limitation)

1,000,000
(by transfer)

SEC. 110. Notwithstanding any other provision of this joint resolution, moneys deposited into the National Defense Stockpile Transaction Fund under section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) are hereby made available, subject to such limitations as may be provided in appropriation Acts and in section 5(a)(1) of such Act, until expended for the acquisition of strategic and critical materials under section 6(a)(1) of such Act (and for transportation and other incidental expenses related to such acquisition). This paragraph applies without fiscal year limitation to moneys deposited into the fund before, on, or after October 1, 1982: *Provided,* That during the fiscal year ending on September 30, 1983, not more than $120,000,000 in addition to amounts previously appropriated in prior years, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition.

SEC. 111A. Notwithstanding section 102(c) of this joint resolution, subsection (c) of section 4 of the Commission on Wartime Relocation and Internment of Civilians Act (50 U.S.C. App. 1981 note) is amended by striking out "shall submit" and all that follows through the end of the subsection and inserting in lieu thereof "may make available to the public such interim findings and other information as it deems appropriate and shall submit a written report of its findings and recommendations to Congress not later than June 30, 1983.".

SEC. 111B. Notwithstanding any other provision of this joint resolution the Postal Service shall continue six-day delivery of mail and rural delivery of mail shall continue at the 1982 level. *(Postal Service delivery)*

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 102(c), there are appropriated to the Postal Service Fund sufficient amounts so that postal rates for all preferred-rate mailers covered by section 3626 of title 39, United States Code, shall be maintained at Step 14. [1]($789,000,000)

SEC. 113. No reduction in the amount payable to any State under title IV of the Social Security Act with respect to any of the fiscal years 1977 through 1983 shall be made prior to the date on which this resolution expires on account of the provisions of section 403(h) of such Act.

SEC. 114. Notwithstanding any other provision of this joint resolution or any other provision of law, none of the funds made available under this resolution or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 115. Notwithstanding any other provision of this joint resolution, except section 102, expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for construction of Boundary Integration and Colville Valley Support; official reception and representation expenses in an amount not to exceed $2,500; and for the purposes of providing funds for conservation and renewable resource loans and grants as specified in the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96-501), $1,250,000,000 borrowing authority is made available to remain outstanding at any given time: *Provided,* That the obligation of such additional borrowing authority not exceed $276,000,000 in fiscal year 1983. [2](276,000,000) *(borrowing authority)*

SEC. 116. Notwithstanding any other provision of this joint resolution, there is appropriated to the Department of the Treasury $248,000,000 for "Salaries and expenses", Bureau of Government Financial Operations; [1](248,000,000) $170,510,000 for "Salaries and expenses", Internal Revenue Service; [1](170,510,000) $1,009,409,000 for "Examinations and Appeals", Internal Revenue Service; [1](1,009,409,000) $1,000,778,000 for "Taxpayer [1](1,000,778,000)

---

[1] Included in total for Treasury, Postal Service and General Government Appropriation Act, 1983 (H.R. 7158) (see p. 277, this volume).

[2] Subsequently adjusted downward to $249,500,000 and included in total for Bonneville Power Administration Fund under Energy and Water Development Appropriation Act, 1983 (H.R. 7145) (see p. 347 and p. 1513, this volume).

Service and Returns Processing", Internal Revenue Service; $553,700,000 for "Salaries and expenses", United States Customs Service: *Provided*, That none of these funds shall be available to close or relocate Customs offices in Duluth, Minnesota/Superior, Wisconsin; Milwaukee, Wisconsin; Bridgeport, Connecticut; Hartford, Connecticut; Portland, Oregon; Miami, Florida; St. Albans, Vermont; or Anchorage, Alaska, or to consolidate or reduce personnel, programs or functions of these offices; and $235,000,000 for "Salaries and expenses" (including the hire of 200 new special agents), United States Secret Service.

[1]($553,700,000)

[1](235,000,000)

[Total, Department of the Treasury, $3,217,397,000.]

SEC. 117. None of the funds contained in this resolution shall be available for the implementation and enforcement of any Internal Revenue ruling relating to the application of sections 511, 512, and 513 of the Internal Revenue Code to revenues generated as a result of North Dakota Century Code chapter 53-06.

SEC. 118. Notwithstanding any other provision of this joint resolution, $770,000,000 shall be available for rental of space within the Federal Buildings Fund of the General Services Administration.

[1](770,000,000) (limitation on availability of revenue)

SEC. 119. Notwithstanding any other provision of this joint resolution, none of the funds made available by this Act shall be used to reduce the number of positions allocated to taxpayer service activities below fiscal year 1982 levels or to reduce the number of positions allocated to any other direct taxpayer assistance functions below fiscal year 1982 levels, including, but not limited to toll free telephone tax law assistance and Internal Revenue Service walk-in assistance available at Internal Revenue Service field offices.

SEC. 120. Notwithstanding any other provision of this joint resolution, none of the funds made available to the General Services Administration under this Act shall be obligated or expended after date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position described in section 3310 of title 5, United States Code.

SEC. 121. Notwithstanding any other provision of this joint resolution, funds available to the Federal Building Fund within the General Services Administration may be used to initiate new construction, purchase, advance design, and repairs and alteration line-item projects which are included in the Treasury, Postal Service and General Government Appropriation Act, 1983, as passed by the House or as reported to the Senate.

SEC. 122. Section 2 of Reorganization Plan Numbered 3 of 1979 (93 Stat. 1382, 5 U.S.C. Appendix) is amended by adding thereto a new subsection (e) as follows:

"(e) There shall be in the Department of Commerce a Director General of the United States and Foreign Commercial Services who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed by law for level IV of the Executive Schedule."

SEC. 123. Section 5314 of title V, United States Code is amended by adding the following at the end thereof: "Executive Director Property Review Board".

SEC. 124. Section 305(b) of Public Law 97-253 is amended by inserting before the period the following: ", except for those individuals who serve three days or less in the month of retirement".

SEC. 125. No funds appropriated by this joint resolution or any other Act may be used to enter into a restructured contract of the

---

[1] Included in total for Treasury, Postal Service and General Government Appropriation Act, 1983 (H.R. 7158) (see p. 277, this volume).

National Aeronautics and Space Administration for tracking and data relay satellite services if the estimated impact on total program cost of such restructured contract exceeds $216,000,000, or if the estimated total cost of the restructured tracking and data relay satellite services program exceeds $2,704,000,000, unless the Committees on Appropriations, having been apprised of higher estimates by the Administrator of the National Aeronautics and Space Administration, approve entering into such contract: *Provided,* That if at any time the Administrator of the National Aeronautics and Space Administration estimates that the total cost of the tracking and data relay satellite services program will exceed $2,704,000,000, or that the impact on total cost of restructuring the contract for such services will exceed $216,000,000, he shall promptly notify the Committees on Appropriations and shall take no actions that would cause such costs to increase without the approval of the Committees on Appropriations.

SEC. 126. Of the funds made available to the Department of Defense by this joint resolution, $200,000 shall be transferred to the Department of Education which shall grant such sum to the Board of Education of the Highland Falls-Fort Montgomery, New York central school district. The funds transferred by this section shall be in addition to any assistance to which the Board may be entitled under subchapter 1, chapter 13 of title 20 United States Code. *$200,000 (by transfer)*

SEC. 127. The provisions of H. Res. 611, 97th Congress, approved November 30, 1982, relating to the House of Representatives Page Board, shall be the permanent law with respect thereto. *(Pay of Pages)*

SEC. 128. No funds provided under this joint resolution shall be used to deny or reduce supplemental security income or aid to families with dependent children benefits because of home energy assistance provided by a private nonprofit organization, or any entity whose revenues are primarily derived on a rate-of-return basis regulated by a State or Federal governmental body, if the appropriate State agency has certified that such assistance was based on need as determined by such organization or entity.

SEC. 129. (a) Section 101(e) of Public Law 97-276 is amended by striking out "December 17, 1982," and inserting "September 30, 1983,". *September 30, 1983 (expiration date)*

(b) In lieu of payment of salary increases of up to 27.2 percent as authorized by law for senior executive, judicial, and legislative positions (including Members of Congress), it is the purpose of this section to limit such increases to 15 percent. Notwithstanding the provisions of section 306 of S. 2939 made applicable by subsection (a) of this section, nothing in subsection (a) shall (or be construed to) require that the rate of salary or pay payable to any individual for or on account of services performed after December 17, 1982, be limited to an amount less than the rate (or maximum rate, if higher) of salary or pay payable as of such date for the position involved increased by 15 percent and rounded in accordance with section 5318 of title 5, United States Code. *(Pay ceiling)*

(c) Subsection (b) shall not apply to Senators.

(d) For the purposes of any rule, regulation, or order having the force and effect of law and limiting the annual rates of compensation of officers and employees of the Senate by reference to the annual rate of pay of Senators, the annual rate of pay of Senators shall be deemed to be the annual rate of pay that would be payable to Senators without regard to subsection (c) of this section.

SEC. 130. Notwithstanding any other provision of this joint resolution, there is appropriated to the "Federal Labor Relations Authority", $15,500,000. [1](15,500,000)

---

[1] Included in the total for Treasury, Postal Service and General Government Appropriation Act, 1983 (H.R. 7158) (see p. 277, this volume).

SEC. 131. Notwithstanding any other provision of this joint resolution, the Secretary of the Treasury shall instruct the United States executive directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this or any other Act, for the production of any commodity for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEC. 132. Notwithstanding any other provision of this joint resolution, none of the funds appropriated or made available (other than funds for "Operating expenses of the Agency for International Development") pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to finance the operating expenses of the Agency for International Development, except that funds contained in deferral numbered D83-1 shall be used for operating expenses of the Agency for International Development.

SEC. 133. Notwithstanding any other provision of this joint resolution, none of the funds appropriated under section 101(b) of this joint resolution may be available for any country during any 3-month period beginning on or after October 1, 1982, immediately following the certification of the President to the Congress that such country is not taking adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are produced, processed, or transported in such country from entering the United States unlawfully.

SEC. 134. Notwithstanding any other provision of this joint resolution, of the new obligational authority appropriated under section 101(b) to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, not less than 30 percent shall be available for loans for the fiscal year 1983 (funds for such loans shall remain available for obligation until September 30, 1984): *Provided*, That loans made pursuant to this authority to countries whose annual per capita gross national product is greater than $795 but less than $1,285 shall be repayable within twenty-five years following the date on which funds are initially made available under such loans and loans to countries whose annual per capita gross national product is greater than or equal to $1,285 shall be repayable within twenty years following the date on which funds are initially made available under such loans.

(Senate contingent fund)

SEC. 135. Payments required by section 4 of Public Law 97-346 with respect to the Vice President, Senators, and officers and employees of the Senate shall be paid from the contingent fund of the Senate out of the account in such fund for "Miscellaneous Items".

SEC. 136. Any commuter authority operating commuter service transferred from the Consolidated Rail Corporation under part 2 of the Northeast Rail Service Act of 1981 shall be subject to applicable laws with respect to such service.

SEC. 137. Conrail employees who are deprived of employment by assumption or discontinuance of intercity passenger service by Amtrak shall hereafter be eligible for employee protection benefits under section 701 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797), notwithstanding any other provision of law, agreement, or arrangement, and notwithstanding the inability of such employees otherwise to meet the eligibility requirements of such section. Such protection shall be the exclusive protection applicable to Conrail employees deprived of employment or adversely affected by any such assumption or discontinuance.

SEC. 138. Nothwithstanding any other provision of this joint resolution, the provisions of section 616 of H.R. 7158, the Treasury, Postal Service, and General Government Appropriation Act, 1983, and section 614 of S. 2916, the Treasury, Postal Service, and General Government Appropriation Bill 1983, shall not apply to funds appropriated or otherwise made available by this joint resolution.

SEC. 139. None of the funds appropriated in this Act may be obligated or expended in any way for the purpose of the sale, lease, or rental of any portion of land currently identified as Fort DeRussy Honolulu, Hawaii.

SEC. 140. The authorization for the water project on Bradley Lake, near Cook Inlet, Alaska described in the plans recommended in the report of the Chief of Engineers contained in House Document Numbered 455, 87th Congress, which plan was adopted and authorized by the Flood Control Act of 1962 (76 Stat. 1180, 1193) is hereby terminated: *Provided*, That for clarification, funds in the amount of $31,050,000 authorized to be appropriated in fiscal year 1978 for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley Project under Public Law 95-46 shall remain available until expended: *Provided further*, That $4,000,000 shall be made available for the Yatesville Lake construction project: *Provided further*, That funds available or hereafter made available for the project for flood protection on the Sacramento River, California, authorized by the Flood Control Act of 1960, may be used for construction of bank erosion control works along the banks of the Sacramento River for Chico Landing to the upstream ends of the project levees.

[1]($4,000,000)

SEC. 141. Notwithstanding any other provision of this joint resolution, including section 102, there are appropriated $3,500,000 for carrying out the Runaway and Homeless Youth Act, which is in addition to amounts otherwise available under section 137 of Public Law 97-276 and under this joint resolution for carrying out such Act.

[2](3,500,000)

SEC. 142. (a) For payment to the Alaska Railroad Revolving Fund for capital improvements, replacements, operations, and maintenance, $7,600,000, to remain available until expended.

7,600,000

(b) For an additional amount to execute contracts for the Dodge Island Bridge Project, Miami, Florida, in accordance with the provisions of Title 23, United States Code, Section 144, $23,200,000 to be derived from the Highway Trust Fund, and to remain available until expended: *Provided*, That, notwithstanding any other provision of law, obligations incurred under this section shall not be subject to any limitation on obligations for federal-aid highways.

23,200,000
(Contract authority, trust funds)

[Total, Department of Transportation, $30,800,000.]

(Copyright Royalty Tribunal court case)

SEC. 143. Notwithstanding any other provision of this joint resolution, until the United States Court of Appeals for the District of Columbia renders a final decision in Case No. 82-2389, (National Cable Television Assoc., Inc. v. Copyright Royalty Tribunal), or March 15, 1983, whichever occurs first, no funds appropriated by this joint resolution or any other Act of Congress which provides funds for the Library of Congress and the Copyright Royalty Tribunal for fiscal year 1983 shall be expended to implement, enforce, award, or collect royalty fees under, and no obligation or liability for copyright royalty fees shall accrue until March 15, 1983 pursuant to, the decision announced by the Copyright Royalty Tribunal on October 20, 1982, Docket Numbered 81-2, and any subsequent decision, order, memorandum, or opinion issued by the Tribunal in such docket, insofar as such decision and any subsequent decision, order, memorandum, or opinion relate to the establishment of a royalty rate of 3.75 per centum of the gross receipts of certain cable systems for the carriage of certain distant signal equivalents. Nothing in this section shall be construed as barring the Copyright Royalty Tribunal from expending funds to decide, and to issue written materials with regard to its Docket Number 81-2, and to defend in court or elsewhere its decisions, orders, memoranda, or opinions in such docket or relating to the subject matter of such docket.

---

[1] Included in total for Energy and Water Development Appropriation Act, 1983 (H.R. 7145) (see p. 347, this volume).

[2] Included under "Assistant Secretary for Human Development", "human development services" (see p. 333, this volume).

Nothing in this joint resolution shall inhibit the Library of Congress and the Copyright Office from expending funds duly appropriated for the general purpose of administering the Copyright Act, including the compulsory licensing provisions therein, except as solely and specifically related to implementation of the Copyright Royalty Tribunal's rate determination of October 20, 1982 as set out in 47 FR 52146 (November 19, 1982) until the Court of Appeals has rendered a final decision regarding said determination as it relates to the distant signal rate adjustment.

Sec. 144. Notwithstanding any provision of this joint resolution or any other law or regulation, payments for local educational agencies under the Act of September 30, 1950 (Public Law 874, 81st Congress) in Montana for fiscal year 1983 shall be computed from corrected 1981 financial data. The provisions of this section shall not apply unless the following conditions are met:

(1) No such payments shall be made until an audit is conducted. (2) No such payments shall be made prior to March 30, 1983. (3) The total amount of the increase in payments made by reason of this section shall not exceed $3,000,000. (4) No such payments shall be made prior to the submission of the audit report to the Committee on Appropriations of the Senate and of the House of Representatives.

Sec. 145. Notwithstanding any other provision of this joint resolution, section 5546a(a) of title 5, United States Code, is amended (1) by deleting the period at the end of paragraph (2) of subsection (a) and inserting in lieu thereof a semicolon and the word "and", and (2) by inserting immediately after paragraph (2) of subsection (a) the following new paragraph:

> "(3) any employee of the Federal Aviation Administration who occupies a position at the Federal Aviation Administration Academy, Oklahoma City, Oklahoma, the duties of which are determined by the Administrator to require the individual to be actively engaged in or directly responsible for training employees to perform the duties of a position described in subparagraph (a); (b); or (c) or paragraph (1) of this subsection, and who, immediately prior to assuming such position at such Academy, occupied a position referred to in subparagraph (a), (b), or (c) of paragraph (1) of this subsection.".

Sec. 146. No funds, including funds provided in this joint resolution or in the account entitled "Expenses, Disposal of Surplus Real and Related Personal Property" (Account No. 47-5254-0-2-804), may be expended by the General Services Administration to proceed with any sale or disposal of real property and improvements known as the Naval and Marine Corps Reserve Center at Beavertail Point, Jamestown, Rhode Island, containing 6.81 acres, more or less, and identified by General Services Administration control number N-RI-482A.

(Social Security Act)

Sec. 147. Section 1618 of the Social Security Act is amended by adding the following new subsection:

> "(c) The Secretary shall not find that a State has failed to meet the requirements imposed by paragraph (4) of subsection (a) with respect to the levels of its, supplementary payments for any portion of the period July 1, 1980 through June 30, 1981, if the State's expenditures for such payments in that twelve-month period were not less than its expenditures for such payments for the period July 1, 1976 through June 30, 1977 (or, if the State made no supplementary payments in the period July 1, 1976 through June 30, 1977, the expenditures for the

first twelve-month period extending from July 1 through June 30 in which the State made such payments).".

SEC. 148. There is appropriated $25,000,000 for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981, relating to low income home energy assistance, which is in addition to amounts otherwise available for such title XXVI under this joint resolution. [1]($25,000,000)

SEC. 149. (A) Notwithstanding the first sentence of section 103(e)(4) of title 23, United States Code, the Secretary of Transportation shall approve the withdrawal from the Interstate System the route of Interstate Route 95 and Interstate Route 695 from the intersection with Interstate Route 295 in Hopewell Township, Mercer County, New Jersey, to the proposed intersection with Interstate Route 287 in Franklin Township, Somerset County, New Jersey.

(B) Notwithstanding any other provision of law, the Secretary of Transportation is authorized and directed, pursuant to section 103 of such title, to designate as part of the Interstate Highway System the New Jersey Turnpike from exit 10 to the interchange with the Pennsylvania Turnpike and the Pennsylvania Turnpike from such interchange to and including the proposed interchange with Interstate Route 95 in Bucks County, Pennsylvania.

(C) The Secretary of Transportation is further authorized and directed to designate Interstate Route 95 and assure through proper sign designations the orderly connection of Interstate Route 95 pursuant to this section.

SEC. 150. Within 60 days of receipt of a complete abandoned mine reclamation fund grant application from any eligible State under the provisions of the Surface Mining Control and Reclamation Act (91 Stat. 460) the Secretary of Interior shall grant to such State any and all funds available for such purposes in the applicable appropriations Act.

SEC. 151. Notwithstanding Public Law 95-622, funds made available to the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research under Public Law 97-216 shall remain available until March 31, 1983.

SEC. 152. Section 10526(a) of title 49, United States Code, is amended—

(1) by striking "or" at the end of paragraph (12);

(2) by striking the period at the end of paragraph (13), and inserting in lieu thereof "; or, "; and

(3) by adding at the end thereof the following:

"(14) transportation of broken, crushed, or powdered glass.".

(New Senate Office Building)

SEC. 153. None of the funds appropriated in this joint resolution or Public Law 97-276 shall be used for the development, initiation, or implementation of plans, drawings, architectural engineering work, design work, site preparation or acquisition for, or the construction of, any new Senate office buildings or additions to existing Senate office buildings. This provision does not apply to planning, construction, or completion for the Philip A. Hart Senate Office Building.

SEC. 154. Notwithstanding any other provision of law or this joint resolution, none of the funds provided for "International Organizations and Programs" under section 101(b) of this joint resolution shall be available for the United States' proportionate share for any programs for the Palestine Liberation Organization, the Southwest Africa Peoples Organization, or Cuba.

(Petroleum violation escrow funds)

SEC. 155. (a) It is the purpose of this section to provide the Secretary of Energy the exclusive authority for the disbursement of the designated petroleum violation escrow funds for limited restitutional purposes (1) which are reasonably expected to benefit the class of persons injured by such violations, and (2) which, based on information previously provided to Congress by the Secretary of

---

[1] Included under "Social Security Administration," "Low Income Home Energy Assistance Program" (see p. 332).

Energy, are likely not to be, through procedures established by regulation, otherwise refunded to injured persons because the purchasers of the refined petroleum products cannot be reasonably identified or paid or because the amount of each purchaser's overcharge is too small to be capable of reasonable determination.

(b) As soon as practicable, the Secretary of Energy shall disburse designated petroleum violation escrow funds to the Governors of the States in accordance with the formula set forth in subsection (d).

(c) Amounts disbursed to the Governor of any state shall be used by the Governor as if such funds were received under one or more energy conservation programs. The Governor shall identify to the Secretary within one year after the time of disbursement the energy conservation program or programs to which the funds are or will be applied. Funds disbursed under this section shall be used to supplement, and not supplant, funds otherwise available for such programs under Federal or State law.

(d) The disbursement by the Secretary of Energy to each State shall be based on the ratio, calculated by the Secretary, which—

(1) the volume of refined petroleum products consumed within that State during the period beginning September 1, 1973, and ending January 28, 1981, bears to

(2) the volume of refined petroleum products consumed within all States during such period.

Calculations made by the Secretary of Energy under this subsection shall be based upon estimates by the Secretary from reasonably available information.

(e) For purposes of this section—

(1) The term "designated petroleum violation escrow funds" means amounts (not in excess of $200,000,000) which are derived from settlements from alleged petroleum pricing and allocation violations generally resulting in overcharges to purchasers of refined petroleum products and held in trust accounts administered by the Department of Energy on December 17, 1982, and which—

(A) are not likely to be required for satisfying claims of potential claimants identified in the proceedings of the Office of Hearings and Appeals initiated prior to December 17, 1982, or identified in judicial proceedings initiated prior to such date; and

(B) the use of under this section would be consistent with the remedial order or consent order covering such funds.

(2) The term "energy conservation programs" means—

(A) the program under Part A of the Energy Conservation and Existing Buildings Act of 1976 (42 U.S.C. 6861 and following);

(B) the programs under part D of title III of the Energy Policy and Conservation Act (relating to primary and supplemental State energy conservation programs; 42 U.S.C. 6321 and following);

(C) the program under part G of title III of Energy Policy and Conservation Act (relating to energy conservation for schools and hospitals; 42 U.S.C. 6371 and following);

(D) program under the National Energy Extension Service Act (42 U.S.C. 7001 and following); and

(E) the program under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 and following).

(3) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(4) The term "Governor", when used with respect to any State, means the Governor or the chief executive officer of that State.

(5) The term "refined petroleum product" means gasoline, kerosene, distillates, (including Number 2 fuel oil), LPG (other

than ethane), refined lubricating oils, diesel fuel, and residual fuel oil, but does not include refinery feedstocks.

(f) No funds disbursed under this section may be used for any administrative expenses of the Department of Energy or of any State, whether incurred in connection with any energy conservation program or otherwise.

Sec. 156. (a)(1) The head of the agency shall pay each month an amount determined under paragraph (2) to a person—

(A) who is the surviving spouse of a member or former member of the Armed Forces described in subsection (c);

(B) who has in such person's care a child of such member or former member who has attained sixteen years of age but not eighteen years of age and is entitled to a child's insurance benefit under section 202(d) of the Social Security Act (42 U.S.C. 402(d)) for such month; and

(C) who is not entitled for such month to a mother's insurance benefit under section 202(g) of the Social Security Act (42 U.S.C. 402(g)) by reason of having such child (or any other child of such member or former member) in her care.

(2) A payment under paragraph (1) for any month shall be in the amount of the mother's insurance benefit, if any, that such person would receive for such month under section 202(g) of the Social Security Act if such child were under sixteen years of age, disregarding any adjustments made under section 215(i) of the Social Security Act after August 1981. However, if such person is entitled for such month to a mother's insurance benefit under section 202(g) of such Act by reason of having the child of a person other than such member or former member of the Armed Forces in such person's care, the amount of the payment under the preceding sentence for such month shall be reduced (but not below zero) by the amount of the benefit payable by reason of having such child in such person's care.

(b)(1) The head of the agency shall pay each month an amount determined under paragraph (2) to a person—

(A) who is the child of a member or former member of the Armed Forces described in subsection (c);

(B) who has attained eighteen years of age but not twenty-two years of age and is not under a disability as defined in section 223(d) of the Social Security Act (42 U.S.C. 423(d));

(C) who is a full-time student at a postsecondary school, college, or university that is an educational institution (as such terms were defined in section 202(d)(7) (A) and (C) of the Social Security Act as in effect before the amendments made by section 2210(a) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 841)); and

(D) who is not entitled for such month to a child's insurance benefit under section 202(d) of the Social Security Act (42 U.S.C. 402(d)) or is entitled for such month to such benefit only by reason of section 2210(c) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 842).

(2) A payment under paragraph (1) for any month shall be in the amount that the person concerned would have been entitled to receive for such month as a child's insurance benefit under section 202(d) of the Social Security Act (as in effect before the amendments made by section 2210(a) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 841)), disregarding any adjustments made under section 215(i) of the Social Security Act after August 1981, but reduced for any month by any amount payable to such person for such month under section 2210(c) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 842).

(c) A member or former member of the Armed Forces referred to in subsection (a) or (b) as described in this subsection is a member or former member of the Armed Forces who died on active duty before August 13, 1981, or died from a service-connected disability incurred or aggravated before such date.

(d)(1) The Secretary of Health and Human Services shall provide to the head of the agency such information as the head of the agency may require to carry out this section.

(2) The head of the agency shall carry out this section under regulations which the head of the agency shall prescribe. Such regulations shall be prescribed not later than ninety days after the date of the enactment of this section.

(e)(1) Unless otherwise provided by law—

(A) each time after December 31, 1981, that an increase is made by law in the dependency and indemnity compensation paid under section 411 of title 38, United States Code, the head of the agency shall, at the same time and effective as of the same date on which such increase takes effect, increase the benefits paid under subsection (a) by a percentage that is equal to the overall average (rounded to the nearest one-tenth of 1 per centum) of the percentages by which each of the dependency and indemnity compensation rates under section 411 of such title are increased above the rates as in effect immediately before such increase; and

(B) each time after December 31, 1981, that an increase is made by law in the rates of educational assistance allowances provided for under section 1731(b) of title 38, United States Code, the head of the agency shall, at the same time and effective as of the same date on which such increase takes effect, increase the benefits paid under subsection (b) by a percentage that is equal to the overall average (rounded to the nearest one-tenth of 1 per centum) of the percentages by which each of the educational assistance allowance rates provided for under section 1731(b) of such title are increased above the rates as in effect immediately before such increase.

(2) The amount of the benefit payable to any person under subsection (a) or (b) and the amount of any increase in any such benefit made pursuant to clause (1) or (2) of this subsection, if not a multiple of $1, shall be rounded to the next lower multiple of $1.

(f) Payments under subsections (a) and (b) shall be made only for months after the month in which this section is enacted.

(Transfer authority, 1983)

(g)(1) During fiscal year 1983 the Secretary of Defense shall transfer from time to time from the "Retired Pay, Defense" account of the Department of Defense to the head of the agency such amounts as the head of the agency determines to be necessary to pay the benefits provided for under subsections (a) and (b) during such fiscal year and to pay the administrative expenses incurred in paying such benefits during such fiscal year. The Secretary of Defense may transfer funds under this subsection in advance of the payment of benefits and expenses by the head of the agency.

(2) The head of the agency shall establish on the books of the agency over which he exercises jurisdiction a new account to be used for the payment of benefits under subsections (a) and (b) and shall credit to such account all funds transferred to him for such purpose by the Secretary of Defense.

(h) The head of the agency and the Secretary of Health and Human Services may enter into an agreement to provide for the payment by the Secretary or the head of the agency of benefits provided for under subsection (a) and benefits provided for under section 202(g) of the Social Security Act (42 U.S.C. 402(g)) in a single monthly payment and for the payment by the Secretary or the head of the agency of benefits provided for under subsection (b) and benefits provided for under section 202(d) of the Social Security Act (42 U.S.C. 402(d)) in a single monthly payment, if the head of the agency and the Secretary agree that such action would be practicable and cost effective to the Government.

(i) For the purposes of this section:

(1) The term "head of the agency" means the head of such department or agency of the Government as the President shall designate to administer the provisions of this section.

(2) The terms " active military, naval, or air service" and "service-connected" have the meanings given those terms in paragraphs (24) and (16), respectively, of section 101 of title 38, United States Code, except that for the purposes of this section such terms do not apply to any service in the commissioned corps of the Public Health Service or the National Oceanic and Atmospheric Administration.

Sec. 157. Upon request of the city of Tacoma, Washington, the Secretary of Commerce shall authorize such city to sell or lease to any person the Pantages Centre for the Performing Arts building, without affecting the Federal assistance provided under the Public Works and Economic Development Act of 1965 (project numbered 07-11-02513), if such transfer documents provide for the operation of such facility as a performing arts center for at least twenty-five years after such transfer.

Sec. 158. For activities of the White House Conference on Productivity, including the conduct of regional and local conferences throughout the United States, as authorized by Public Law 97-367, $1,500,000. [1]($1,500,000)

Sec. 159. Funds in this joint resolution may not be made available for payment to the International Atomic Energy Agency unless the Board of Governors of the International Atomic Energy Agency certifies to the United States Government that the State of Israel is allowed to participate fully as a member nation in the activities of that Agency, and the Secretary of State transmits such certification to the Speaker of the House of Representatives and the President of the United States Senate.

Sec. 160. Nothwithstanding any other provision of this joint resolution, there is appropriated $100,000,000 for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981, relating to low-income home energy assistance, which is in addition to amounts otherwise available for such title XXVI under this joint resolution. [2](100,000,000)

Sec. 161. The Nation's economy is entering the seventeeth month of a severe recession, with few signs of recovery;

Nearly twenty million people are underemployed or unemployed due to this recession;

Our Nation's steel, auto and housing industries and our agricultural sector remain mired in a depression;

Given the current underutilization of both labor and capital, lower interest rates will not rekindle inflation;

Lower interest rates are the key to higher employment, higher production and sustained economic growth; therefore, be it

(Sense of the Congress on interest rates)

Declared that it is the Sense of the Congress that: In recent months, the Board of Governors of the Federal Reserve and the Federal Open Market Committee have made a significant contribution to the lower interest rates without rekindling inflation, and that, with due regard for controlling inflation so as not to have an opposite effect of driving interest rates upward, they should continue to take such actions as are necessary to achieve and maintain a level of interest rates low enough to generate significant economic growth and thereby reduce the current intolerable level of unemployment.

Sec. 162. For an additional amount for "Employment and training assistance", $25,000,000, which shall be for carrying out title III of the Job Training Partnership Act (Public Law 97-300). [3](25,000,000)

Sec. 163. None of the funds made available by this joint resolution shall be used to furnish, or facilitate the sale or transfer of, sensitive

---

[1] Included in total for Commerce, State, Justice, the Judiciary, and Related Agencies Appropriation Bill, 1983 (S. 2956) (see p. 105, this volume.)

[2] Included under "Social Security Administration," "Low Income Home Energy Assistance Program" (see p. 332).

[3] Included in total for "Employment and Training Administration" (see p. 322). Also shown in table VIII (p. 1529) under "Employment and Training Administration."

United States defense equipment, materials or technology to any country for which the President does not certify to the Congress that he has reliable assurances that such country will not transfer sensitive United States equipment, materials or technology in violation of agreements entered into under the Arms Export Control Act to any Communist country, or to any country which receives arms from a Communist country. *(Restriction on exports of defense materials)*

SEC. 164. Notwithstanding any other provision of this joint resolution, $94,000 is appropriated to the United States Fish and Wildlife Service, "Resource Management". $94,000

SEC. 165. (a) Section 922(b)(5), title 18, United States Code, is amended by adding the words "except .22 caliber rimfire ammunition" after the words "or ammunition".

(b) Section 923(9), title 18, United States Code, is amended by adding the words "except .22 caliber rimfire ammunition" after the words "and ammunition" the first time they appear.

SEC. 166. Notwithstanding any other provision of law, an additional amount of $2,000,000 shall be available to the Secretary of Labor to enter into a contractual or other agreement to support social science and historical studies of international labor issues. [1](2,000,000)

SEC. 167. Notwithstanding any other provision of this joint resolution, there is appropriated to the Department of the Interior $3,000,000 for National Park Service Construction. 3,000,000

Approved December 21, 1982.

LEGISLATIVE HISTORY—H.J. Res. 631

HOUSE REPORTS: No. 97-959 (Comm. on Appropriations) and No. 97-980 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Dec. 14, considered and passed House.
Dec. 18, 19, considered and passed Senate, amended.
Dec. 19, House concurred in Senate amendments with amendments.
Dec. 20, Senate and House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 51 (1982):
Dec. 21, Presidential statement.

Grand total, Further Continuing Appropriations, 1983, new budget (obligational) authority .... [2]379,222,168,254

---

[1] Included under "Departmental Management," "salaries and expenses" (see p. 326).

[2] See tabulation on next page for *net* total of new budget (obligational) authority provided in this joint resolution

NOTE.—The following tabulation is a classification by departments and establishments of new budget (obligational) authority made in the foregoing joint resolution:

Department or establishment	Amount
Treasury, Postal Service, and General Government Appropriations Bill, 1983 (H.R. 7158)	[1] $10,876,737,000
Foreign Assistance and Related Programs Appropriations Bill, 1983 (S. 3075)	[2] 11,231,729,565
Department of Defense Appropriation Bill, 1983 (H.R. 7355)	[3] 231,603,561,000
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (S. 2956)	[4] 9,264,172,000
Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983 (H.R. 7205)	[5] 96,222,529,000
Energy and Water Development Appropriation Bill, 1983 (H.R. 7145)	[6] 13,985,230,000
Subtotal, regular annual appropriation bills	373,183,958,565
Department of Housing and Urban Development (net)	6,002,315,689
Department of Energy	2,000,000
Department of Transportation	30,800,000
Department of the Interior	3,094,000
Grand total, new budget (obligational) authority, Further Continuing Appropriations, 1983	379,222,168,254
LESS amounts for appropriation acts having separate extended bill and table VIII's in this volume:	
Treasury, Postal Service, and General Government Appropriations Bill, 1983 (H.R. 7158) (see pp. 251-253 and pp. 1547-1549)	−10,876,737,000
Foreign Assistance and Related Programs Appropriations Bill, 1983 (S. 3075) (see p. 145 and pp. 1516-1519)	−11,231,729,565
Department of Defense Appropriations Bill, 1983 (H.R. 7355) (see pp. 131-132 and pp. 1508-1511)	−231,603,561,000
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (S. 2956) (see pp. 105-129 and pp. 1500-1507)	−9,264,172,000
Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983 (H.R. 7205) (see pp. 203-204 and pp. 1529-1535)	−96,222,529,000
Energy and Water Development Appropriation Bill, 1983 (H.R. 7145) (see pp. 143-144 and pp. 1513-1515)	−13,985,230,000
Net total, new budget (obligational) authority, Further Continuing Appropriations, 1983	6,038,209,689

---

[1] Although new budget (obligational) authority is provided in this joint resolution (Public Law 97-377) for programs and activities in H.R. 7158, which was not enacted into law, a separate extended bill and table VIII for H.R. 7158 are included in this volume on pp. 251-253 and pp. 1547-1549.

[2] Although new budget (obligational) authority is provided in this joint resolution (Public Law 97-377) for programs and activities in S. 3075, which was not enacted into law, a separate extended bill and table VIII for S. 3075 are included in this volume on p. 145 and pp. 1516-1519.

[3] Although new budget (obligational) authority is provided in this joint resolution (Public Law 97-377) for programs and activities in H.R. 7355, which was not enacted into law, a separate extended bill and table VIII for H.R. 7355 are included in this volume on pp. 131-132 and pp. 1508-1511.

[4] Although new budget (obligational) authority is provided in this joint resolution (Public Law 97-377) for programs and activities in S. 2956, which was not enacted into law, a separate extended bill and table VIII for S. 2956 are included in this volume on pp. 105-129 and pp. 1500-1507.

[5] Although new budget (obligational) authority is provided in this joint resolution (Public Law 97-377) for programs and activities in H.R. 7205, which was not enacted into law, a separate extended bill and table VIII for H.R. 7205 are included in this volume on pp. 203-204 and pp. 1529-1535.

[6] Although new budget (obligational) authority is provided in this joint resolution (Public Law 97-377) for programs and activities in H.R. 7145, which was not enacted into law, a separate extended bill and table VIII for H.R. 7145 are included in this volume on pp. 143-144 and pp. 1513-1515.

97th Congress, 2d Session - - - - - - - House Document No. 97-236

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS--SEPTEMBER 1, 1982

COMMUNICATION

FROM

THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

TRANSMITTING

A CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY AS OF SEPTEMBER 1, 1982, PURSUANT TO SECTION 1014(e) OF PUBLIC LAW 93-344

SEPTEMBER 13, 1982.—Referred to the Committee on Appropriations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1982

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Honorable Thomas P. O'Neill
Speaker of the House of
Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

In accordance with Executive Order 11845, I am transmitting the cumulative report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with the Act, the report is also being transmitted to the Senate and will be published in the Federal Register.

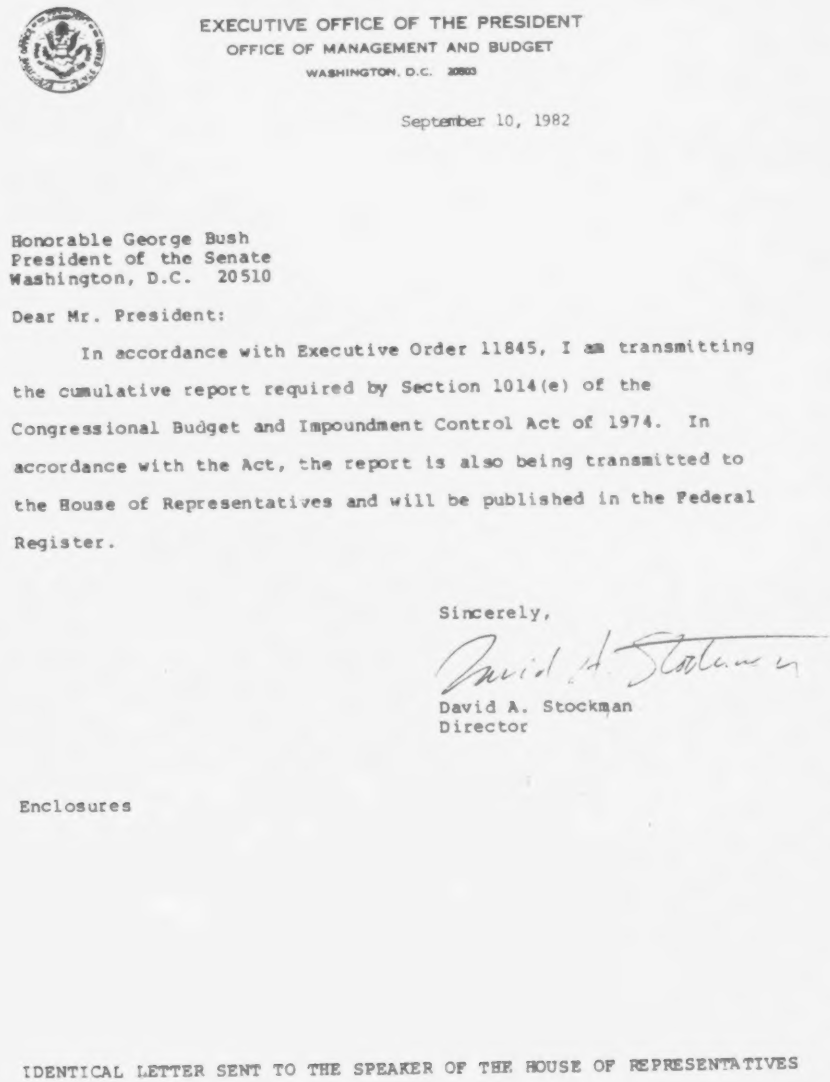
Sincerely,

David A. Stockman

David A. Stockman
Director

Enclosures

IDENTICAL LETTER SENT TO THE PRESIDENT OF THE SENATE



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 10, 1982

Honorable George Bush
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

In accordance with Executive Order 11845, I am transmitting the cumulative report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with the Act, the report is also being transmitted to the House of Representatives and will be published in the Federal Register.

Sincerely,

David A. Stockman

David A. Stockman
Director

Enclosures

IDENTICAL LETTER SENT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

CUMULATIVE REPORT ON
RESCISSIONS AND DEFERRALS

September 1, 1982

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of September 1, 1982 of 31 rescission proposals and 252 deferrals contained in the first seventeen messages of FY 1982. These messages were transmitted to the Congress on October 1, 20, 23, and 29, and November 6, and 13, 1981, January 22, February 8, and 19, March 18, April 23, May 18, June 3, and 23, July 16, and 28, 1982, and August 23, 1982.

Rescissions (Table A and Attachment A)

Seven rescission proposals totaling $393.2 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of September 1, 1982 while Attachment A shows the history and status of each rescission proposed during FY 1982.

Deferrals (Table B and Attachment B)

As of September 1, 1982, $2,440.4 million in 1982 budget authority was being deferred from obligation and another $7.9 million in 1982 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1982.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the Federal Registers of:

Vol. 46, No. 194, FR p. 49793, Wednesday, October 7, 1981
Vol. 46, No. 206, FR p. 52289, Monday, October 26, 1981
Vol. 46, No. 210, FR p. 54259, Friday, October 30, 1981
Vol. 46, No. 212, FR p. 54691, Tuesday, November 3, 1981
Vol. 46, No. 218, FR p. 55905, Thursday, November 12, 1981
Vol. 46, No. 223, FR p. 57019, Thursday, November 19, 1981
Vol. 47, No. 18, FR p. 4021, Wednesday, January 27, 1982
Vol. 47, No. 28, FR p. 6193, Wednesday, February 10, 1982
Vol. 47, No. 37, FR p. 8145, Wednesday, February 24, 1982
Vol. 47, No. 57, FR p.12751, Wednesday, March 24, 1982
Vol. 47, No. 82, FR p.18301, Wednesday, April 28, 1982

Vol. 47, No. 100, FR p. 22483, Monday, May 24, 1982
Vol. 47, No. 110, FR p. 24992, Thursday, June 8, 1982
Vol. 47, No. 127, FR p. 28891, Thursday, July 1, 1982
Vol. 47, No. 141, FR p. 31835, Thursday, July 22, 1982
Vol. 47, No. 149, FR p. 33662, Tuesday, August 3, 1982
Vol. 47, No. 166, FR p. 37846, Thursday, August 26, 1982

TABLE A

STATUS OF 1982 RESCISSIONS

	Amount (In millions of dollars)*
Rescissions proposed by the President	$ 7,734.5
Accepted by the Congress	4,098.6
Rejected by the Congress	3,242.6
Pending before the Congress	$ 393.2 a.

---

* Detail does not add to total due to rounding.

* *

TABLE B

STATUS OF 1982 DEFERRALS

	Amount (In millions of dollars)*
Deferrals proposed by the President	$ 8,207.5
Routine Executive releases (-$5,423.4 million) and adjustments ($16.9 million) through September 1, 1982.	-5,406.5
Overturned by the Congress	-352.7
Currently before the Congress	$ 2,448.4 b.

---

a. This amount includes $20.5 million in FY 1983 funds (R82-3).

b. This amount includes $7.9 million in outlays for a Department of the Treasury deferral (D82-23A).

* Detail does not add to total due to rounding.

Attachments

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982 AS OF 09/02/82 10:59

AS OF SEPTEMBER 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
FUNDS APPROPRIATED TO THE PRESIDENT							
International Development Assistance							
Functional development assistance program BA	R82- 4	8,129		2 8 82		8,129	4 23 82
Sahel development program BA	R82- 5	2,500		2 8 82		2,500	4 23 82
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		10,629				10,629	
DEPARTMENT OF AGRICULTURE							
Extension Service							
Extension service BA	R82- 6	2,000		2 8 82		2,000	4 26 82
DEPARTMENT OF AGRICULTURE TOTAL BA		2,000				2,000	
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Coastal zone management BA	R82- 7	12,000		2 8 82		12,000	4 26 82
Coastal energy impact fund BA	R82- 8	7,000		2 8 82		7,000	4 26 82
DEPARTMENT OF COMMERCE TOTAL BA		19,000				19,000	
DEPARTMENT OF DEFENSE - MILITARY							
Procurement							
Aircraft procurement, Air Force BA	R82- 1	65,700		10 23 81		65,700	12 14 81
Missile procurement, Air Force BA	R82- 2	22,500		10 23 81		22,500	12 14 81
DEPARTMENT OF DEFENSE - MILITARY TOTAL BA		88,200				88,200	
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Compensatory education for the disadvantaged BA	R82- 9	411,933		2 8 82		411,933	4 26 82
Special programs and populations BA	R82-10	65,600		2 8 82		65,600	4 26 82
Indian education BA	R82-11	6,255		2 8 82		6,255	4 26 82
Office of Special Education and Rehab. Services							
Education for the handicapped BA	R82-12	258,572		2 8 82		258,572	4 26 82
Rehabilitation services and handicapped research BA	R82-13	91,171		2 8 82		91,171	4 26 82
Office of Vocational and Adult Education							
Vocational and adult education BA	R82-14	105,741		2 8 82		105,741	4 26 82
Office of Postsecondary Education							
Student financial assistance BA	R82-15	141,500		2 8 82		141,500	4 26 82
Higher and continuing education BA	R82-16	42,739		2 8 82		42,739	4 26 82

PAGE 2 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982 AS O 07/82 10:59

AS OF SEPTEMBER 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMO MA AVAI	DATE MADE AVAILABLE MO DA YR
Office of Educational Research and Improvement								
Libraries								
	BA	R82-17	22 110		2 8 82		22,110	4 26 82
Departmental management								
Educ res & train overseas (spec for curr)								
	BA	R82-18	80		2 8 82		80	4 26 82
Office of Bilingual Educ & Minority Lang Affairs								
Bilingual education								
	BA	R82-19	11,504		2 8 82		11,504	4 26 82
DEPARTMENT OF EDUCATION TOTAL BA			1,157,205				1,157,205	
DEPARTMENT OF ENERGY								
Energy Programs								
Fossil energy construction								
	BA	R82-30		83,500	7 28 82			
Energy conservation								
	BA	R82-20	20,000		2 8 82		20,000	4 26 82
DEPARTMENT OF ENERGY TOTAL BA			20,000	83,500			20,000	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs								
	BA	R82-21	9,399,789		2 8 82		5,999,789b	4 26 82
	BA	R82-21A	-3,400,000		4 23 82	4,098,640		
Solar Energy and Energy Conservation Bank								
Assistance for solar and conserv improvements								
	BA	R82-22	21,850		2 8 32		21,850	4 26 82
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA			6,021,639			4,098 640	6,021,639	
DEPARTMENT OF THE INTERIOR								
Geological Survey								
Exploration of natl petroleum reserve-Alaska								
	BA	R82-28		16,200	7 16 82			
DEPARTMENT OF LABOR								
Employment and Training Administration								
Employment and training assistance								
	BA	R82-29		47,429	7 16 82			
Mine Safety and Health Administration								
Salaries and expenses								
	BA	R82-23	4,095		2 8 82		2,095	4 26 82
	BA	R82-23A	-2,000		2 19 82			
DEPARTMENT OF LABOR TOTAL BA			2,095	47,429			2,095	
DEPARTMENT OF TRANSPORTATION								
Federal Highway Administration								
Highway-related safety grants								
	BA	R82-24	9,623		2 8 82		9,623	4 26 82
DEPARTMENT OF TRANSPORTATION TOTAL BA			9,623				9,623	

PAGE 3

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982

AS OF 09/02/82 10 59

AS OF SEPTEMBER 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
OTHER INDEPENDENT AGENCIES							
Board for International Broadcasting							
Grants and expenses BA	R82-31		2,334	8 23 82			
Corporation for Public Broadcasting							
Public broadcasting fund BA	R82- 3		20,500a	11 6 81			
National Foundation on the Arts and Humanities							
Institute of Museum Services Program operations BA	R82-25	10,877		2 8 82		10,877	4 26 82
Office of Fed Insp for the Alaska Nat Gas Sys							
Salaries and expenses BA	R82-27		8,000	6 23 82		8,000b	8 26 82
Postal Service							
Payment to the Postal Service Fund BA	R82-26		215,230	3 18 82			
OTHER INDEPENDENT AGENCIES TOTAL BA		10,877	246,064			18,877	
TOTAL BA		7,341,268	393,193		4,098,640	7,349,268	

a This is a proposal to rescind FY 1983 funds

b This item is still under consideration by the Congress, but the amount shown was made available upon expiration of the 45-day withholding period

END OF REPORT

PAGE 1

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982

AS OF 08/02/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA-TIVE OMB /AGENCY RELEASES	CONGRES-SIONALLY REQUIRED RELEASES	CUMULA-TIVE ADJUST-MENTS	AMOUNT DEFERRED AS OF 8-1-82
EXECUTIVE OFFICE OF THE PRESIDENT								
White House Office								
Salaries and Expenses	BA D82- 27	366		10 20 81	-366			
Special Assistance to the President								
Salaries and Expenses	BA D82- 28	28		10 20 81	-28			
Council of Economic Advisers								
Salaries and Expenses	BA D82- 86	32		10 23 81	-32			
Council on Envir. Quality & Office of Envir. Qual								
Salaries and Expenses	BA D82- 29	9		10 20 81	-9			
Office of Policy Development								
Salaries and Expenses	BA D82- 30	45		10 20 81	-45			
National Security Council								
Salaries and Expenses	BA D82- 31	62		10 20 81	-62			
Office of Administration								
Salaries and expenses	BA D82- 32	139		10 20 81	-139			
OMB, Office of Fed. Procurement Policy								
Salaries and expenses	BA D82- 33	24		10 20 81	-24			
Office of Science and Technology Policy								
Salaries and expenses	BA D82- 34	30		10 20 81	-30			
Office of the U.S. Trade Representative								
Salaries and expenses	BA D82- 35	78		10 20 81	-78			
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL BA		813			-813			
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs	BA D82- 1 BA D82- 1A BA D82- 1B	15,000		10 1 81 a 1 22 82 a 2 8 82				15,000
Disaster Relief								
Disaster relief	BA D82-158 BA D82-159	7,000 138,000		10 29 81 10 29 81	-7,000 -138,000			
International Security Assistance								
Foreign military credit sales	BA D82-222	680,000		2 8 82	-680,000			
Economic support fund	BA D82-219	1,756,980		1 22 82	-1,754,830			2,150
Military assistance	BA D82-223	129,512		2 8 82	-101,500			28,012
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		2,726,492			-2,681,330			45,162
DEPARTMENT OF AGRICULTURE								
Office of the Secretary								
Office of the Secretary	BA D82-160	29		10 29 81	-29			
Agricultural Research Service								
Agricultural research service	BA D82-161	1,813		10 29 81	-1,813			
Cooperative State Research Service								
Cooperative state research service	BA D82-162	2,790		10 29 81	-2,790			
Extension Service								
Extension service	BA D82-163	1,990		10 29 81	-1,990			
National Agricultural Library								
National agricultural library	BA D82-164	93		10 29 81	-93			
Statistical Reporting Service								
Statistical reporting service	BA D82-165	198		10 29 81	-198			

PAGE 2 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 09/02/82 10:25

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-1-82
Agricultural Cooperative Service								
Agricultural cooperative service	BA D82-166	39		10 29 81	-39			
Office of Internat. Cooperation and Development								
Scientific activities overseas	BA D82-167	700		10 29 81	-700			
Rural Electrification Administration								
Rural electr. and telephone revolving fund	BA D82-169	49,368b		10 29 81	-49,368			
Foreign Assistance Programs								
Expenses, P.L. 480	BA D82- 36	25,696		10 20 81	-25,696			
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs	BA D82- 88	28		10 23 81	-28			
Agricultural conservation	BA D82- 87	8,600		10 23 81	-8,600			
Emergency conservation program	BA D82-168	1,400		10 29 81	-1,400			
Farmers Home Administration								
Salaries and expenses	BA D82-171	526		10 29 81	-526			
Rural housing for domestic farm labor	BA D82-173 BA D82-224	1,750 10,728		10 29 81 2 8 82	-1,750			10,728
Mutual and self-help housing	BA D82-174	490		10 29 81	-490			
Rural water and waste disposal	BA D82-170	8,680		10 29 81	-8,680			
Rural community fire protection grants	BA D82-172	490		10 29 81	-490			
Agricultural credit insurance fund	BA D82-175	1,316		10 29 81	-1,316			
Rural development insurance fund	BA D82-176	21,000		10 29 81	-21,000			
Soil Conservation Sevice								
Watershed and flood prevention operations	BA D82- 89 BA D82-244	8,926 8,822		10 23 81 6 3 82	-8,926			8,822
Animal and Plant Health Inspection Service								
Animal and plant health inspection service	BA D82- 90	4,125		10 23 81	-4,125			
Buildings and facilities	BA D82-177	236		10 29 81	-236			
Agricultural Marketing Service								
Payments to States and possessions	BA D82-178	210		10 29 81	-210			
Food and Nutrition Service								
Food program administration	BA D82-209	487		11 6 81	-487			
Child nutrition programs	BA D82-210	472		11 6 81	-472			
Special supplemental food programs (WIC)	BA D82-211	13,831		11 6 81	-13,831			
Forest Service								
State and private forestry	BA D82- 92 BA D82-179	776 657		10 23 81 10 29 81	-776 -657			
Agricultural research	BA D82- 91	1,348		10 23 81	-1,348			
National forest system	BA D82- 93 BA D82-180	12,516 1,059		10 23 81 10 29 81	-12,516 -1,059			
Construction and land acquisition	BA D82- 94	6,693		10 23 81	-6,693			
Timber salvage sales	BA D82- 2 BA D82- 2A	6,723	 561	10 1 81 1 22 82				7,284
Rangeland improvements	BA D82- 96	100		10 23 81	-100			
Acquisition of lands to complete land exchanges	BA D82- 95	6		10 23 81	-6			
Expenses, brush disposal	BA D82- 3 BA D82- 3A	49,349	 a	10 1 81 4 23 82			-948	48,401
DEPARTMENT OF AGRICULTURE TOTAL BA		254,068	561		-178,447		-948	75,235

PAGE 3 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 08/02/82 10:25

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA-TIVE OMB /AGENCY RELEASES	CONGRES-SIONALLY REQUIRED RELEASES	CUMULA-TIVE ADJUST-MENTS	AMOUNT DEFERRED AS OF 9-1-82
DEPARTMENT OF COMMERCE									
General Administration									
Participation in U.S. expositions	BA	D82- 4	507		10 1 81	-32			475
Bureau of the Census									
Periodic censuses and programs	BA	D82-225	1,015		2 8 82				
	BA	D82-225A		a	5 18 82	-100			915
Economic and Statistical Analysis									
Salaries and expenses	BA	D82- 97	420		10 23 81	-420			
Economic Development Administration									
Economic development assistance programs	BA	D82- 98	38,855		10 23 81	-38,855			
	BA	D82-245	2,800		6 3 82	-2,800			
Minority Business Development Agency									
Minority business development	BA	D82- 99	857		10 23 81	-857			
	BA	D82-226	5,000		2 8 82				
	BA	D82-226A		5,000	5 18 82				10,000
United States Travel Service									
Salaries and expenses	BA	D82-181	287		10 29 81	-287			
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	BA	D82-100	12,891		10 23 81	-12,891			
Construction	BA	D82- 5	2,000		10 1 81				
	BA	D82- 5A		a	1 22 82				
	BA	D82- 5B		a	5 18 82				2,000
National Telecom. and Information Admin.									
Salaries and expenses	BA	D82-101	277		10 23 81	-277			
DEPARTMENT OF COMMERCE TOTAL BA			64,909	5,000		-56,519			13,390
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Shipbuilding and conversion, Navy	BA	D82-227	1,275,000		2 8 82				1,275,000
Military Construction									
Military construction, all services	BA	D82- 6	38,837		10 1 81				
	BA	D82- 6A		14,101	1 22 82				
	BA	D82- 6B		714,785	2 8 82	-754,785		51,124	64,062
Family Housing, Defense									
Family housing, Defense	BA	D82- 7	1,992		10 1 81	-1,992			
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA			1,315,829	728,886		-756,777		51,124	1,339,062
DEPARTMENT OF DEFENSE-CIVIL									
Cemeterial Expenses, Army									
Salaries and expenses	BA	D82- 37	85		10 20 81	-85			
Corps of Engineers									
General investigations	BA	D82- 38	2,068		10 20 81	-2,068			
Construction, general	BA	D82- 39	14,284		10 20 81	-14,284			
General expenses	BA	D82- 40	370		10 20 81	-370			
Special recreation use fees	BA	D82- 41	59		10 20 81	-59			
Soldiers' and Airmen's Home									
Operation and maintenance	BA	D82- 42	63		10 20 81	-63			
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services	BA	D82- 8	597		10 1 81				
	BA	D82- 8A		433	1 22 82	-30		8	1,008
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA			17,526	433		-16,959		8	1,008

PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 08/02/82 10.25

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-1-82
DEPARTMENT OF ENERGY									
Energy Programs									
Fossil energy R&D	BA	D82-105	14,769		10 23 81	-14,769			
	BA	D82-236	44,883		3 18 82		-44,883		
Fossil energy construction	BA	D82- 9	135,000		10 1 81		-135,000		
Gen. science & research-plant & capital	BA	D82-102	1,682		10 23 81	-1,682			
Energy supply R&D-operating expenses	BA	D82-103	49,393		10 23 81	-49,393			
	BA	D82-228	4,000		2 8 82				4,000
	BA	D82-228A		a	3 18 82				
Energy supply R&D-plant and capital equip	BA	D82-104	11,949		10 23 81	-11,949			
Energy conservation	BA	D82-106	14,007		10 23 81	-14,007			
Strategic Petroleum Reserve	EX	D82- 10	8,000		10 1 81				
	BA	D82- 10A		52,860	2 8 82	-8,000	-52,860		
Energy information administration	BA	D82-107	2,042		10 23 81	-2,042			
Economic regulation	BA	D82-108	2,436		10 23 81	-2,436			
Federal Energy Regulatory Commission	BA	D82-109	490		10 23 81	-490			
Geothermal resources development fund	BA	D82-110	18		10 23 81	-18			
DEPARTMENT OF ENERGY TOTAL BA			288,669	52,860		-104,786	-232,743		4,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services	BA	D82- 11	1,508		10 1 81	-1,508			
Indian health services	BA	D82-212	10,950		11 6 81	-10,950			
Centers for Disease Control									
Preventive Health Services	BA	D82-213	791		11 6 81	-791			
Alcohol, Drug Abuse & Mental Health Administration									
Construction & renovation, St. Elizabeths Hospital	BA	D82- 12	11,500		10 1 81				11,500
	BA	D82- 12A		a	1 22 82				
Office of Assistant Secretary for Health									
Health services management	BA	D82-214	1,142		11 6 81	-1,142			
Special foreign currency program	BA	D82- 13	7,000		10 1 81				
	BA	D82- 13A		a	1 22 82				7,000
Health Care Financing Administration									
Program management	BA	D82-215	420		11 6 81	-420			
Social Security Administration									
Refugee assistance	BA	D82- 43	10,000		10 20 81	-10,000			
Cuban and Haitian entrants, reception & process.	BA	D82- 44	4,900		10 20 81	-4,900			
	BA	D82- 44A		a	1 22 82				
Cuban and Haitian entrants, domestic asst.	EX	D82- 45	37,000		10 20 81				
	EX	D82- 45A		11,398	1 22 82	-48,398			
Limitation on administrative expenses	BA	D82-237	9,600		3 18 82				
	BA	D82-237A		a	5 18 82				9,600
Human Development Services									
Work incentives	BA	D82-216	10,523		11 6 81	-10,523			
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA			105,334	11,398		-88,632			28,100
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Subsidized housing programs	BA	D82-182	78,218		10 29 81	-78,218			
Payments for operation of low income housing	BA	D82-183	102,452		10 29 81	-102,452			

PAGE 5 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 08/02/82 10:25

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 8-1-82
Housing for the elderly or handicapped	BA D82-111	14,284		10 23 81	-14,284			
Solar Energy and Energy Conserv. Bank								
Assist. for solar and conserv. improvements	BA D82-184	3,500		10 28 81	-3,500			
Community Planning and Development								
Community development support assistance	BA D82-112	51,589		10 23 81	-61,589			
Urban development action grants	BA D82-113	8,412		10 23 81	-8,412			
Rehabilitation loan fund	BA D82-185	26,959		10 28 81	-26,959			
Neighborhoods, Vol. Assoc. & Consumer Prot.								
Housing counseling assistance	BA D82- 46	207		10 20 81	-207			
Policy Development and Research								
Research and technology	BA D82- 47	420		10 20 81	-420			
Fair Housing and Equal Opportunity								
Fair housing assistance	BA D82- 48	96		10 20 81	-96			
Management and Administration								
Salaries and expenses	BA D82-186	3,590		10 29 81	-3,590			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		300,737			-300,737			
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Acquisition, construction and maintenance	BA D82- 49	121		10 20 81	-121			
Range improvements	BA D82-114	237		10 23 81	-237			
Bureau of Reclamation								
Loan program	BA D82-115	792		10 23 81	-792			
Construction program	BA D82-116	4,603		10 23 81	-4,603			
General investigations	BA D82-117	944		10 23 81	-944			
Operations and maintenance	BA D82-118	64		10 23 81	-64			
General administrative expenses	BA D82-119	353		10 23 81	-353			
Office of Water Research & Technology								
Salaries and expenses	BA D82-120	600		10 23 81	-600			
U.S. Fish and Wildlife Service								
Resource management	BA D82-121	5,815		10 23 81	-5,815			
Construction and anadromous fish	BA D82- 50	392		10 20 81	-392			
	BA D82-246	600		6 3 82		-600		
Land acquisition	BA D82-247	400		6 3 82		-400		
National Park Service								
Urban park and recreation grants	BA D82-125	1,400		10 23 81	-1,400			
	BA D82-238	858		3 18 82		-858		
Operation of the National Park Service	BA D82-122	5,216		10 23 81	-5,216			
John F. Kennedy Center for the Performing Arts	BA D82-124	40		10 23 81	-40			
Construction	BA D82-123	5,207		10 23 81	-5,207			
Land and water conservation fund	BA D82-126	16,256		10 23 81	-16,256			
	BA D82- 14	30,000		10 1 81				
	BA D82- 14A			a 2 8 82				30,000
	BA D82-239	2,821		3 18 82		-2,821		
Historic preservation fund	BA D82-218	108		11 13 81	-108			
	BA D82-240	781		3 18 82		-781		
Geological Survey								
Surveys, investigations and research	BA D82- 51	9,019		10 20 81	-9,019			
Exploration of National Petroleum Res. in Alaska	BA D82- 52	80		10 20 81	-80			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982

AS OF 08/02/82 10:25

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 8-1-82
Payments from proceeds, sale of water	BA D82- 15	45		10 1 81				45
Office of Surface Mining Reclam. and Enforcement								
Regulation and technology	BA D82- 53	1,245		10 20 81	-1,245			
Bureau of Mines								
Drainage of anthracite mines	BA D82- 16	991		10 1 81				991
	BA D82- 16A			2 8 82				
Mines and minerals	BA D82- 54	2,600		10 20 81	-2,600			
Bureau of Indian Affairs								
Operation of Indian programs	BA D82-127	16,607		10 23 81	-16,607			
Construction	BA D82-128	148		10 23 81	-148			
Road construction	BA D82-129	279		10 23 81	-279			
Office of Territorial Affairs								
Administration of territories	BA D82- 55	2,439		10 20 81	-2,439			
Trust territory of the Pacific Islands	BA D82- 55	2,068		10 20 81	-2,068			
Office of the Solicitor and Office of the Secy								
Departmental management	BA D82-130	414		10 23 81	-414			
Construction management	BA D82-251	3,613		6 23 82				3,613
Youth conservation corps	BA D82-131	2,494		10 23 81	-2,494			
DEPARTMENT OF THE INTERIOR TOTAL BA		119,650			-79,541	-5,460		34,649
DEPARTMENT OF JUSTICE								
General Administration								
Salaries and expenses	BA D82-187	250		10 29 81	-250			
	BA D82-188	196		10 29 81	-196			
United States Parole Commission								
Salaries and expenses	BA D82-189	60		10 29 81	-60			
Legal Activities								
Salaries and expenses, Antitrust Division	BA D82-190	81		10 29 81	-81			
Salaries and expenses, Foreign Claims Settl.	BA D82-191	12		10 29 81	-12			
Federal Prison System								
Buildings and facilities	BA D82-192	1,922		10 29 81	-1,922			
	BA D82- 17	2,700		10 1 81				
	BA D82- 17A			a 2 8 82				2,700
	BA D82- 17B			a 5 18 82				
Office of Justice Assist., Res., and Statistics								
Law enforcement assistance	BA D82-193	10,729		10 29 81	-10,729			
DEPARTMENT OF JUSTICE TOTAL BA		15,950			-13,250			2,700
DEPARTMENT OF LABOR								
Employment and Training Administration								
Employment and training assistance	BA D82-194	407,670		10 29 81	-407,670			
	BA D82-229	88,543		2 8 82				
	BA D82-229A		140,544	6 3 82	-159,168		-47,429d	22,490
	BA D82- 18	49,881		10 1 81	-49,881			
Occupational Safety and Health Admin.								
Salaries and expenses	BA D82-195	8,500		10 29 81	-8,500			
DEPARTMENT OF LABOR TOTAL BA		554,594	140,544		-625,219		-47,429	22,490
DEPARTMENT OF STATE								
Administration of Foreign Affairs								
Emergencies in dipl. and consular service	BA D82- [illegible]	84		10 20 81	-84			
Acquis., oper. and main. of buildings abroad	BA D82- 57	514		10 20 81	-514			

PAGE 7 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 08/02/82 10:25

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 8-1-82
International Commissions									
Salaries and expenses	BA	D82- 59	80		10 20 81	-80			
Construction	BA	D82- 60	20		10 20 81	-20			
American sections, internat. commissions	BA	D82- 61	25		10 20 81	-25			
Other									
Emergency refugee and migration assistance fund	BA	D82- 19	35,043		10 1 81				
	BA	D82- 19A		100	1 22 82	-2,000			33,143
Migration and refugee assistance	BA	D82-241	40,000		4 23 82				40,000
	BA	D82-242	10,000		4 23 82				10,000
U.S. bilateral science and technology agreements	BA	D82-230	1,000		2 8 82				
	BA	D82-230A		1,000	4 23 82				2,000
DEPARTMENT OF STATE TOTAL BA			86,766	1,100		-2,723			85,143
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Civil supersonic aircraft development termination	BA	D82- 20	3,446		10 1 81	-3,400			46
Facilities & equip. (Airport & airway trust fund)	BA	D82- 21	185,783		10 1 81				
	BA	D82- 21A		164,730	1 22 82				
	BA	D82- 28B		61,121	7 16 82				411,634
Federal Railroad Administration									
Commuter rail transfer	BA	D82-243	37,500		4 23 82				37,500
Grants to National Railroad Passenger Corp.	BA	D82-217	93,400		11 6 81	-12,740	-80,660		
Maritime Administration									
Ship construction	BA	D82-231	10,000		2 8 82				10,000
Research and Special Programs Administration									
Research and special programs	BA	D82-220	1,050		1 22 82				1,050
DEPARTMENT OF TRANSPORTATION TOTAL BA			331,179	225,851		-16,140	-80,660		460,230
DEPARTMENT OF THE TREASURY									
Office of the Secretary									
International affairs	BA	D82-196	109		10 29 81	-109			
Office of Revenue Sharing									
Salaries and expenses	BA	D82-197	26		10 29 81	-26			
State and local government fiscal assistance fund	BA	D82- 22	109,738		10 1 81	-6,732		3,467	106,473
	O	D82- 23	6,287		10 1 81				
	O	D82- 23A		14,635	3 18 82	-23,767		10,754	7,908
Federal Law Enforcement Training Center									
Construction	BA	D82- 24	4,200		10 1 81				4,200
Salaries and expenses	BA	D82-198	240		10 29 81	-240			
Bureau of Government Financial Operations									
New York City loan guarantee program	BA	D82-199	16		10 29 81	-16			
Chrysler Corporation loan guarantee program	BA	D82-200	23		10 29 81	-23			
Bureau of Alcohol, Tobacco and Firearms									
Salaries and expenses	BA	D82-201	1,039		10 29 81	-1,039			
Bureau of the Mint									
Expansion and improvements	BA	D82-132	70		10 23 81			-70	
Internal Revenue Service									
Payment where energy credit exceeds liab. for tax	BA	D82-202	8		10 29 81	-8			
DEPARTMENT OF THE TREASURY TOTAL BA			115,469			-8,193		3,397	110,673
TOTAL O			6,287	14,635		-23,767		10,754	7,909

PAGE 8 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 08/02/82 10:25

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 8-1-82
ENVIRONMENTAL PROTECTION AGENCY									
Research and development	BA	D82-133	1,889		10 23 81	-1,889			
Abatement, control and compliance	BA	D82-134	8,062		10 23 81	-8,062			
Buildings and facilities	BA	D82-135	69		10 23 81	-69			
Hazardous substance response trust fund	BA	D82-136	3,360		10 23 81	-3,360			
	BA	0000							
ENVIRONMENTAL PROTECTION AGENCY TOTAL BA			13,380			-13,380			
NATIONAL AERONAUTICS & SPACE ADMINISTRATION									
Construction of facilities	BA	D82-137	2,800		10 23 81	-2,800			
	BA	0000							
NATIONAL AERONAUTICS & SPACE ADMINISTRATION TOTAL BA			2,800			-2,800			
VETERANS ADMINISTRATION									
Medical and prosthetic research	BA	D82-138	2,583		10 23 81	-2,583			
Medical admin. and misc. operating expenses	BA	D82-139	921		10 23 81	-921			
Construction, major projects	BA	D82-140	91,300		10 23 81				
	BA	D82-140A		4,495	8 23 82		-33,800		61,995
	BA	D82-141	7,877		10 23 81	-7,877			
Construction, minor projects	BA	D82-142	907		10 23 81	-907			
	BA	0000							
VETERANS ADMINISTRATION TOTAL BA			103,588	4,495		-12,288	-33,800		61,995
OTHER INDEPENDENT AGENCIES									
ACTION									
Operating expenses, domestic programs	BA	D82- 62	2,896		10 20 81	-2,896			
Administrative Conference of the U. S.									
Salaries and expenses	BA	D82-143	16		10 23 81	-16			
Advisory Committee on Federal Pay									
Salaries and expenses	BA	D82-144	4		10 23 81	-4			
Arms Control and Disarmament Agency									
Arms control and disarmament agency	BA	D82- 63	282		10 20 81	-282			
Board for International Broadcasting									
Salaries and expenses	BA	D82- 64	252		10 20 81	-252			
Grants and expenses	BA	D82-248	915		6 3 82	-915			
Comm. for the Purchase From the Blind									
Salaries and expenses	BA	D82- 65	10		10 20 81	-10			
District of Columbia									
Loans for capital outlay	BA	D82-232	38,832		2 8 82				38,832
Equal Employment Opportunity Commission									
Salaries and expences	BA	D82-145	3,000		10 23 81	-3,000			
Federal Emergency Management Agency									
State and local assistance	BA	D82-205	1,814		10 29 81	-1,814			
National flood insurance fund	BA	D82-203	7,140		10 29 81	-7,140			
	BA	D82-204	358,860		10 29 81	-358,860			

PAGE 9 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 09/02/82 10:25

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-1-82
General Services Administration								
Consumer information center	BA D82- 68	26		10 20 81	-26			
Nat. Archives & Records Service-operating	BA D82- 66	140		10 20 81	-140			
Federal Property Resources Service-operating	BA D82- 67	748		10 20 81	-748			
Automated Data & Telecom. Service-operating	BA D82-206	120		10 29 81	-120			
Advisory Commission on Intergovt. Relations								
Salaries and expenses	BA D82- 69	10		10 20 81	-10			
Delaware River Basin Commission								
Salaries and expenses	BA D82- 70	2		10 20 81	-2			
Contribution to the Del. River Basin Comm.	BA D82- 71	4		10 20 81	-4			
Interstate Commission on the Potomac River Basin								
Contrib. to Interst. Comm. on Potomac Riv. Basin	BA D82- 72	1		10 20 81	-1			
Susquehanna River Basin Commission								
Salaries and expenses	BA D82- 73	1		10 20 81	-1			
Contrib. to the Susquehanna River Basin Comm.	BA D82- 74	1		10 20 81	-1			
International Communication Agency								
Salaries & expenses	BA D82- 75	4,680		10 20 81	-4,680			
Center for cul. and tech. exch. bet. east & west	BA D82- 76	125		10 20 81	-125			
Special foreign currency program	BA D82-249	700		6 3 82				700
Interstate Commerce Commission								
Salaries and expenses	BA D82-146	648		10 23 81	-648			
Payments for directed rail service	BA D82-252	2,700		8 23 82				2,700
Japan-U.S. Friendship Commission								
Japan-U.S. Friendship Commission trust fund	BA D82- 77	34		10 20 81	-34			
Marine Mammal Commission								
Salaries and expenses	BA D82- 78	11		10 20 81	-11			
National Capital Planning Commission								
Salaries and expenses	BA D82-207	19		10 29 81	-19			
National Foundation on the Arts & Humanities								
Nat. endowment for the arts: sal. & expenses	BA D82-147	11,208		10 23 81	-11,208			
Nat. endowment for the human.: sal. and expenses	BA D82-208	5,892		10 29 81	-5,892			
Nat. endowment for the human.: matching grants	BA D82-148	2,628		10 23 81	-2,628			
National Mediation Board								
Salaries and expenses	BA D82- 79	58		10 20 81	-58			
National Science Foundation								
Research and related activities	BA D82- 80	19,924		10 20 81	-19,924			
Scientific activities overseas	BA D82- 81	59		10 20 81	-59			
Science and engineering educ. activities	BA D82- 82	2,623		10 20 81	-2,623			
Neighborhood Reinvestment Corporation								
Payment to Neighborhood Reinvest. Corp.	BA D82- 83	181		10 20 81	-181			
Pennsylvania Avenue Development Corporation								
Salaries and expenses	BA D82-149	15		10 23 81	-15			
Public development	BA D82-150	239		10 23 81	-239			
Land acquisition and development fund	BA D82-151	42		10 23 81	-42			
	BA D82- 25	30,896		10 1 81	-10,000			
	BA D82- 25A			a 2 8 82				20,896

PAGE 10 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 09/02/82 10 25

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-1-82
Railroad Retirement Board									
Milwaukee railroad restructuring, administration	BA	D82-250	240		6 3 82				240
Selective Service System									
Salaries and expenses	BA	D82- 84	192		10 20 81	-192			
Small Business Administration									
Salaries and expenses	BA	D82-152	3,137		10 23 81	-3,137			
Business loan and investment fund	BA	D82-233	2,500		2 8 82				
	BA	D82-233A		2,500	5 18 82				5,000
Surety bond guarantees revolving fund	BA	D82-154	373		10 23 81	-373			
	BA	D82-234	3,000		2 8 82				
	BA	D82-234A		a	6 3 82				3,000
Lease guarantees revolving fund	BA	D82-153	67		10 23 81	-67			
Smithsonian Institution									
Museum programs and related research	BA	D82-155	231		10 23 81	-231			
Restoration and renovation of buildings	BA	D82-156	145		10 23 81	-145			
Motor Carrier Ratemaking Study Commission									
Salaries and Expenses	BA	D82- 26	150		10 1 81				150
Pres. Com. for the Study of Ethical Probs. in Med.									
Salaries and expenses	BA	D82-221	262		1 22 82				
	BA	D82-221A		327	8 23 82				589
Tennessee Valley Authority									
Tennessee Valley Authority fund	BA	D82-157	2,321		10 23 81	-2,321			
United States Railway Association									
Payments for purchase of Conrail securities	BA	D82-235	84,500		2 8 82				84,500
Water Resources Council									
Water resources planning	BA	D82- 85	42		10 20 81	-42			
OTHER INDEPENDENT AGENCIES TOTAL BA			594,916	2,827		-441,136			156,607
TOTAL BA			7,012,670	1,173,955		-5,399,670	-352,663	6,152	2,440,444
TOTAL O			6,287	14,635		-23,767		10,754	7,909

a. This report was transmitted solely to reflect technical adjustments to the previous report.

b. Off-budget.

c. This deferral was reported in error. Funds for this budget account were not withheld.

d. This amount is now proposed for rescission.

END OF REPORT

98th Congress, 1st Session - - - - - - - House Document No. 98–7

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS JANUARY 1983

COMMUNICATION

FROM

THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, EXECUTIVE OFFICE OF THE PRESIDENT

TRANSMITTING

A CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY AS OF JANUARY 1, 1983, PURSUANT TO SECTION 1014(e) OF PUBLIC LAW 93–344

JANUARY 25, 1983.—Referred to the Committee on Appropriations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1983

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 10, 1983

Honorable Thomas P. O'Neill
Speaker of the House of
Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

In accordance with Executive Order 11845, I am transmitting the cumulative report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with the Act, the report is also being transmitted to the Senate and will be published in the Federal Register.

Sincerely,

David A. Stockman

David A. Stockman
Director

Enclosures

IDENTICAL LETTER SENT TO THE PRESIDENT OF THE SENATE

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

January 1, 1983

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of January 1, 1983 of one rescission proposal and 35 deferrals contained in the first three special messages of FY 1983. These messages were transmitted to the Congress on October 1, and December 7, and 16, 1982.

Rescissions (Table A and Attachment A)

One rescission proposal totaling $2 million is currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of January 1, 1983, while Attachment A shows the history and status of each rescission proposed during FY 1983.

Deferrals (Table B and Attachment B)

As of January 1, 1983, $2,548.3 million in 1983 budget authority was being deferred from obligation and another $31 thousand in 1983 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1983.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the Federal Registers listed below:

Vol. 47, No. 194, FR p. 44524, Thursday October 7, 1982
Vol. 47, No. 238, FR p. 55602, Friday, December 10, 1982
Vol. 47, No. 246, FR p. 57230, Wednesday, December 22, 1982

TABLE A

STATUS OF 1983 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President.....................	$2.0
Accepted by the Congress..............................	-0-
Rejected by the Congress..............................	-0-
Pending before the Congress..............................	$2.0

TABLE B

STATUS OF 1983 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President........................	$ 3,364.8
Routine Executive releases (-$814.6 million) and adjustments (-$1.9 million) through January 1, 1983...........	-816.5
Overturned by the Congress..............................	0
Currently before the Congress..............................	$ 2,548.3 a

---

a. This amount includes $31 thousand in outlays for a Department of the Treasury deferral (D83-16A).

Attachments

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983 AS OF 12/28/82 19 35

AS OF JANUARY 1 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY BUREAU ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF COMMERCE								
National Oceanic and Atmospheric Administration								
Construction	BA	R83- 1	2,000		12 16 82			

END OF REPORT

PAGE 1 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 01/06/83 18 01

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-83
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Foreign military sales credit	BA	D83-21	165,000		12 7 82				165,000
Economic support fund	BA	D83-22	554,720		12 7 82	-551,150			3,570
Military assistance	BA	D83-29	11,650		12 7 82	-11,650			
International Development Assistance									
Functional development assistance program	BA	D83-1	8,129		10 1 82				8,129
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA			739,499			562,800			176,699
DEPARTMENT OF AGRICULTURE									
Animal and Plant Health Inspection Service									
Salaries and expenses	BA	D83-34	2,134		12 16 82				2,134
Forest Service									
Timber salvage sales	BA	D83-2	10,002		10 1 82				10,002
Expenses, brush disposal	BA	D83-3	44,575		10 1 82				44,575
DEPARTMENT OF AGRICULTURE TOTAL BA			56,711						56,711
DEPARTMENT OF COMMERCE									
International Trade Administration									
Participation in U.S. expositions	BA	D83-4	3,356		10 1 82	-571			2,785
National Oceanic and Atmospheric Administration									
Promote and develop fishery products and research	BA	D83-5	30,619		10 1 82	-6,534			24,085
DEPARTMENT OF COMMERCE TOTAL BA			33,975			-7,105			26,870
DEPARTMENT OF DEFENSE-MILITARY									
Military Construction									
Military construction, all services	BA	D83-6	64,063		10 1 82				
	BA	D83-6A		1,166,415	12 7 82	-5			1,230,473
Family Housing, Defense									
Family housing, Defense	BA	D83-23	161,640		12 7 82				161,640
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA			225,703	1,166,415		-5			1,392,113
DEPARTMENT OF DEFENSE-CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation	BA	D83-7	1,061		10 1 82			-50	1,011
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA			1,061					-50	1,011
DEPARTMENT OF ENERGY									
Energy Programs									
Fossil energy R&D	BA	D83-8	20,136		10 1 82				20,136

PAGE 2 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 01/06/83 18 01

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY BUREAU ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-83
Energy conservation	BA	D83-24	22,803		12 7 82				22,803
DEPARTMENT OF ENERGY TOTAL BA			42,939						42,939
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Alcohol Drug Abuse & Mental Health Administration									
Construction & renovation, St Elizabeths Hospital	BA	D83-8	9,714		10 1 82				9,714
Office of Assistant Secretary for Health									
Special foreign currency program	BA	D83-10	6,420		10 1 82				6,420
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA			16,134						16,134
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Payments for operation of low income housing	BA	D83-30	150,000		12 7 82				150,000
Community Planning and Development									
Community development grants	BA	D83-31	221,000		12 7 82	-221,000			
Urban development action grants	BA	D83-32	234,000		12 7 82				234,000
Urban homesteading	BA	D83-33	8,000		12 7 82	-8,000			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA			613,000			-229,000			384,000
DEPARTMENT OF THE INTERIOR									
Office of Water Research & Technology									
Salaries and expenses	BA	D83-25	2,545		12 7 82				2,545
National Park Service									
Land and water conservation fund	BA	D83-11	30,000		10 1 82				30,000
DEPARTMENT OF THE INTERIOR TOTAL BA			32,545						32,545
DEPARTMENT OF JUSTICE									
Federal Prison System									
Buildings and facilities	BA	D83-35	16,330		12 16 82				16,330
DEPARTMENT OF STATE									
Other									
Emergency refugee and migration assistance fund	BA	D83-12	37,692		10 1 82			-1,844a	35,848
DEPARTMENT OF STATE TOTAL BA			37,692					-1,844	35,848
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Civil supersonic aircraft development termination	BA	D83-13	46		10 1 82				46
Facilities & equip (Airport & airway trust fund)	BA	D83-14	158,485		10 1 82				158,485
DEPARTMENT OF TRANSPORTATION TOTAL BA			158,531						158,531

PAGE 3 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 01/06/83 18 01

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1 1 83
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance fund	BA	D83-15	106,474		10 1 82				
	BA	D83-15A		305	12 7 82	-1,254			105,525
	O	D83-16	7,909		10 1 82				
	O	D83-16A		6,537	12 7 82	-14,415			31
Federal Law Enforcement Training Center									
Construction	BA	D83-17	3,078		10 1 82				3,078
DEPARTMENT OF THE TREASURY TOTAL BA			109,552	305		-1,254			108,603
TOTAL O			7,909	6,537		-14,415			31
NATIONAL AERONAUTICS & SPACE ADMINISTRATION									
Research and development	BA	D83-26	34,500		12 7 82				34,500
VETERANS ADMINISTRATION									
Construction, major projects	BA	D83-27	4,000		12 7 82				4,000
OTHER INDEPENDENT AGENCIES									
District of Columbia									
Loans to DC for capital investment	BA	D83-18	38,832		10 1 82				38,832
Interstate Commission on the Potomac River Basin									
Contrib. to Interst. Comm. on Potomac Riv. Basin	BA	D83-28	12		12 7 82				12
Pennsylvania Avenue Development Corporation									
Land acquisition and development fund	BA	D83-19	17,949		10 1 82				
	BA	D83-19A		4,409	12 16 82				22,358
Railroad Retirement Board									
Milwaukee railroad restructuring, administration	BA	D83-20	240		10 1 82				240
OTHER INDEPENDENT AGENCIES TOTAL BA			57,033	4,409					61,442
TOTAL BA			2,179,205	1,171,129		800,164		1,894	2,548,276
TOTAL O			7,909	6,537		-14,415			31

a This adjustment is being made to reflect actual unobligated balances available on October 1, 1982. The entire amount of these balances is being withheld from obligation.

END OF REPORT

DEFERRAL RESOLUTIONS

Union Calendar No. 294

[97TH CONGRESS, 2D SESSION]

H. RES. 411

[Report No. 97-487]

To disapprove the deferral.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1982

Mr. YATES submitted the following resolution; which was referred to the Committee on Appropriations

APRIL 27, 1982

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

RESOLUTION

To disapprove the deferral.

Resolved, That the House of Representatives hereby disapproves the proposed deferral of budget authority in the amount of $44,883,000 for fossil energy research and development, Department of Energy, to terminate research projects during fiscal year 1982 (deferral numbered D82-236), as transmitted by the President to the Congress on March 18, 1982, under section 1013 of the Impoundment Control Act of 1974.

Union Calendar No. 400

[97TH CONGRESS, 2D SESSION]

H. RES. 474

[Report No. 97-653]

To disapprove the Historic Preservation Fund deferral.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1982

Mr. YATES submitted the following resolution; which was referred to the Committee on Appropriations

JULY 22, 1982

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

RESOLUTION

To disapprove the Historic Preservation Fund deferral.

Resolved, That the House of Representatives hereby disapproves the proposed deferral of budget authority in the amount of $781,000 for Historic Preservation Fund, Department of the Interior (deferral numbered D82-240), as transmitted by the President to the Congress on March 18, 1982, under section 1013 of the Impoundment Control Act of 1974.

Union Calendar No. 401

[97th CONGRESS, 2d Session]

H. RES. 475

[Report No. 97-654]

To disapprove the Land and Water Conservation Fund deferral.

IN THE HOUSE OF REPRESENTATIVES

May 20, 1982

Mr. Yates submitted the following resolution; which was referred to the Committee on Appropriations

July 22, 1982

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

RESOLUTION

To disapprove the Land and Water Conservation Fund deferral.

Resolved, That the House of Representatives hereby disapproves the proposed deferral of budget authority in the amount of $2,821,000 for Land and Water Conservation Fund, Department of the Interior (deferral numbered D82-239), as transmitted by the President to the Congress on March 18, 1982, under section 1013 of the Impoundment Control Act of 1974.

Union Calendar No. 402

[97th CONGRESS, 2d Session]

H. RES. 476

[Report No. 97-655]

To disapprove the Urban Park and Recreation deferral.

IN THE HOUSE OF REPRESENTATIVES

May 20, 1982

Mr. Yates submitted the following resolution; which was referred to the Committee on Appropriations

July 22, 1982

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

RESOLUTION

To disapprove the Urban Park and Recreation deferral.

Resolved, That the House of Representatives hereby disapproves the proposed deferral of budget authority in the amount of $858,000 for Urban Park and Recreation Grants, Department of the Interior (deferral numbered D82-238), as transmitted by the President to the Congress on March 18, 1982, under section 1013 of the Impoundment Control Act of 1974.

Union Calendar No. 403

[97TH CONGRESS, 2D SESSION]

H. RES. 479

[Report No. 97-656]

To disapprove the strategic petroleum reserve deferral.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 1982

Mr. YATES submitted the following resolution; which was referred to the Committee on Appropriations

JULY 22, 1982

Commitied to the Committee of the Whole House on the State of the Union and ordered to be printed

RESOLUTION

To disapprove the strategic petroleum reserve deferral.

Resolved, That the House of Representatives hereby disapproves the proposed deferral of budget authority in the amount of $52,860,000 for strategic petroleum reserve, Department of Energy, to delay phase III development of the reserve during fiscal year 1982 (deferral numbered D82-10A), as transmitted by the President to the Congress on February 8, 1982, under section 1013 of the Impoundment Control Act of 1974.

Union Calendar No. 404

[97TH CONGRESS, 2D SESSION]

H. RES. 493

[Report No. 97-657]

To disapprove the land acquisition, United States Fish and Wildlife Service deferral.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1982

Mr. YATES submitted the following resolution; which was referred to the Committee on Appropriations

JULY 22, 1982

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

RESOLUTION

To disapprove the land acquisition, United States Fish and Wildlife Service deferral.

Resolved, That the House of Representatives hereby disapproves the proposed deferral of budget authority in the amount of $400,000 for land acquisition, United States Fish and Wildlife Service, Department of the Interior, during fiscal year 1982 (deferral numbered D82-247), as transmitted by the President to the Congress on June 2, 1982, under section 1013 of the Impoundment Control Act of 1974.

Union Calendar No. 405

[97TH CONGRESS, 2D SESSION]

H. RES. 494

[Report No. 97-658]

To disapprove the construction and anadromous fish deferral.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1982

Mr. YATES submitted the following resolution; which was referred to the Committee on Appropriations

JULY 22, 1982

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

RESOLUTION

To disapprove the construction and anadromous fish deferral.

Resolved, That the House of Representatives hereby disapproves the proposed deferral of budget authority in the amount of $600,000 for construction and anadromous fish, Department of the Interior (deferral numbered D82-246), as transmitted by the President to the Congress on June 2, 1982, under section 1013 of the Impoundment Control Act of 1974.

AGRICULTURE ACTS

Public Law 97-179
97th Congress

96 STAT. 90

An Act

To authorize the Secretary of Agriculture to sell the portion of the Tahoe National Forest known as Blyth Arena.

May 24, 1982
[H.R. 2863]

Tahoe National Park, Blyth Arena; sale.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Agriculture may dispose of by exchange pursuant to the General Exchange Act of March 20, 1922, as amended (16 U.S.C. 485, 486) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716, 1717) or by sale at public auction, for not less than fair market value, all right, title, and interest in the approximately 5.2 acres of land which is known as Blyth Arena and located in the Tahoe National Forest, which is an exception to land patent numbered 04-70-0146, and which is depicted on a map entitled "Blyth Arena Sale or Exchange Proposal", dated February 1981, on file in the office of the Chief, Forest Service, Department of Agriculture.

SEC. 2. If the Secretary of Agriculture disposes of the land described in section 1 of this Act by sale, the proceeds shall be retained by the Secretary and shall be used for acquisition by the Secretary of lands in the State of California which shall be included within the national forest system and shall be permanently reserved, held, and administered as part of such system.

Approved May 24, 1982.

LEGISLATIVE HISTORY—H.R. 2863:

HOUSE REPORT No. 97-359 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-367 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
    Vol. 127 (1981): Dec. 15, considered and passed House.
    Vol. 128 (1982): May 10, considered and passed Senate.

Public Law 97-218
97th Congress

96 STAT. 197

An Act

To provide for the operation of the tobacco price support and production adjustment program in such a manner as to result in no net cost to taxpayers, to limit increases in the support price for tobacco, and for other purposes.

July 20, 1982
[H.R. 6590]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

No Net Cost Tobacco Program Act of 1982.

SHORT TITLE

SECTION 1. This Act may be cited as the "No Net Cost Tobacco Program Act of 1982".

7 USC 1281 note.
7 USC 1445-1 note.

FINDINGS

SEC. 2. Congress finds that—

7 USC 1281 note.

(1) in order to implement the intent of Congress, as expressed in the Agriculture and Food Act of 1981, that the tobacco price support and production adjustment program be carried out at no net cost to the taxpayer, other than administrative expenses common to the operation of all price support programs, it is necessary that producers of quota tobacco share equitably in helping to eliminate losses which may be incurred in carrying out the program;

(2) producers of quota tobacco should be required, as a condition of receiving the benefits of price support for their tobacco, to contribute to a capital account to be established by each producer-owned marketing association through which price support advances are made available to producers; and

(3) the account so established should be used by the associations exclusively for the purpose of achieving a no net cost tobacco program.

TITLE I—MODIFICATION OF TOBACCO PRICE SUPPORT PROGRAM

PRODUCER CONTRIBUTIONS TO NO NET COST TOBACCO FUND

SEC. 101. Effective for the 1982 and subsequent crops of tobacco, the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by inserting, following section 106, a new section 106A as follows:

"PRODUCER CONTRIBUTIONS TO NO NET COST TOBACCO FUND

Definitions.
7 USC 1445-1.

"SEC. 106A. (a) As used in the section—

"(1) the term 'association' means a producer-owned cooperative marketing association which has entered into a loan agreement with the Corporation to make price support available to producers;

96 STAT. 198

"(2) the term 'Corporation' means the Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture through which the Secretary makes price support available to producers;

"(3) the term 'Fund' means the capital account to be established within each association, which account shall be known as the 'No Net Cost Tobacco Fund';

"(4) the term 'to market' means to dispose of quota tobacco by voluntary or involuntary sale, barter, exchange, gift inter vivos, or consigning the tobacco to an association for a price support advance;

"(5) the term 'net gains' means the amount by which total proceeds obtained from the sale by an association of a crop of quota tobacco pledged to the Corporation for price support loan exceeds the principal amount of the price support loan made by the Corporation to the association on such crop, plus interest and charges; and

"(6) the term 'quota tobacco' means any kind of tobacco for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers.

Loan advances.

"(b) The Secretary may carry out the tobacco price support program through the Corporation and shall, except as otherwise provided by this section, continue to make price support available to producers through loans to associations that, under agreements with the Corporation, agree to make loan advances to producers.

Fund, establishment.

"(c) Each association shall establish within the association a Fund. The Fund shall be comprised of amounts contributed by producer-members as provided in subsection (d).

Price support eligibility.

"(d) The Secretary shall—

"(1) require—

"(A) that—

"(i) as a condition of eligibility for price support, each producer of each kind of quota tobacco (other than Burley quota tobacco with respect to the 1983 and subsequent crops) shall agree, with respect to all such kind of quota tobacco marketed by the producer from a farm, to contribute to the appropriate association, for deposit in the association's Fund, an amount determined from time to time by the association with the approval of the Secretary; and

"(ii) as a condition of eligibility for price support for any marketing year of any three-year period for which marketing quotas are in effect (other than the period applicable to the 1982 crop), each producer of Burley quota tobacco shall agree, not later than a date established by the Secretary preceding the beginning of the first marketing year of such three-year period (or, in the case of a producer of Burley quota tobacco on a new farm or a producer of Burley quota tobacco succeeding another producer on a farm, before the beginning of the marketing year in which such new producer or such successor producer will first market Burley quota tobacco from the farm involved), to contribute in each of the marketing years in such three-year period (or, in the case of such new producer or such successor producer, any remaining marketing year in such three-year period), with respect to all Burley quota tobacco marketed by the producer, to the appropriate association, for deposit in the association's Fund, an amount determined from time to time by the association with the approval of the Secretary; and

96 STAT. 199

"(B) that, upon making a contribution under subparagraph (A)—

Capital stock or capital certificate.

"(i) in the case of quota tobacco marketed other than by consignment to an association for a price support advance, the producer shall receive from the association capital stock or, if the association does not issue such stock, a capital certificate having a par value or face amount, respectively, equal to the contribution; and

"(ii) in the case of quota tobacco consigned by the producer to an association for a price support advance, the producer shall receive from the association a qualified per unit retain certificate, as defined in section 1388(h) of the Internal Revenue Code, having a face amount equal to the amount of the contribution and representing an interest in the association's Fund.

26 USC 1388.

The Secretary shall approve the amount of the contributions determined by an association from time to time under this paragraph only if the Secretary determines that such amount will result in accumulation of a Fund adequate to reimburse the Corporation for any net losses which the Corporation may sustain under its loan agreements with the association, based on reasonable estimates of the amounts which the Corporation will lend to the association under such agreements and the proceeds which will be realized from the sales of tobacco which are pledged to the Corporation by the association as security for loans;

Acreage allotment and marketing quota leases.
7 USC 1311.

"(2) effective for the 1983 and subsequent crops, require that each owner and operator of any farm who, in conformity with the provisions of subtitle B, part I, of the Agricultural Adjustment Act of 1938, leases all or any part of an acreage allotment or marketing quota for Flue-cured tobacco to make contributions, for deposit into the Fund established by the association which, under a loan agreement with the Corporation, makes price support available to producers of Flue-cured tobacco. The amount of such contribution for the quantity of tobacco of each crop represented by such lease shall be the same amount as the contribution for producers of Flue-cured tobacco of such crop determined and approved under paragraph (1). The Secretary shall require that such association, upon receiving such contribution, issue to such owner and operator capital stock or, if the association does not issue such stock, a capital certificate having a par value or face amount, respectively, equal to the contribution;

Capital stock or capital certificate.

"(3) require that the Fund established by each association shall be kept and maintained separate from all other accounts of the association and shall be used exclusively, as prescribed by the Secretary, for the purpose of ensuring, insofar as practicable, that the Corporation, under its loan agreements with the association with respect to 1982 and subsequent crops of quota tobacco, will suffer no net losses (including, but not limited to, recovery of the amount of loans extended to cover the overhead costs of the association), after any net gains are applied to net losses of the corporation under paragraph (5);

"(4) permit an association to invest the monies in the Fund in such manner as the Secretary may approve, and require that the interest or other earnings on such investment shall become a part of the Fund;

"(5) require that loan agreements between the Corporation and the association provide that the Corporation shall retain the net gains from each of the 1982 and subsequent crops of tobacco pledged by the association as security for price support loans, and that such net gains will be used for the purpose of (A) offsetting any losses sustained by the Corporation under its loan agreements with the association for any of the 1982 and subsequent crops of loan tobacco, or (B) reducing the outstanding balance of any price support loan made by the Corporation to the association under such agreements for 1982 and subsequent crops of tobacco, or for both such purposes; and

Capital or net gain distribution.

"(6) provide, in loan agreements between the Corporation and an association, that if the Secretary determines that the amount in the Fund or the net gains referred to in paragraph (5) exceed the amounts necessary for the purposes specified in this section, such excess (A) in the case of an association making price support available to producers of quota tobacco other than Burley tobacco, will be released to the association by the Corporation and may be devoted to other purposes by the association, and (B) in the case of an association making price support available to producers of Burley quota tobacco, will be released to the association by the Corporation and may be distributed, as determined by the association, to the producer-members of the association as a capital distribution or net gain distribution.

Agreement, termination.

"(e) If any association which has entered into a loan agreement with the Corporation with respect to 1982 or subsequent crops of quota tobacco fails or refuses to comply with the provisions of this section, the regulations issued by the Secretary thereunder, or the terms of such agreement, the Secretary may terminate such agreement or provide that no additional loan funds may be made available thereunder to the association. In such event, the Secretary shall make price support available to producers of the kind or kinds of tobacco, the price of which had been supported through loans to such association, through such other means as are authorized by this Act or the Commodity Credit Corporation Charter Act.

15 USC 714 note.

"(f) If, under subsection (e), a loan agreement with an association is terminated, or if an association having a loan agreement with the Corporation is dissolved, merges with another association, or otherwise ceases to operate, the Fund or the net gains referred to in subsection (d)(5) shall be applied or disposed of in such manner as the Secretary may approve or prescribe, except that they shall, to the extent necessary, first be applied or used for the purposes therefor prescribed in this section.

Regulations.

"(g) The Secretary shall issue regulations necessary to carry out the provisions of this section.".

ADJUSTMENT OF PRICE SUPPORT LEVEL OF TOBACCO

SEC. 102. Effective for the 1982 and subsequent crops of tobacco, section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended by adding at the end thereof new subsection (d) as follows:

7 USC 1423.

"(d) Notwithstanding the provisions of section 403, if the Secretary determines that the supply of any grade of any kind of tobacco of a crop for which marketing quotas are in effect or are not disapproved by producers will likely be excessive, the Secretary, after prior consultation with the association through which price support for the grade and kind of tobacco is made available to producers, may reduce the support rate which would otherwise be established for such grade of tobacco after taking into consideration the effect such reduction may have on the supply and price of other grades of other kinds of quota tobacco: *Provided,* That the weighted average of the support rates for all eligible grades of such kind of tobacco shall, after such reduction, reflect not less than (1) 65 per centum of the increase in the support level for such kind of tobacco which would otherwise be established under this section, if the support level therefor is higher then the support level for the preceding crop, or (2) the support level for such kind of tobacco established under this section, if the support level therefor is not higher than the support level for the preceding crop. In determining whether the supply of any grade of any kind of tobacco of a crop will be excessive, the Secretary shall take into consideration the domestic supply, including domestic inventories, the amount of such tobacco pledged as security for price support loans, and anticipated domestic and export demand, based on the maturity, uniformity and stalk position of such tobacco.".

PENALTIES FOR MARKETING TOBACCO IN EXCESS OF MARKETING QUOTA AND FOR MARKETING CERTAIN TOBACCO THAT IS NOT ELIGIBLE FOR PRICE SUPPORT

7 USC 1314.

7 USC 1421 note.

Ante, p. 197.

SEC. 103. Effective for the 1983 and subsequent crops of tobacco, section 314 of the Agricultural Adjustment Act of 1938 is amended by amending the first sentence of subsection (a) to read as follows: "The marketing of (1) any kind of tobacco in excess of the marketing quota for the farm on which the tobacco is produced, or (2) any kind of tobacco that is not eligible for price support under the Agricultural Act of 1949 because a producer on the farm has not agreed to make contributions or pay assessments to the No Net Cost Tobacco Fund or the No Net Cost Tobacco Account as required by sections 106A(d)(1) and 106(B)(d)(1) of that Act, if marketing quotas for that kind of tobacco are in effect, shall be subject to a penalty of 75 per centum of the average market price (calculated to the nearest whole cent) for such kind of tobacco for the immediately preceding marketing year.".

TITLE II—MODIFICATION OF FLUE-CURED TOBACCO MARKETING QUOTA SYSTEM

LEASE AND SALE OF FLUE-CURED TOBACCO ACREAGE ALLOTMENTS AND MARKETING QUOTAS

SEC. 201. (a) Section 316(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b(a)) is amended by—

(1) inserting "(1)" after "(a)";

(2) inserting "shall permit the owner of any farm to which a Flue-cured tobacco acreage allotment or quota is assigned under this Act and" after "program,";

(3) inserting "Flue-cured," after "Burley,";

(4) inserting a comma before "to lease";

(5) adding at the end thereof the following new paragraph:

"(2)(A) No lease of any Flue-cured tobacco allotment or quota assigned to a farm may be filed under subsection (c) of this section after June 15 of the crop year specified in such lease, except that the Secretary may allow a lease to be so filed after June 15 of such crop year if the Secretary determines that, as a result of flood, hail, wind, tornado, or other natural disaster—

"(i) the county in which such farm is located has suffered a loss of not less than 10 per centum of the acreage of Flue-cured tobacco planted for harvest in such crop year;

"(ii) the lessor involved has suffered a loss of not less than 10 per centum of the acreage of Flue-cured tobacco planted for harvest on such farm in such crop year; and

"(iii) such lease will not impair the effective operation of the tobacco marketing quota or price support program.

Lease or transfer, filing with county committee.

If the Secretary makes such determination, then the Secretary may permit the lessor to lease all or any part of such allotment or quota to any other owner or operator of a farm in the same county or in an adjoining county within the same State for use in such county on a farm having a current Flue-cured tobacco allotment or quota. If permitted, such lease and transfer shall not be effective until a copy of such lease and a written statement described in subsection (c) of this section are filed with and determined by the county committee of such county to be in compliance with the provisions of this section.

"(B) No agreement or arrangement may be made in connection with the making of any lease with respect to any Flue-cured tobacco allotment or quota under paragraph (1) of this subsection except—

"(i) between the lessor and lessee; or

"(ii) between the lessor or lessee and any attorney, trustee, bank, or other agent or representative, who regularly represents the lessor or lessee, as the case may be, in business transactions unrelated to the production or marketing of tobacco.

"(C) No sublease or other transfer of such allotment or quota may be made by such lessee during the period of such lease."; and

(6) amending the section heading for such section to read as follows:

"LEASE OR SALE OF ACREAGE ALLOTMENTS".

(b) Section 316(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b(c)) is amended by—

(1) in the first sentence—

(A) inserting "or sale and transfer" after "lease and transfer"; and

(B) striking out "such lease" and inserting in lieu thereof "the lease or sale agreement, as the case may be,";

Lease or transfer, filing with county committee.

(2) striking out the second sentence and inserting in lieu thereof the following: "In the case of a lease and transfer of any Flue-cured tobacco allotment or quota for use with respect to any crop, such lease shall not be effective until, in addition to a copy of such lease, the lessor and lessee involved each file with such county committee a written statement certifying such compliance. If, after notice and an opportunity for a hearing, such county committee determines that such lessee knowingly made a false statement in such written statement, then such lessee shall be ineligible for price support for such crop under the Agricultural Act of 1949 with respect to the poundage of tobacco produced under such allotment or quota or, if such determination is made after such lessee received such price support, the Secretary, taking into consideration the recommendation of such county committee and the amount of such poundage, shall reduce appropriately the poundage for which such lessee may receive price support with respect to the crop first marketed after such determination is made. If, after notice and an opportunity for a hearing, such county committee determines that such lessor knowingly made a false statement in

96 STAT. 203

7 USC 1421 note.

such written statement, then the Flue-cured allotment or quota next established for the farm of such lessor shall be reduced by that percentage which the leased allotment or quota was of the respective Flue-cured marketing quota. Notice of any determination made by a county committee under the preceding provisions shall be mailed, as soon as practicable, to the lessee or the lessor involved. If such lessee or such lessor is dissatisfied with such determination, then such lessee or such lessor may request, within fifteen days after notice of such determination is so mailed, a review of such determination by a local review committee under section 363 of this Act."; and

Review.

7 USC 1363.

(3) in the third sentence (as in effect before the amendment made by paragraph (2)) by—

(A) inserting "by lease or sale" after "transferred"; and

(B) striking out "lease and".

(c) Section 316(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b(e)) is amended by—

(1) inserting "(1)" after "(e)";

(2) inserting "or sale" after "lease";

(3) inserting "or, in the case of Flue-cured tobacco, of the acreage of tillable cropland (as defined in paragraph (2)) in the farm" before the colon; and

(4) adding at the end thereof the following new paragraph:

"(2) For purposes of this section, the term 'tillable cropland' means cleared land that can be planted to crops without unusual cultivation or other preparation.".

"Tillable cropland."

(d) Section 316 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b) is amended by striking out subsections (g), (h), and (i) and inserting in lieu thereof the following new subsections:

Allotment or quota, sale.

"(g)(1) The Secretary shall permit the owner of any farm to which a Flue-cured tobacco allotment or quota is assigned to sell, for use on another farm in the same county, all or any part of such allotment or quota to any person who is or intends to become an active Flue-cured tobacco producer. For purposes of this section, the term 'active Flue-cured tobacco producer' means any person who shared in the risk of producing a crop of Flue-cured tobacco in not less than one of the three years preceding the year involved, or any person who certifies to the Secretary, in such form and manner as the Secretary shall by regulation prescribe, his or her intent to become a Flue-cured tobacco producer.

"Active Flue-cured tobacco producer."

"(2) For purposes of this section, a person shall be considered to have shared in the risk of producing a crop of Flue-cured tobacco if—

96 STAT. 204

"(A) the investment of such person in the production of such crop is not less than 20 per centum of the proceeds of the sale of such crop;

"(B) the amount of such person's return on such investment is dependent solely on the sale price of such crop; and

"(C) such person may not receive any of such return before the sale of such crop.

Any person who owns any Flue-cured tobacco allotment or quota and leases such allotment or quota to another person for use in producing a crop shall be considered to have shared in the risk of producing such crop if, under the terms of such lease, subparagraphs (B) and (C) of this paragraph are satisfied with regard to such owner.

"(h)(1) Any person who—

"(A) acquires any Flue-cured tobacco acreage allotment or quota by purchase under subsection (g) of this section; and

"(B) with respect to any crop of Flue-cured tobacco planted after the date of such acquisition, fails to share in the risk of producing tobacco under such allotment or quota in the manner specified in subsection (g)(2) of this section;

shall sell such allotment or quota before the expiration of the eighteen-month period beginning on July 1 of the year in which such crop is planted, or such allotment or quota shall be subject to forfeiture under the procedure specified in paragraph (3) of this subsection.

"(2) Any person who—

"(A) acquires any Flue-cured tobacco acreage allotment or quota by purchase under subsection (g) of this section; and

"(B) disposes of an acreage of tillable cropland (as defined in subsection (e)(2) of this section) which results in the total acreage of Flue-cured tobacco allotted to such person's farm exceeding 50 per centum of the tillable cropland owned by such person;

shall, before July 1 of the year after the year of such disposal, take steps which will result in the total acreage of Flue-cured tobacco allotted to such farm not exceeding 50 per centum of the tillable cropland owned by such person. If such person fails to take such steps, then any such excess allotment or quota shall be subject to forfeiture under the procedure specified in paragraph (3) of this subsection.

Noncompliance, penalty.

"(3)(A) If, after notice and an opportunity for a hearing, the appropriate county committee determines that any person knowingly failed to comply with paragraph (1) or (2) of this subsection, then such person shall forfeit to the Secretary the allotment or quota specified in such paragraph. Any allotment or quota so forfeited shall be reallocated by such county committee for use by active Flue-cured tobacco producers (as defined in subsection (g)(1) of this section) in the county involved.

Review.

"(B) Notice of such determination shall be mailed, as soon as practicable, to such person. If such person is dissatisfied with such determination, then such person may request, within fifteen days after notice of such determination is so mailed, a review of such determination by a local review committee under section 363 of this Act.".

7 USC 1363.

96 STAT. 205

MANDATORY SALE OF CERTAIN FLUE-CURED TOBACCO ACREAGE ALLOTMENTS AND MARKETING QUOTAS HELD BEFORE ENACTMENT

SEC. 202. The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) is amended by inserting after section 316, a new section 316A, as follows:

"MANDATORY SALE OF CERTAIN FLUE-CURED TOBACCO ACREAGE ALLOTMENTS AND MARKETING QUOTAS

7 USC 1314b-1.

"SEC. 316A. (a) Any person (including, but not limited to, any governmental entity, public utility, educational institution, or religious institution, but not including any individual) which, on or after the date of the enactment of this section—

"(1) owns a farm for which a Flue-cured acreage allotment or marketing quota is established under this Act; and

"(2) is not significantly involved in the management or use of land for agricultural purposes;

shall sell such allotment or quota in accordance with section 316(g) of this Act not later than December 1, 1983, or December 1 of the year after the year in which the farm is acquired, whichever is later, or shall forfeit such allotment or quota under the procedure specified in subsection (c).

Ante, p. 203.

"(b) Any person (including, but not limited to, any governmental entity, public utility, educational institution, or religious institution) who, on or after December 1, 1983, owns a farm for which the total acreage alloted for the production of Flue-cured tobacco under this Act exceeds 50 per centum of such farm's tillable cropland, as defined in section 316(e)(2) of this Act, shall forfeit any acreage allotment or marketing quota representing the excess under the procedure specified in subsection (c). In the case of any person who acquires a farm after December 1, 1983, the acreage allotment or marketing quota representing the excess shall not be subject to

Ante, p. 203.

forfeiture until July 1 of the year after the year of acquisition.

"(c)(1) If, after notice and an opportunity for a hearing, the appropriate county committee determines that any person knowingly failed to comply with subsection (a) or (b), then the allotment or quota specified in such subsection shall be forfeited and shall be reallocated in the manner provided for in section 316(h)(3)(A) of this Act.

Noncompliance, penalty.

Ante, p. 203.

"(2) Notice of such determination shall be mailed, as soon as practicable, to such person. If such person is dissatisfied with such determination, then such person, within fifteen days after notice of such determination is so mailed, may request review of such determination under section 363 of this Act.".

Review.

7 USC 1363.

PERIODIC ADJUSTMENT OF YIELD FACTOR FOR FLUE-CURED ACREAGE-POUNDAGE QUOTAS

SEC. 203. Section 317(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c) is amended by—

(1) adding at the end of paragraph (2) the following: "Notwithstanding the preceding sentence, in 1983, and at five-year intervals thereafter, the national average yield goal for Flue-cured tobacco shall be adjusted by the Secretary to the past five years' moving national average yield.";

96 STAT. 206

(2) adding at the end of paragraph (4) the following: "Notwithstanding the preceding provisions of this subsection, in 1983, and at five-year intervals thereafter, farm acreage allotments for Flue-cured tobacco for farms in each county shall be adjusted by the Secretary to reflect the increases or decreases in the past five years' moving county average yield per acre, as determined by the Secretary on the basis of actual yields of farms in the county, or, if such information is not available, on such other data on yields as the Secretary may deem appropriate."; and

(3) adding at the end of paragraph (6)(A) the following: "Notwithstanding the preceding provisions of this subsection, in 1983 and at five-year intervals thereafter, preliminary farm yields for Flue-cured tobacco farms in each county shall be adjusted by the Secretary by the reciprocal of the factor computed in paragraph (4) of this subsection to adjust farm acreage allotments to reflect increases or decreases in the past five years' moving county average yields.".

EXEMPTION OF CERTAIN NONQUOTA TOBACCO FROM QUOTA RESTRICTIONS

SEC. 204. Section 320(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314f(b)) is amended by—

(1) striking out in paragraph (3) "and" at the end thereof;

(2) striking out in paragraph (4) the period at the end thereof and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(5) tobacco when it is nonquota tobacco and produced in a quota area in which the total of the acreage allotments for quota tobacco established for farms is less than twenty acres. Notwithstanding the provisions of section 312(c) of this Act, producers of such nonquota tobacco shall not be eligible to vote in the first referendum for such nonquota tobacco conducted by the Secretary under such section after the effective date of this paragraph.".

7 USC 1312.

CONFORMING AMENDMENTS

SEC. 205. (a) The fifth sentence of section 317(f) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c(f)) is amended by inserting "and sold" after "leased".

(b) Section 703 of the Food and Agriculture Act of 1965 (7 U.S.C. 1316) is amended by—

(1) striking out "lease and" each place it appears;

(2) striking out "lessee" each place it appears and inserting in lieu thereof "transferee";

(3) striking out "lessor" each place it appears and inserting in lieu thereof "transferor"; and

(4) striking out "leased" each place it appears and inserting in lieu thereof "transferred".

LIEN FOR PAYMENT OF PENALTY; FALSE IDENTIFICATION OF TOBACCO

SEC. 206. (a) Section 314 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314) is amended by adding a new subsection as follows:

96 STAT. 207

"(c) Until the amount of the penalty provided by this section is paid, a lien on the tobacco with respect to which such penalty is incurred, and on any subsequent tobacco subject to marketing quotas in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the United States for the amount of the penalty.".

(b) Section 317 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c) is amended by adding a new subsection as follows:

"(j) Notwithstanding any other provision of this section, if a producer falsely identifies tobacco as having been produced on or marketed from a farm, the quantity of tobacco so falsely identified shall be considered for purposes of establishing future farm marketing quotas, as having been produced on both the farm for which it was identified as having been produced and the farm of actual production, if known, or, as the case may be, shall be considered as actually marketed from the farm.".

EFFECTIVE DATE

7 USC 1314b note.

SEC. 207. (a) Except as provided in subsection (b), this title shall take effect on the date of the enactment of this Act.

(b) The amendments made by this title shall not apply to any lease of a Flue-cured tobacco acreage allotment or marketing quota entered into under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) before the date of the enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS RELATING TO BURLEY TOBACCO AND OTHER KINDS OF TOBACCO

MARKETING ASSESSMENTS TO NO NET COST TOBACCO ACCOUNT

SEC. 301. Effective for the 1982 and subsequent crops of all kinds of tobacco except Flue-cured tobacco, the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by inserting, following section 106A (as added by section 101 of this Act), a new section 106B as follows:

Ante, p. 197.

"MARKETING ASSESSMENTS TO NO NET COST TOBACCO ACCOUNT

Definitions. 7 USC 1445-2.

"SEC. 106B. (a) As used in this section—

"(1) the term 'association' means a producer-owned cooperative marketing association which has entered into a loan agreement with the Corporation to make price support available to producers of a kind of tobacco, except that the term does not include such an association that has entered into such an agreement to make price support available to producers of Flue-cured tobacco;

"(2) the term 'Account' means an account established by and in the Corporation for an association, which account shall be known as the 'No Net Cost Tobacco Account';

"(3) the term 'to market' means to dispose of tobacco by voluntary or involuntary sale, barter, exchange, gift inter vivos, or consigning the tobacco to an association for a price support advance;

"(4) the term 'net gains' means the amount by which total proceeds obtained from the sale by an association of a crop of a kind of tobacco pledged to the Corporation for price support loan exceeds the principal amount of the price support loan made by the Corporation to the association on such crop, plus interest and charges;

96 STAT. 208

"(5) the term 'tobacco' means any kind of tobacco except Flue-cured tobacco, as defined in section 301(b)(15) of the Agricultural Adjustment Act of 1938, for which marketing quotas are in effect or for which marketing quotas are not disapproved by producers;

"(6) the term 'area', when used in connection with an association, means the general geographical area in which farms of the producer-members of such association are located, as determined by the Secretary; and

"(7) the term 'Corporation' shall have the meaning given to it in section 106A(a)(2).

Ante, p. 197.

"(b) Notwithstanding section 106A, the Secretary shall, upon the request of any association, and may, if the Secretary determines, after consultation with such association, that the accumulation of the No Net Cost Tobacco Fund for such association under section 106A is, and is likely to remain, inadequate to reimburse the Corporation for net losses which the Corporation sustains under its loan agreement with such association—

"(1) continue to make price support available to producers through such association in accordance with loan agreements entered into between the Corporation and such association; and

No Net Cost Tobacco Account. Establishment.

"(2) establish and maintain in accordance with this section a No Net Cost Tobacco Account for such association in lieu of the No Net Cost Tobacco Fund established within such association under section 106A.

"(c)(1) Any Account established for an association under subsection (b)(2) shall be established within the Corporation and shall be comprised of amounts paid by producers under subsection (d).

"(2) Upon the establishment of an Account for an association, any amount in the No Net Cost Tobacco Fund established within such association under section 106A shall be applied or disposed of in such manner as the Secretary may approve or prescribe, except that such amount shall, to the extent necessary, first be applied or used for the purposes therefor prescribed in such section.

"(d)(1) If an Account is established for an association under subsection (b)(2), then the Secretary shall require (in lieu of any requirement under section 106A(d)(1)) that each producer of the kind of tobacco involved whose farm is within such association's area shall, as a condition of eligibility for price support, agree, with respect to all of such kind of tobacco marketed by the producer from the farm, to pay to the Corporation, for deposit in such association's Account, marketing assessments as determined under paragraph (2) and collected under paragraph (3).

"(2) For purposes of paragraph (1), the Secretary shall determine and adjust from time to time, in consultation with such association, the amount of the marketing assessment which shall be imposed, as a condition of eligibility for price support, on each pound of the kind of tobacco involved marketed by a producer from a farm within such association's area. Such amount shall be equal to an amount which, when collected, will result in an accumulation of an Account for such association adequate to reimburse the Corporation for any net losses which the Corporation may sustain under its loan agreements with such association, based on reasonable estimates of the amounts which the Corporation will lend to such association under such agreements and the proceeds which will be realized from the sales of the kind of tobacco involved which are pledged to the Corporation by such association as security for loans.

96 STAT. 209

"(3)(A) Except as provided in subparagraph (B), any marketing assessment to be paid by a producer under paragraph (1) shall be collected from the person who acquired the tobacco involved from such producer but an amount equal to such assessment may be deducted by the purchaser from the price paid to such producer in case such tobacco is marketed by sale.

"(B) If tobacco of the kind for which an Account is established is marketed by a producer through a warehouseman or other agent, then such assessment shall be collected from such warehouseman or agent who may deduct an amount equal to such assessment from the price paid to the producer. If tobacco of the kind for which an Account is established is marketed by a producer directly to any person outside the United States, such assessment shall be collected from the producer.

"(e) Amounts deposited in an Account established for an association shall be used by the Secretary for the purpose of ensuring, insofar as practicable, that the Corporation under its loan agreements with such association will suffer, with respect to the crop involved, no net losses (including, but not limited to, recovery of the amount of loans extended to cover the overhead costs of the association), after any net gains are applied to net losses of the Corporation pursuant to subsection (h).

"(f) The Secretary shall provide, in any loan agreement between the Corporation and an association for which an Account has been established under subsection (b)(2), that if the Secretary determines that the amount in such Account or the net gains referred to in subsection (h) exceed the amounts necessary for the purposes of this section, then the Secretary, in consultation with such association, may suspend the payment and collection of marketing assessments under this section upon terms and conditions established by the Secretary.

"(g) With respect to any association for which an Account is established under subsection (b)(2), if a loan agreement between the Corporation and such association is terminated, if such association is dissolved or merges with another association that has entered into a loan agreement with the Corporation to make price support available to producers of the kind of tobacco involved, or if such Account terminates by operation of law, then amounts in such Account and the net gains referred to in subsection (h) shall be applied to or disposed of in such manner as the Secretary may prescribe, except that they shall, to the extent necessary, first be applied to or used for the purposes therefor prescribed in this section.

Ante, p. 197.

"(h) The provisions of section 106A(d)(5) relating to net gains shall apply to any loan agreement between an association and the Corporation entered into upon or after the establishment of an Account for such association under subsection (b)(2).

Regulations.

"(i) The Secretary shall issue regulations necessary to carry out the provisions of this section.".

96 STAT. 210

MANDATORY SALE OF CERTAIN BURLEY TOBACCO ACREAGE ALLOTMENTS AND MARKETING QUOTAS HELD BEFORE ENACTMENT

SEC. 302. The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) is amended by adding after section 316A (as added by section 202 of this Act), a new section 316B, as follows:

Ante, p. 205.

"MANDATORY SALE OF CERTAIN BURLEY TOBACCO ACREAGE ALLOTMENTS AND MARKETING QUOTAS

7 USC 1314b-2.

"SEC. 316B. (a) Any person (including, but not limited to, any governmental entity, public utility, educational institution, or religious institution, but not including any individual) which, on or after the date of the enactment of this section—

"(1) owns a farm for which a Burley tobacco marketing quota is established under this Act; and

"(2) is not significantly involved in the management or use of land for agricultural purposes;

shall sell, not later than December 1, 1983, or December 1 of the year after the year in which the farm is acquired, whichever is later, such quota to an active Burley tobacco producer or any person who intends to become an active Burley tobacco producer, as defined by the Secretary, for use on another farm in the same county or shall forfeit such quota under the procedure specified in subsection (b).

Noncompliance, penalty.

"(b)(1) If, after notice and an opportunity for a hearing, the county committee of the county referred to in subsection (a) determines that any person knowingly failed to comply with such subsection, then the quota specified in such subsection shall be forfeited and shall be reallocated by such county committee to other active Burley tobacco producers or those intending to become active Burley tobacco producers as defined by the Secretary, for use in such county.

Review.

"(2) Notice of such determination shall be mailed, as soon as practicable, to such person. If such person is dissatisfied with such determination, then such person may request, within fifteen days after notice of such determination is so mailed, a review of such determination by a local review committee under section 363 of this Act.

7 USC 1363.

"(c)(1) Any person who—

"(A) acquires any Burley tobacco marketing quota by purchase under subsection (a) of this section; and

"(B) with respect to any crop of Burley tobacco planted after the date of such acquisition, fails for the five-year period immediately subsequent to the year of such acquisition to share in the risk of producing Burley tobacco under such allotment or quota in the manner specified in paragraph (2) of this subsection;

shall sell such quota before the expiration of the eighteen-month period beginning on July 1 of the year in which such crop is planted, or such quota shall be subject to forfeiture under the procedures specified in paragraph (3) of this subsection.

"(2) For purposes of this subsection, a person shall be considered to have shared in the risk of producing a crop of Burley tobacco if—

"(A) the investment of such person in the production of such crop is not less than 20 per centum of the proceeds of the sale of such crop;

"(B) the amount of such person's return on such investment is dependent solely on the sale price of such crop; and

96 STAT. 211

"(C) such person may not receive any of such return before the sale of such crop.

"(3)(A) If, after notice and an opportunity for a hearing, the county committee of the county referred to in subsection (a) determines that any person knowingly failed to comply with this subsection, then the quota specified in this subsection shall be forfeited and shall be reallocated by such county committee for use by active Burley tobacco producers or those intending to become active Burley tobacco producers, as defined by the Secretary, for use in such county.

Review.

"(B) Notice of such determination shall be mailed, as soon as practicable, to such person. If such person is dissatisfied with such determination, then such person may request, within fifteen days after notice of such determination is so mailed, a review of such determination by a local review committee under section 363 of this Act.".

7 USC 1363.

POUNDAGE QUOTAS FOR DARK AIR-CURED TOBACCO AND FOR FIRE-CURED TOBACCO; MODIFICATION OF LEASING OF POUNDAGE QUOTAS FOR BURLEY TOBACCO

SEC. 303. (a) Section 301(b)(15) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)(15)) is amended by striking out the period at the end thereof and inserting in lieu thereof ": *And provided further*, That for purposes of section 319 of this title, types 22 and 23, fire-cured tobacco shall be treated as one 'kind of tobacco'.".

7 USC 1314e.

(b) Section 319(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(b)) is amended by—

(1) in the first sentence, inserting "for burley tobacco" after "in effect";

(2) in the second sentence—

(A) inserting "for burley tobacco" after "basis"; and

(B) inserting "for burley tobacco" after "in effect";

(3) in the fourth sentence, striking out "such kind of" and inserting in lieu thereof "burley";

(4) in the proviso to the fifth sentence, inserting "for burley tobacco" after "determined"; and

(5) striking out the subsection designation "(b)".

(c) Section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e) is amended by inserting before subsection (c) the following new subsection:

"(b) Notwithstanding any other provision of law, the Secretary shall, not later than February 1, 1983, proclaim national marketing quotas for dark air-cured tobacco and for fire-cured tobacco, types 22 and 23 (hereinafter in this section referred to as 'fire-cured tobacco') for the three marketing years beginning October 1, 1983, and determine and announce the amount of the marketing quota for dark air-cured and for fire-cured tobacco for the marketing year beginning October 1, 1983, as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1982 crop of each of such kinds of tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis for such kind of tobacco as provided in this section for the three marketing years beginning October 1, 1983, in lieu of quotas on an acreage basis in effect for the two marketing years beginning October 1, 1983. If the Secretary determines that one-half or more of the farmers voting in such referendum approve marketing quotas on a poundage basis for such kind of tobacco, then marketing quotas as provided in this section shall be in effect for such kind of tobacco for the three marketing years beginning October 1, 1983, and marketing quotas on an acreage basis shall cease to be in effect for such kind of tobacco for the two marketing years beginning on October 1, 1983. If marketing quotas on a poundage basis are not approved for such kind of tobacco by at least one-half of the farmers voting in such referendum, then quotas on an acreage basis shall be in effect for such kind of tobacco for the two marketing years beginning October 1, 1983.

Referendum.

Effective date.

96 STAT. 212

"If marketing quotas on an acreage basis are in effect for any such kind of tobacco, if, for a period of not less than three marketing years, a referendum has not been held under this section to determine whether producers of such kind of tobacco favor marketing quotas on a poundage basis for such kind of tobacco, and if the Secretary, after conducting public hearings in the area in which such kind of tobacco is produced, ascertains that producers and other interested persons favor marketing quotas on a poundage basis for such kind of tobacco, then the Secretary shall, at the time of the next announcement of the amount of the national marketing quota, announce national marketing quotas for the next three succeeding marketing years under this section. Within thirty days of such proclamation, the Secretary shall conduct a referendum of farmers engaged in the production of the most recent crop of such kind of tobacco to determine whether they favor the establishment of marketing quotas on a poundage basis for such kind of tobacco as provided in this section for the next three succeeding marketing years. If the Secretary determines that more than one-half of the farmers voting in such referendum approve marketing quotas on a poundage basis under this section, then quotas on that basis shall be in effect for the next three succeeding marketing years and the marketing quotas on an acreage basis shall cease to be in effect at the beginning of such three-year period. If marketing quotas on a poundage basis are not approved by more than one-half of the farmers voting in such referendum, then the marketing quotas on

Referendum.

an acreage basis shall continue in effect as theretofore proclaimed under this Act.

"The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect for any such kind of tobacco under this section, the amount of the national marketing quota for such kind of tobacco for each of such years. If marketing quotas on a poundage basis have been made effective for such kind of tobacco under this section, then the Secretary shall, not later than February 1 of the last of three consecutive marketing years for which marketing quotas are in effect for such kind of tobacco under this section, proclaim a national marketing quota for such kind of tobacco for the next three succeeding marketing years as provided in this section. The Secretary shall conduct extensive hearings in the area in which such kind of tobacco is produced to ascertain whether producers favor marketing quotas on an acreage basis or on a poundage basis and shall proclaim the quota on the basis he determines most producers of such kind of tobacco favor. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If more than one-half of the farmers voting in such referendum oppose the national marketing quotas, then the Secretary shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco and the national marketing quota so proclaimed shall not be in effect for the next three succeeding marketing years. Thereafter the provisions of section 312 of the Act shall apply: *Provided*, That the national marketing quota and farm marketing quotas for such kind of tobacco shall be determined for such kind of tobacco as provided in this section.".

Hearings.

7 USC 1312.

96 STAT. 213

(d) Section 319(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(c)) is amended by—

(1) in the first sentence—

(A) striking out "burley tobacco" and inserting in lieu thereof "any kind of tobacco for which poundage quotas may be established"; and

(B) inserting "of such kind of tobacco" after "amount" the first place it appears;

(2) in the second sentence, striking out "Any" and inserting in lieu thereof "With respect to burley tobacco, any"; and

(3) in the third sentence—

(A) inserting "for a kind of tobacco" after "in effect";

(B) inserting "with respect to such kind of tobacco" after "reserve" the first place it appears;

(C) inserting "for such kind of tobacco" after "quota" the first place it appears; and

(D) striking out "per centum of the" and inserting in lieu thereof "per centum of such".

(e) Section 319(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(d)) is amended by—

(1) in the first sentence—

(A) inserting "for a kind of tobacco" after "proclaimed";

(B) striking out "a burley tobacco acreage allotment" and inserting in lieu thereof "an acreage allotment for such kind of tobacco"; and

(C) inserting ", in the case of burley tobacco, and October 1, 1982, in the case of dark air-cured tobacco and fire-cured tobacco" after "1970"; and

(2) in the second sentence—

(A) inserting ", in the case of burley tobacco, and the 1978 crop year, in the case of dark air-cured tobacco and fire-cured tobacco" after "crop year";

(B) striking out "burley tobacco" the first place it appears and inserting in lieu thereof "the kind of tobacco involved";

(C) striking out "burley tobacco" in each of the second, third, fourth, and fifth places it appears and inserting in lieu thereof "such kind of tobacco"; and

(D) striking out the period at the end thereof and inserting in lieu thereof ", in the case of burley tobacco, and three thousand pounds per acre, in the case of dark air-cured tobacco and fire-cured tobacco: *And provided further*, That, when a marketing quota program for dark air-cured tobacco or for fire-cured tobacco is first established under this section, farm yields so determined with respect to dark air-cured tobacco or fire-cured tobacco, as the case may be, shall be adjusted proportionately so that the weighted average of such farm yields is equal to the national average yield goal for dark air-cured tobacco or fire-cured tobacco, as the case may be.".

(f) Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(e)) is amended by—

(1) inserting after the first sentence the following: "A preliminary farm marketing quota shall be determined for each farm for which a dark air-cured tobacco or fire-cured tobacco acreage allotment was established for the marketing year beginning October 1, 1982, by multiplying the farm yield determined under such subsection by the farm acreage allotment (prior to any such reduction) established for such farm for the marketing year beginning October 1, 1982.";

(2) in the third sentence (as in effect before the amendment made by paragraph (1)), striking out "burley tobacco marketing quotas" and inserting in lieu thereof "marketing quotas for the kind of tobacco involved"; and

(3) in the sixth sentence (as in effect before the amendment made by paragraph (1))—

(A) striking out "burley tobacco experience of the farm operator" and inserting in lieu thereof "experience of the farm operator with respect to the kind of tobacco involved"; and

(B) striking out "production of burley tobacco" each place it appears and inserting in lieu thereof "production of such kind of tobacco".

(g) The first sentence of section 319(f) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(f)) is amended by—

(1) inserting "for any kind of tobacco" after "in effect"; and

(2) striking out "burley tobacco" and inserting in lieu thereof "such kind of tobacco".

(h) Section 319(g) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(g)) is amended by—

(1) inserting "for any kind of tobacco" after "in effect";

(2) striking out "burley tobacco" and inserting in lieu thereof "such kind of tobacco"; and

(3) in the third proviso—

(A) striking out "fifteen thousand pounds" and inserting in lieu thereof "thirty thousand pounds"; and

(B) inserting "with respect to burley tobacco" after "section".

(i) Section 319(i) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(i)) is amended by—

(1) in the proviso to paragraph (1), striking out "burley tobacco" and inserting in lieu thereof "the kind of tobacco involved"; and

(2) in paragraph (3), inserting "with respect to burley tobacco" after "in effect".

7 USC 1314e.

(j) The section heading for section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1313e) is amended to read as follows:

"FARM POUNDAGE QUOTAS FOR CERTAIN KINDS OF TOBACCO".

CONFIDENTIAL DATA

7 USC 1373.

Sec. 304. Section 373(c) of the Agricultural Adjustment Act of 1938 is amended by adding at the end thereof the following new sentence: "Nothing in this section shall be deemed to prohibit the issuance of general statements based upon the reports of a number of parties which statements do not identify the information furnished by any person.".

LONG-TERM GRAIN SALES AGREEMENT

SEC. 305. (a) The Congress finds that—

(1) talks to extend the long-term grain sales agreement between the Soviet Union and the United States were broken off in 1981 with no date set for resumption of these talks;

(2) the Government of the Soviet Union for all practical purposes has ceased to purchase United States agricultural commodities since the breaking off of negotiations;

(3) the lack of a long-term grain sales agreement may result in market instability, with the potential of disrupting the feed-livestock relationship in the United States;

(4) the lack of such an agreement may result in uncertainty among farmers as to the best planting decisions for the upcoming crop year;

(5) the lack of such an agreement has already led the Soviet Union to seek other sources of supplies at the expense of the American farmer; and

(6) the lack of such an agreement means a drop in the export of agricultural commodities and continued severe difficulties with the balance of trade deficit of the United States.

(b) It is the sense of the Congress that the President should immediately resume negotiations with the Government of the Soviet Union for the purpose of reaching an agreement to extend the duration of the existing long-term grain sales agreement and to require the purchase by the Government of the Soviet Union of a minimum amount of grain annually at a level not less than the level required by the existing long-term grain sales agreement.

LIMITATION ON THE SALE OF TOBACCO FLOOR SWEEPINGS

SEC. 306. The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) is amended by adding immediately after section 314 thereof the following new section:

Penalties.
7 USC 1314-1.

"SEC. 314A. (a) Effective for the 1982 and subsequent crops of tobacco, the marketing of floor sweepings of any kind of tobacco in excess of allowable floor sweepings shall be subject to a civil penalty of 150 per centum of the average market price (calculated to the nearest whole cent) for such kind of tobacco for the immediately preceding marketing year. Such penalty shall be paid by any person found by the Secretary to have marketed such floor sweepings in excess of the allowable amount.

"(b) The penalty provided for in subsection (a) shall be assessed by the Secretary only after the person alleged to have marketed floor sweepings in excess of allowable floor sweepings has been given notice and an opportunity for hearing and the Secretary has determined by decision incorporating the Secretary's findings of fact that a violation did occur and the amount of the penalty.

7 USC 1376.

"(c) The provisions of section 376 of this title shall apply to penalties under this section.

Definitions.

"(d) As used in this section—

"(1) the term 'floor sweepings' means the scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business; and

"(2) the term 'allowable floor sweepings' means the quantity of floor sweepings determined by multiplying 0.24 per centum times the total first sales of tobacco at auction for the season for the warehouse involved.".

TITLE IV—THE AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEE SYSTEM

16 USC 590h note.

SEC. 401. Congress finds that agricultural stabilization and conservation county and community committees have served, and should continue to serve, a vital function in implementing, at the local level, farm commodity, soil conservation, and related programs; and that, by assisting the United States Department of Agriculture to conduct such programs effectively, such committees provide substantial benefits to agriculture and the Nation. Congress further finds that the agricultural stabilization and conservation county and community committee system has developed, over the years, into a highly efficient mechanism for implementing such programs at the local level. Therefore, it is the sense of Congress that the Secretary of Agriculture should ensure that the structure and operations of the agricultural stabilization and conservation county and community committees, as heretofore developed to enable such committees to meet the responsibilities assigned them under section 8(b) of the Soil Conservation and Domestic Allotment Act, and related statutes and regulations, be preserved and strengthened. 16 USC 590h.

Approved July 20, 1982.

LEGISLATIVE HISTORY—H.R. 6590:

HOUSE REPORT No. 97-613 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 21, considered and passed House.
July 14, considered and passed Senate, amended.
July 15, House concurred in Senate amendments.

---

96 STAT. 1603

Public Law 97-325
97th Congress

An Act

Oct. 15, 1982
[H.R. 6164]

To authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP), and for other purposes.

International Carriage of Perishable Foodstuffs Act.
7 USC 4401 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Carriage of Perishable Foodstuffs Act".

FINDINGS AND PURPOSE

7 USC 4401.

SEC. 2. Congress hereby finds and declares that—

(1) the United States, as a member of the Economic Commission for Europe of the United Nations, participated in development by that Commission of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage;

(2) the agreement requires that equipment involved in the international carriage of perishable foodstuffs be inspected, tested, and certified to specified standards;

(3) this Act will make it possible for equipment in the United States to be inspected, tested, and certified in accordance with the agreement and the standards specified therein; and

(4) this Act will improve the conditions for the movement of perishable foodstuffs in international carriage in equipment owned or operated by United States firms, which will serve to protect existing trade and promote expansion of trade in perishable foodstuffs, and will improve the sale of United States manufactured equipment for use in international carriage.

DEFINITIONS

SEC. 3. As used in this Act— 7 USC 4402.

(1) The term "agreement" means the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage, and the annexes and the appendices thereto, done at Geneva, September 1, 1970, under the auspices of the Economic Commission for Europe of the United Nations.

(2) The term "contracting party" means any country that is eligible under article 9 of the agreement and that has complied with the terms of such article.

(3) The term "equipment" means the special transport equipment that complies with the definitions and standards set forth in annex 1 to the agreement, including, but not limited to, railway cars, trucks, trailers, semitrailers, and intermodal freight containers that are insulated only, or insulated and equipped with a refrigerating, mechanically refrigerating, or heating appliance.

(4) The term "perishable foodstuffs" means quick deep-frozen and frozen food products listed in annex 2 and food products listed in annex 3 to the agreement.

96 STAT. 1604

(5) The term "international carriage" means transportation of perishable foodstuffs if such foodstuffs are loaded in equipment or the equipment containing them is loaded onto a rail or road vehicle, in the territory of any country and such foodstuffs are, or the equipment containing them is, unloaded in the territory of another country that is a contracting party, where such transportation is by—

(A) rail,

(B) road,

(C) any combination of rail and road, or

(D) any sea crossing of less than one hundred and fifty kilometers, if preceded or followed by one or more land journeys as referred to in clauses (A), (B), and (C) of this paragraph, and the perishable foodstuffs are shipped in the same equipment used for such land journeys without transloading of such foodstuffs.

In the case of any transportation that involves one or more sea crossings other than as specified in clause (D) of this paragraph, each land journey shall be considered separately.

(6) The term "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

DUTIES OF THE SECRETARY OF AGRICULTURE

SEC. 4. The Secretary of Agriculture of the United States shall be the competent authority to implement the agreement. To ensure compliance with the standards specified in the agreement, the Secretary of Agriculture may— 7 USC 4403.

(1) designate appropriate organizations to inspect or test equipment, or both;

(2) issue certificates of compliance in accordance with annex 1, appendix 1, paragraph 4 of the agreement;

(3) prescribe such regulations as may be necessary to implement the agreement and administer this Act, including, but not limited to, provision for suspending or denying the designation of any organization to inspect or test equipment and for denying the issuance of certificates of compliance as may be necessary to ensure compliance with the provisions of this Act and the regulations issued thereunder; Regulations.

Inspections.

(4) make periodic onsite inspections of facilities and procedures used by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this Act;

Reports.

(5) require submission of reports by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this Act;

Records.

(6) require maintenance of records by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this Act, such records to be made available to the Secretary upon request;

96 STAT. 1605

(7) inform contracting parties, through the Secretary of State of the United States, of all general measures taken in connection with the implementation of the agreement; and

(8) take such other action as may be considered appropriate to implement the agreement and administer this Act.

DUTIES OF THE SECRETARY OF STATE

7 USC 4404.

Sec. 5. The Secretary of State, with the concurrence of the Secretary of Agriculture, may take such action as may be considered appropriate to assert and protect the rights of the United States under the agreement.

FEES FOR TESTING, INSPECTION OR CERTIFICATION

7 USC 4405.

Sec. 6. (a) Any organization designated by the Secretary of Agriculture to test or inspect equipment may establish reasonable fees to cover the costs of such testing or inspection. Such fees shall be payable directly to the organization by those seeking inspection or testing.

(b) The Secretary of Agriculture may, effective October 1, 1982, fix and cause to be collected reasonable fees to cover, as nearly as practicable, the costs to the Department of Agriculture incurred in connection with the issuance of certificates of compliance as provided under section 4(2) of this Act. All fees collected shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary of Agriculture incident to the issuance of certificates of compliance under this Act.

AUTHORIZATION FOR APPROPRIATIONS

7 USC 4406.

Sec. 7. There are authorized to be appropriated to the Secretary of Agriculture for the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, such sums as are necessary to carry out the provisions of this Act, but not to exceed $100,000 in any fiscal year.

ASSISTANT SECRETARY OF AGRICULTURE

7 USC 2212c.

Sec. 8. (a) There shall be in the Department of Agriculture, in addition to the Assistant Secretaries now provided for by law, an additional Assistant Secretary of Agriculture who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of Agriculture shall prescribe and shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of Agriculture.

(b) Section 5315 of title 5 of the United States Code is amended by striking out "(6)" following "Assistant Secretaries of Agriculture" and inserting in lieu thereof "(7)".

(c) Section 5316 of title 5 of the United States Code is amended by striking out "Assistant Secretary of Agriculture for Administration."

(d) Section 3 of Reorganization Plan Numbered 2 of 1953 (67 Stat. 633) is repealed.

(e) This section shall take effect on the date of enactment of this Act except that subsections (c) and (d) of this section shall take effect upon the appointment of a person to fill the successor position created by subsection (a) of this section.

Repeal.
5 USC app;
7 USC 2201 note.
Effective date.
7 USC 2212c note.

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 6164 (S. 2351):

HOUSE REPORT No. 97-516 (Comm. on Agriculture).
SENATE REPORT No. 97-406 accompanying S. 2351 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  May 18, considered and passed House.
  Sept. 29, considered and passed Senate, amended.
  Sept. 30, House concurred in Senate amendments.

COMMERCE ACTS

Public Law 97-219
97th Congress

96 STAT. 217

An Act

To amend the Small Business Act to strengthen the role of the small, innovative firms in federally funded research and development, and to utilize Federal research and development as a base for technological innovation to meet agency needs and to contribute to the growth and strength of the Nation's economy.

July 22, 1982
[S. 881]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small Business innovation Development Act of 1982.
15 USC 631 note.

SECTION 1. This Act may be cited as the "Small Business Innovation Development Act of 1982".

15 USC 638 note.

SEC. 2. (a) The Congress finds that—

(1) technological innovation creates jobs, increases productivity, competition, and economic growth, and is a valuable counterforce to inflation and the United States balance-of-payments deficit;

(2) while small business is the principal source of significant innovations in the Nation, the vast majority of federally funded research and development is conducted by large businesses, universities, and Government laboratories; and

(3) small businesses are among the most cost-effective performers of research and development and are particularly capable of developing research and development results into new products.

(b) Therefore, the purposes of the Act are—

(1) to stimulate technological innovation;

(2) to use small business to meet Federal research and development needs;

(3) to foster and encourage participation by minority and disadvantaged persons in technological innovation; and

(4) to increase private sector commercialization innovations derived from Federal research and development.

15 USC 638.

SEC. 3. Section 9(b) of the Small Business Act is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(4) to develop and maintain a source file and an information program to assure each qualified and interested small business concern the opportunity to participate in Federal agency small business innovation research programs;

"(5) to coordinate with participating agencies a schedule for release of SBIR solicitations, and to prepare a master release schedule so as to maximize small businesses' opportunities to respond to solicitations;

"(6) to independently survey and monitor the operation of SBIR programs within participating Federal agencies; and

Report to congressional committees.

"(7) to report not less than annually to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives on the SBIR programs of the Federal agencies and the Administration's information and monitoring efforts related to the SBIR programs.".

15 USC 638.

SEC. 4. Section 9 of the Small Business Act is amended by adding at the end thereof the following new subsections:

Definitions.

"(e) For the purpose of this section—

"(1) the term 'extramural budget' means the sum of the total obligations minus amounts obligated for such activities by employees of the agency in or through Government-owned, Government-operated facilities, except that for the Agency for International Development it shall not include amounts obligated solely for general institutional support of international research centers or for grants to foreign countries;

"(2) the term 'Federal agency' means an executive agency as defined in section 105 of title 5, United States Code, or a military department as defined in section 102 of such title, except that it does not include any agency within the Intelligence Community (as the term is defined in section 3.4(f) of Executive Order 12333 or its successor orders);

"(3) the term 'funding agreement' means any contract, grant, or cooperative agreement entered into between any Federal agency and any small business for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government;

"(4) the term 'Small Business Innovation Research Program' or 'SBIR' means a program under which a portion of a Federal agency's research or research and development effort is reserved for award to small business concerns through a uniform process having—

"(A) a first phase for determining, insofar as possible, the scientific and technical merit and feasibility of ideas submitted pursuant to SBIR program solicitations;

"(B) a second phase to further develop the proposed ideas to meet the particular program needs, the awarding of which shall take into consideration the scientific and technical merit and feasibility evidenced by the first phase and, where two or more proposals are evaluated as being of approximately equal scientific and technical merit and feasibility, special consideration shall be given to those proposals that have demonstrated third phase, non-Federal capital commitments; and

"(C) where appropriate, a third phase in which non-Federal capital pursues commercial applications of the research or research and development and which may also involve follow-on non-SBIR funded production contracts with a Federal agency for products or processes intended for use by the United States Government; and

"(5) the term 'research' or 'research and development' means any activity which is (A) a systematic, intensive study directed toward greater knowledge or understanding of the subject studied; (B) a systematic study directed specifically toward applying new knowledge to meet a recognized need; or (C) a systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

Research or research and development, budget.

"(f)(1) Each Federal agency which has an extramural budget for research or research and development in excess of $100,000,000 for fiscal year 1982, or any fiscal year thereafter, shall expend not less than 0.2 per centum of its extramural budget in fiscal year 1983 or in such subsequent fiscal year as the agency has such budget, not less than 0.6 per centum of such budget in the second fiscal year thereafter, not less than 1 per centum of such budget in the third fiscal year thereafter, and not less than 1.25 per centum of such budget in all subsequent fiscal years with small business concerns specifically in connection with a small business innovation research program which meets the requirements of the Small Business Innovation Development Act of 1982 and regulations issued thereunder:

96 STAT. 219

Provided, That any Federal agency which has an extramural budget for research or research and development in excess of $10,000,000,000 for fiscal year 1982 shall expend not less than 0.1 per centum of its extramural budget in fiscal year 1983, not less than 0.3 per centum of such budget in the second fiscal year thereafter, not less than 0.5 per centum of such budget in the third fiscal year thereafter, not less than 1 per centum of such budget in the fourth fiscal year thereafter, and not less than 1.25 per centum of such budget in all subsequent fiscal years with small business concerns specifically in connection with a small business innovation research program which meets the requirements of the Small Business Innovation Development Act of 1982 and regulations issued thereunder: *Provided further,* That a Federal agency shall not make available for the purpose of meeting the requirements of this subsection an amount of its extramural budget for basic research or research and development which exceeds the percentages specified herein. Funding agreements with small business concerns for research or research and development which result from competitive or single source selections other than under a small business innovation research program shall not be counted as meeting any portion of the percentage requirements of this subsection.

"(2) Amounts appropriated for atomic energy defense programs of the Department of Energy shall for the purposes of paragraph (1) be excluded from the amount of the research or research and development budget of that Department.

Small business innovation research program, requirements.

"(g) Each Federal agency required by subsection (f) to establish a small business innovation research program shall, in accordance with this Act and regulations issued hereunder—

"(1) unilaterally determine categories of projects to be in its SBIR program;

"(2) issue small business innovation research solicitations in accordance with a schedule determined cooperatively with the Small Business Administration;

"(3) unilaterally receive and evaluate proposals resulting from SBIR proposals;

"(4) unilaterally select awardees for its SBIR funding agreements;

"(5) administer its own SBIR funding agreements (or delegate such administration to another agency);

"(6) make payments to recipients of SBIR funding agreements on the basis of progress toward or completion of the funding agreement requirements; and

"(7) make an annual report on the SBIR program to the Small Business Administration and the Office of Science and Technology Policy.

"(h) In addition to the requirements of subsection (f), each Federal agency which has a budget for research or research and development in excess of $20,000,000 for any fiscal year beginning with fiscal year 1983 or subsequent fiscal year shall establish goals specifically for funding agreements for research or research and development to small business concerns, and no goal established under this subsection shall be less than the percentage of the agency's research or research and development budget expended under funding agreements with small business concerns in the immediately preceding fiscal year.

"(i) Each Federal agency required by this section to have an SBIR program or to establish goals shall report annually to the Small Business Administration the number of awards pursuant to grants, contracts, or cooperative agreements over $10,000 in amount and the dollar value of all such awards, identifying SBIR awards and comparing the number and amount of such awards with awards to other than small business concerns.

Policy directives.

"(j) The Small Business Administration, after consultation with the Administrator of the Office of Federal Procurement Policy, the Director of the Office of Science and Technology Policy, and the Intergovernmental Affairs Division of the Office of Management and Budget, shall, within one hundred and twenty days of the enactment of the Small Business Innovation Development Act of 1982, issue policy directives for the general conduct of the SBIR programs within the Federal Government, including providing for—

"(1) simplified, standardized, and timely SBIR solicitations;

"(2) a simplified, standardized funding process which provides for (A) the timely receipt and review of proposals; (B) outside peer review for at least phase two proposals, if appropriate; (C) protection of proprietary information provided in proposals; (D) selection of awardees; (E) retention of rights in data generated in the performance of the contract by the small business concern; (F) transfer of title to property provided by the agency to the small business concern if such a transfer would be more cost effective than recovery of the property by the agency; (G) cost sharing; and (H) cost principles and payment schedules;

"(3) exemptions from the regulations under paragraph (2) if national security or intelligence functions clearly would be jeopardized;

"(4) minimizing regulatory burden associated with participation in the SBIR program for the small business concern which will stimulate the cost-effective conduct of Federal research and development and the likelihood of commercialization of the results of research and development conducted under the SBIR program; and

"(5) simplified, standardized, and timely annual report on the SBIR program to the Small Business Administration and the Office of Science and Technology Policy.

"(k) The Director of the Office of Science and Technology Policy, in consultation with the Federal Coordinating Council for Science, Engineering and Research, shall, in addition to such other responsibilities imposed upon him by the Small Business Innovation Development Act of 1982—

"(1) independently survey and monitor all phases of the implementation and operation of SBIR programs within agencies required to establish an SBIR program, including compliance with the expenditures of funds according to the requirements of subsection (f) of this section; and

96 STAT. 221

Report to congressional committees.

"(2) report not less than annually, and at such other times as the Director may deem appropriate, to the Committees on Small Business of the Senate and the House of Representatives on all phases of the implementation and operation of SBIR programs within agencies required to establish an SBIR program, together with such recommendations as the Director may deem appropriate.".

15 USC 638.

Sec. 5. Effective October 1, 1988, paragraphs (4) through (7) of section 9(b) of the Small Business Act (as added by section 3) and subsections (e) through (k) of section 9 of the Small Business Act (as added by section 4) are repealed.

Report to Congress.
15 USC 638 note.

Sec. 6. The Comptroller General shall, not more than five years after the date of enactment of this Act, transmit a report to the Senate and the House of Representatives on the implementation of, and nature of research conducted under this Act, including the judgments of the heads of Departments and agencies as to the effect of this Act on research programs.

Approved July 22, 1982.

LEGISLATIVE HISTORY—S. 881 (H.R. 4326):

HOUSE REPORTS: No. 97-349, Pts. I-7 accompanying H. R. 4326 (Comms. on Small Business; Energy and Commerce; Veterans' Affairs; Science and Technology; Foreign Affairs; Armed Services; and Permanent Select Committee on Intelligence), respectively.
SENATE REPORT No. 97-194 (Comm. on Small Business).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Dec. 7, 8, considered and passed Senate.
Vol. 128 (1982): June 17, 22, 23, H.R. 4326 considered and passed House; passage vacated and S. 881, amended, passed in lieu.
June 29, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 18, No. 29 (1982): July 22, Presidential statement.

Public Law 97-247
97th Congress

96 STAT. 317

An Act

To authorize appropriations to the Patent and Trademark Office in the Department of Commerce, and for other purposes.

Aug. 27, 1982
[H.R. 6260]

Patent and Trademark Office. Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated for the payment of salaries and necessary expenses of the Patent and Trademark Office to become available for fiscal year 1983, $76,000,000, and in fiscal years 1984 and 1985 such sums as may be necessary as well as such additional or supplemental amounts as may be necessary, for increases in salary, pay, retirement, or other employee benefits authorized by law. Funds available under this section shall be used to reduce by 50 per centum the payment of fees under section 41 (a) and (b) of title 35, United States Code, by independent inventors and nonprofit organizations as defined in regulations established by the Commissioner of Patents and Trademarks, and by small business concerns as defined in section 3 of the Small Business Act and by regulations established by the Small Business Administration. When so specified and to the extent provided in an appropriation Act, any amount appropriated pursuant to this section and, in addition, such fees as shall be collected pursuant to title 35, United States Code, and the Trademark Act of 1946, as amended (15 U.S.C. 1051 et seq.), may remain available without fiscal year limitation.

15 USC 632.

Sec. 2. Notwithstanding any other provision of law, there is authorized to be appropriated for the payment of salaries and expenses of the Patent and Trademark Office, $121,461,000 for the fiscal year ending September 30, 1982, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Sec. 3. (a) Section 41(a) of title 35, United States Code, is amended to read as follows:

Fees.

"(a) The Commissioner shall charge the following fees:

"1. On filing each application for an original patent, except in design or plant cases, $300; in addition, on filing or on presentation at any other time, $30 for each claim in independent form which is in excess of three, $10 for each claim (whether independent or dependent) which is in excess of twenty, and $100 for each application containing a multiple dependent claim. For the purpose of computing fees, a multiple dependent claim as referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.

35 USC 112.

"2. For issuing each original or reissue patent, except in design or plant cases, $500.

"3. In design and plant cases:

"a. On filing each design application, $125.

96 STAT. 318

"b. On filing each plant application, $200.

"c. On issuing each design patent, $175.

"d. On issuing each plant patent, $250.

"4. On filing each application for the reissue of a patent, $300; in addition, on filing or on presentation at any other time, $30 for each claim in independent form which is in excess of the number of independent claims of the original patent, and $10 for each claim (whether independent or dependent) which is in excess of twenty and also in excess of the number of claims of the original patent. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.

"5. On filing each disclaimer, $50.

"6. On filing an appeal from the examiner to the Board of Appeals, $115; in addition, on filing a brief in support of the appeal,

$115, and on requesting an oral hearing before the Board of Appeals, $100.

35 USC 133, 151.

"7. On filing each petition for the revival of an unintentionally abandoned application for a patent or for the unintentionally delayed payment of the fee for issuing each patent, $500, unless the petition is filed under sections 133 or 151 of this title, in which case the fee shall be $50.

"8. For petitions for one-month extensions of time to take actions required by the Commissioner in an application:

"a. On filing a first petition, $50.

"b. On filing a second petition, $100.

"c. On filing a third or subsequent petition, $200.".

(b) Section 41(b) of title 35, United States Code, is amended to read as follows:

Maintenance fees.

"(b) The Commissioner shall charge the following fees for maintaining a patent in force:

"1. Three years and six months after grant, $400.

"2. Seven years and six months after grant, $800.

"3. Eleven years and six months after grant, $1,200.

Expiration.

Surcharge.

Unless payment of the applicable maintenance fee is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of six months thereafter, the patent will expire as of the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of accepting within such six-month grace period the late payment of an applicable maintenance fee. No fee will be established for maintaining a design or plant patent in force.".

(c) Section 41(c) of title 35, United States Code, is amended to read as follows:

Maintenance fee, delayed payment.

Surcharge.

"(c)(1) The Commissioner may accept the payment of any maintenance fee required by subsection (b) of this section after the six-month grace period if the delay is shown to the satisfaction of the Commissioner to have been unavoidable. The Commissioner may require the payment of a surcharge as a condition of accepting payment of any maintenance fee after the six-month grace period. If the Commissioner accepts payment of a maintenance fee after the six-month grace period, the patent shall be considered as not having expired at the end of the grace period.

96 STAT. 319

"(2) No patent, the term of which has been maintained as a result of the acceptance of a payment of a maintenance fee under this subsection, shall abridge or affect the right of any person or his successors in business who made, purchased or used after the six-month grace period but prior to the acceptance of a maintenance fee under this subsection anything protected by the patent, to continue the use of, or to sell to others to be used or sold, the specific thing so made, purchased, or used. The court before which such matter is in question may provide for the continued manufacture, use or sale of the thing made, purchased, or used as specified, or for the manufacture, use or sale of which substantial preparation was made after the six-month grace period but before the acceptance of a maintenance fee under this subsection, and it may also provide for the continued practice of any process, practiced, or for the practice of which substantial preparation was made, after the six-month grace period but prior to the acceptance of a maintenance fee under this subsection, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced after the six-month grace period but before the acceptance of a maintenance fee under the subsection.".

(d) Section 41(d) of title 35, United States Code, is amended to read as follows:

Fees.

35 USC 13.

"(d) The Commissioner will establish fees for all other processing, services, or materials related to patents not specified above to recover the estimated average cost to the Office of such processing, services, or materials. The yearly fee for providing a library specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents issued in that year will be $50.".

Adjusted fees.

(e) Section 41(f) of title 35, United States Code, is amended to read as follows:

"(f) The fees established in subsections (a) and (b) of this section may be adjusted by the Commissioner on October 1, 1985, and every third year thereafter, to reflect any fluctuations occurring during the previous three years in the Consumer Price Index, as determined by the Secretary of Labor. Changes of less than 1 per centum may be ignored.".

(f) Subsection (a) of section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), is amended by deleting "Fees will be set and adjusted by the Commissioner to recover in aggregate 50 per centum of the estimated average cost to the Office of such processing. Fees for all other services or materials related to trademarks and other marks will recover the estimated average cost to the Office of performing the service or furnishing the material.".

(g) Section 42(c) of title 35, United States Code, is amended by adding the following sentence at the end thereof: "Fees available to the Commissioner under section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), shall be used exclusively for the processing of trademark registrations and for other services and materials related to trademarks.".

Sec. 4. Section 3(a) of title 35, United States Code is amended (1) by deleting the phrase "not more than fifteen"; and (2) by inserting the phrase "appointed under section 7 of this title" immediately after the phrase "examiners-in-chief".

Sec. 5. Section 111 of title 35, United States Code, is amended to read as follows:

Applications.

"Sec. 111. Application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Commissioner. Such application shall include (1) a specification as prescribed by section 112 of this title; (2) a drawing as prescribed by section 113 of this title; and (3) an oath by the applicant as prescribed by section 115 of this title. The application must be accompanied by the fee required by law. The fee and oath may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Commissioner. Upon failure to submit the fee and oath within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Commissioner that the delay in submitting the fee and oath was unavoidable. The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.".

35 USC 112.
35 USC 113.
35 USC 115.

96 STAT. 320

Filing date.

Sec. 6. (a) Section 116 of title 35, United States Code, is amended (1) by deleting the phrase "Joint inventors" from the title and inserting in its place "Inventors"; and (2) in the third paragraph, by deleting the phrase "a person is joined in an application for patent as joint inventor through error, or a joint inventor is not included in an application through error" and inserting in its place the phrase "through error a person is named in an application for patent as the inventor, or through error an inventor is not named in an application".

(b) Section 256 of title 35, United States Code, is amended to read as follows:

"§ 256. Correction of named inventor

"Whenever through error a person is named in an issued patent as the inventor, or through error an inventor is not named in an issued patent and such error arose without any deceptive intention on his part, the Commissioner may, on application of all the parties and assignees, with proof of the facts and such other requirements as may be imposed, issue a certificate correcting such error.

"The error of omitting inventors or naming persons who are not inventors shall not invalidate the patent in which such error occurred if it can be corrected as provided in this section. The court before which such matter is called in question may order correction of the patent on notice and hearing of all parties concerned and the Commissioner shall issue a certificate accordingly.".

SEC. 7. Section 6 of title 35, United States Code, is amended by deleting paragraph (d) thereof.

SEC. 8. (a) Section 8(a) of the Trademark Act of 1946, as amended (15 U.S.C. 1058(a)), is amended (1) by deleting the word "still"; and (2) by inserting the phrase "in commerce" immediately after the word "use".

(b) Section 8(b) of the Trademark Act of 1946, as amended (15 U.S.C. 1058(b)), is amended (1) by deleting the word "still"; and (2) by inserting the phrase "in commerce" immediately after the word "use".

SEC. 9. (a) Section 13 of the Trademark Act of 1946, as amended (15 U.S.C. 1063), is amended (1) by deleting the phrase "a verified" and inserting in its place the word "an"; (2) by adding the phrase "when requested prior to the expiration of an extension" immediately after the word "cause"; and (3) by deleting the fourth sentence.

(b) Section 14 of the Trademark Act of 1946, as amended (15 U.S.C. 1064), is amended by deleting the word "verified".

SEC. 10. Section 15 of the Trademark Act of 1946, as amended (15 U.S.C. 1065), is amended by deleting the phrase "the publication" and inserting in its place the word "registration".

96 STAT. 321

SEC. 11. The first sentence of section 16 of the Trademark Act of 1946, as amended (15 U.S.C. 1066), is amended to read as follows: "Upon petition showing extraordinary circumstances, the Commissioner may declare that an interference exists when application is made for the registration of a mark which so resembles a mark previously registered by another, or for the registration of which another has previously made application, as to be likely when applied to the goods or when used in connection with the services of the applicant to cause confusion or mistake or to deceive.".

SEC. 12. Section 21 of title 35, United States Code, is amended—

(1) by deleting the phrase "Day for taking action falling on Saturday, Sunday, or holiday" from the title and inserting in its place the phrase "Filing date and day for taking action";

(2) by inserting the following as subsection (a):

Filing date.

"(a) The Commissioner may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Commissioner.";

(3) by designating the existing paragraph as subsection (b); and

(4) by inserting the word "federal" in subsection (b), as designated above, immediately after the word "a".

SEC. 13. Section 6(a) of title 35, United States Code, is amended (1) by deleting the word "and", third occurrence, and inserting in its place a comma; (2) by inserting the phrase ", or exchanges of items or services" immediately after the word "programs"; and (3) by inserting the phrase "or the administration of the Patent and Trademark Office" immediately after the word "law", second occurrence.

SEC. 14. (a) Section 115 of title 35, United States Code, is amended by (1) deleting the phrase "shall be" and inserting in its place the word "is"; and (2) inserting the following immediately after the phrase "United States", third occurrence: ", or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States".

(b) Section 261 of title 35, United States Code, is amended, in the third paragraph, by inserting the following immediately after the phrase "United States", third occurrence: ", or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States".

(c) Section 11 of the Trademark Act of 1946, as amended (15 U.S.C. 1061), is amended by (1) deleting the phrase "shall be", first occurrence, and inserting in its place the word "is"; and (2) inserting the following immediately after the phrase "United States", third occurrence: ", or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States".

SEC. 15. Section 13 of title 35, United States Code, is amended by deleting "(a) 9" and inserting in its place "(d)".

SEC. 16. Section 173 of title 35, United States Code, is amended to read as follows: "Patents for designs shall be granted for the term of fourteen years."

Effective dates.
35 USC 41 note.

96 STAT. 322

SEC. 17. (a) Sections 1, 2, 4, 7, and 13 through 15 of this Act shall take effect on the date of enactment of this Act. Sections 3 and 16 of this Act shall take effect on October 1, 1982. The maintenance fees provided for in section 3(b) of this Act shall not apply to patents applied for prior to the date of enactment of this Act. Each patent applied for on or after the date of enactment of this Act shall be subject to the maintenance fees established pursuant to section 3(b) of this Act or to maintenance fees hereafter established by law, as to the amounts paid and the number and timing of the payments.

(b)(1) Title 35, United States Code, is amended by inserting after section 293 the following new section of chapter 29:

35 USC 294.

"§ 294. Voluntary arbitration

"(a) A contract involving a patent or any right under a patent may contain a provision requiring arbitration of any dispute relating to patent validity or infringement arising under the contract. In the absence of such a provision, the parties to an existing patent validity or infringement dispute may agree in writing to settle such dispute by arbitration. Any such provision or agreement shall be valid, irrevocable, and enforceable, except for any grounds that exist at law or in equity for revocation of a contract.

Awards.
9 USC 1 *et seq.*

35 USC 282.

"(b) Arbitration of such disputes, awards by arbitrators and confirmation of awards shall be governed by title 9, United States Code, to the extent such title is not inconsistent with this section. In any such arbitration proceeding, the defenses provided for under section 282 of this title shall be considered by the arbitrator if raised by any party to the proceeding.

Modification.

"(c) An award by an arbitrator shall be final and binding between the parties to the arbitration but shall have no force or effect on any other person. The parties to an arbitration may agree that in the event a patent which is the subject matter of an award is subsequently determined to be invalid or unenforceable in a judgment rendered by a court to competent jurisdiction from which no appeal can or has been taken, such award may be modified by any court of competent jurisdiction upon application by any party to the arbitration. Any such modification shall govern the rights and obligations between such parties from the date of such modification.

Notices.

Modification.

"(d) When an award is made by an arbitrator, the patentee, his assignee or licensee shall give notice thereof in writing to the Commissioner. There shall be a separate notice prepared for each patent involved in such proceeding. Such notice shall set forth the names and addresses of the parties, the name of the inventor, and the name of the patent owner, shall designate the number of the patent, and shall contain a copy of the award. If an award is modified by a court, the party requesting such modification shall give notice of such modification to the Commissioner. The Commissioner shall, upon receipt of either notice, enter the same in the record of the prosecution of such patent. If the required notice is not filed with the Commissioner, any party to the proceeding may provide such notice to the Commissioner.

"(e) The award shall be unenforceable until the notice required by subsection (d) is received by the Commissioner.".

96 STAT. 323

(2) The analysis for chapter 29 of title 35 of the United States Code is amended by adding at the end the following:

"294. Voluntary arbitration.".

(c) Sections 5, 6, 8 through 12, and 17(b) of this Act shall take effect six months after enactment.

Approved August 27, 1982.

LEGISLATIVE HISTORY—H.R. 6260:

HOUSE REPORT No. 97-542 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 8, considered and passed House.
Aug. 12, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 36 (1982):
Aug. 28, Presidential statement.

---

96 STAT. 808

Public Law 97-254
97th Congress

An Act

Sept. 8, 1982
[H.R. 6409]

To provide for the participation of the United States in the 1984 Louisiana World Exposition to be held in New Orleans, Louisiana, and for other purposes.

1984 Louisiana World Exposition. U.S. participation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with the Act entitled "An Act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes", approved May 27, 1970 (22 U.S.C. 2801 et seq.), the President is authorized to provide for United States participation in an international exposition to be known as the 1984 Louisiana World Exposition (hereinafter in this Act referred to as the "Exposition"), to be held in New Orleans, Louisiana. The purposes of the Exposition are—

(1) to offer the citizens of the world a greater understanding and appreciation of rivers and fresh water as a basis of life, providing food, transportation, energy, generating related industry and commercial activity, and serving as a source of aesthetic gratification, social interchange, and inspiration for the arts;

(2) to create an awareness of the need to conserve and protect the world's fresh water resources from the hazards of increasing demands, diminishing supplies, pollution, and ecological disruption; and

(3) to stimulate international trade, encourage tourist travel in and to the United States, and promote cultural exchanges.

Sec. 2. (a) The President, through the Secretary of Commerce (hereinafter in this Act referred to as the "Secretary") and the other officials designated in this Act, is authorized to carry out in the most effective manner the proposal for United States participation in the Exposition, transmitted by the President to the Congress pursuant to section 3 of Public Law 91-269 (22 U.S.C. 2803), and to fulfill the obligations of the Federal Government under the Convention Relating to International Expositions, done at Paris, France, on November 22, 1928, as amended, and entered into by the United States at Paris on April 30, 1968 (hereinafter in this Act referred to as the "Convention"), and under the General Rules for the 1984 Louisiana World Exposition, as approved by the Bureau of International Expositions.

Commissioner General of the U.S. Government, appointment.
Duties and responsibilities.

(b)(1) The President is authorized to appoint, by and with the advice and consent of the Senate, a Commissioner General of the United States Government for the 1984 Louisiana World Exposition, who shall be in the Department of Commerce and who shall be the senior Federal official for the Exposition. The Commissioner General shall have such duties and exercise such responsibilities as may be prescribed by the Secretary and as may be necessary and appropriate to fulfill the obligations of the United States Government under the Convention and the General Rules for the 1984 Louisiana World Exposition.

Compensation.

(2) The Commissioner General shall be compensated at a rate not greater than the minimum rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

Foreign Service career members, assignment.

(c) The Secretary of State may assign for duty with the Exposition not more than two career members of the Foreign Service who have the rank of ambassador, and who are not otherwise assigned, to assist the Commissioner General in performing the functions of the Commissioner General in foreign countries and in carrying out the diplomatic responsibilities of the United States as the host Government of the Exposition. The travel and other necessary expenses authorized by law which are incurred by any individual or individuals assigned under this subsection in carrying out the responsibilities of that assignment shall be paid from funds appropriated to carry out this Act. The assignment of any individual or individuals under this subsection shall terminate at the close of the Exposition or on such other date as may be agreed upon by the Secretary of State and the Secretary.

Travel and other expenses.

Termination.

(d) Any functions which the Commissioner General or any individual or individuals assigned under subsection (c) of this section perform in a foreign country shall be performed in consultation with the Chief of the United States diplomatic mission in that country, and the Commissioner General or such individual or individuals shall keep the Secretary of State fully and currently informed with respect to all those functions so performed.

Commissioner General of Section for U.S., designation.

(e) The Secretary shall designate a Commissioner General of Section for United States participation in the Exposition (as provided in the proposal referred to in subsection (a) of this section), who shall be in the Department of Commerce and who shall perform such duties in carrying out this Act as may be delegated or assigned by the Secretary, including serving as director of the United States pavilion.

SEC. 3. To such extent or in such amounts as are provided in appropriation Acts, the Secretary is authorized to—

(1) lease such buildings and other structures or space therein (including commercial space for administrative purposes) and any land appurtenant thereto, and to make such improvements and renovations in such buildings or other structures as may be appropriate for United States participation in the Exposition;

(2) incur such other expenses as may be necessary to carry out the purposes of this Act, including—

(A) expenditures for the design, development, construction, installation, rental, purchase, or other acquisition of exhibits and materials and equipment for exhibits, and for the actual display, dismantling, and disposition of exhibits; and

(B) expenditures for transportation, insurance, safekeeping and storage, maintenance and operation, printing, purchase of reference books, newspapers, and periodicals, and publicity; and

(3) enter into such contracts and agreements as may be necessary to provide for United States participation in the Exposition.

Consultants and experts.

Compensation.

96 STAT. 810

5 USC 5332 note.
Travel and other expenses.

SEC. 4. The Secretary is authorized to obtain the services of consultants and experts as authorized by section 3109 of title 5, United States Code, to the extent the Secretary considers it necessary to carry out the provisions of this Act. Persons so appointed shall be compensated at rates not to exceed the daily equivalent of the rate of basic pay payable for grade GS-18 of the General Schedule. To such extent or in such amounts as are provided in appropriation Acts, persons so appointed shall be reimbursed for travel and other necessary expenses incurred, including a per diem allowance, as authorized by section 5703 of title 5, United States Code, for employees serving intermittently in the Government service.

Voluntary services.

SEC. 5. (a) Notwithstanding section 3679(b) of the Revised Statutes of the United States (31 U.S.C. 665(b)) and section 3111 of title 5, United States Code, the Secretary is authorized to recruit, train, and accept the voluntary services of individuals in carrying out those functions, services, or activities in and related to United States participation in the Exposition.

Incidental expenses.

(b) To such extent or in such amounts as are provided in appropriations Acts, the Secretary is authorized to provide for incidental expenses of individuals providing voluntary services described in subsection (a), including transportation, uniforms, lodging, and subsistence expenses.

(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, an individual providing voluntary service described in subsection (a) shall not be deemed to be a Federal employee and shall not be subject to those provisions of law relating to Federal employment, including provisions relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

28 USC 1346, 2671 *et seq.*

(2) For purposes of section 1346(b) and chapter 171 of title 28, United States Code, an individual providing voluntary service described in subsection (a) shall be deemed to be an employee of the government.

Work injuries, compensation.
5 USC 8101.

(3) An individual providing voluntary service described in subsection (a) shall be deemed to be an "employee" for purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries. For purposes of that subchapter, such an individual shall be deemed to be receiving monthly pay at the minimum rate of GS-2 of the General Schedule.

5 USC 5332 note.

SEC. 6. (a) To such extent or in such amounts as are provided in appropriation Acts, the Secretary is authorized—

(1) notwithstanding the requirements of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to purchase for resale and to sell at fair market value books, brochures, recordings, souvenirs, and other items in conformity with the theme of the Exposition and commemorative of United States participation in the Exposition, and to charge an amount sufficient to realize a reasonable profit on the sale of those items; and

(2) to enter into contracts and leases, including cooperative arrangements and concessions agreements, with respect to the sale of the items described in paragraph (1).

The proceeds from the sale of the items described in paragraph (1) shall be credited to the appropriation for United States participation in the Exposition and, to the extent provided in advance in appropriation Acts, such credited amounts may be used for such participation. To the extent that such proceeds exceed the amounts necessary to provide for such participation, they shall be covered into the Treasury as miscellaneous receipts.

96 STAT. 811

Emergency assistance.

(b) The Secretary is authorized to provide, without charge, aid and assistance to visitors to the United States pavilion in emergencies.

SEC. 7. The Secretary shall take all reasonable measures to facilitate the participation in the Exposition of the governments of other countries and their nationals, to assure adherence to the protocols of the Bureau of International Expositions, and to cooperate with the Louisiana World Exposition, Incorporated in its efforts and the efforts of the Federal Government to organize, develop, and administer the Exposition successfully.

Contributions.

SEC. 8. The Secretary shall encourage private individuals, firms, associations, agencies, and other groups to participate to the maximum extent feasible in carrying out the purposes of this Act and to make contributions of funds, property, use of property, and services to be used in carrying out this Act. The Secretary is authorized to accept such contributions.

SEC. 9. The head of each department, agency, or instrumentality of the Federal Government is authorized—

(1) to cooperate with the Secretary with respect to carrying out this Act; and

(2) to make available to the Secretary from time to time, on a reimbursable or nonreimbursable basis, such personnel as may be necessary to assist the Secretary in carrying out this Act.

Report to Congress.

SEC. 10. Within one year after the date of the official close of the Exposition, the Secretary shall transmit to the Congress a report on the activities of the Federal Government under this Act, including a detailed statement of expenditures made under this Act. Upon transmittal of such report to the Congress, all appointments made under this Act shall terminate, except that the Secretary may extend any such appointment for such additional period of time as the Secretary considers necessary to carry out the purposes of this Act. The preceding sentence shall not apply to assignments made under section 2(c) of this Act.

Termination.

Federal property, disposal.

SEC. 11. After the close of the Exposition, all Federal property acquired to carry out this Act shall be disposed of in the discretion of the Secretary, upon such terms and conditions as the Secretary considers appropriate, in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 and other applicable Federal laws relating to the disposition of excess and surplus property.

40 USC 471 note.

SEC. 12. The functions authorized by this Act may be performed without regard to the requirements, prohibitions, and limitations of the following laws:

(1) Section 3109(b) of title 5, United States Code, to the extent that section limits procurement of temporary services to one year.

(2) Section 5(a) of the Act of July 16, 1914 (31 U.S.C. 638a(a)), as amended by section 16(a) of the Administrative Expenses Act of 1946, to the extent that section pertains to hiring automobiles.

(3) Section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)).

(4) Section 305(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255(c)), and section 3648 of the Revised Statutes of the United States (31 U.S.C. 529), if the Secretary determines that it is impracticable to obtain adequate security in a particular case and that there is a compelling need to make an advance payment in that case.

96 STAT. 812

(5) Section 322 of the Act of June 20, 1932 (40 U.S.C. 278a), if the Secretary determines that waiver of that section would be in the best interests of the Federal Government.

(6) Section 2 of the Act of March 3, 1933 (popularly known as the "Buy American Act"; 41 U.S.C. 10a).

(7) Section 501 of title 44, United States Code.

(8) Section 3702 of title 44, United States Code.

(9) Section 3703 of title 44, United States Code.

Regulations.

SEC. 13. The Secretary may issue such regulations as the Secretary considers necessary to carry out this Act.

Appropriation authorization.

SEC. 14. (a) There is authorized to be appropriated $10,000,000 to carry out the purposes of this Act.

(b) Amounts appropriated under this section are authorized to remain available until expended.

Effective date. 22 USC 2803 note.

SEC. 15. This Act shall take effect upon its enactment, except that section 2(b)(2) and the second sentence of section 4 shall become effective on October 1, 1982.

SEC. 16. (a) That section 3 of the Act of May 27, 1970 (84 Stat. 272; 22 U.S.C. 2803), is amended by—

(1) striking out "The" and inserting in lieu thereof "(a) The";

(2) redesignating clauses (a), (b), and (c) as clauses (1), (2) and (3), respectively;

(3) striking out all after the period where it first appears in clause (3) as redesignated in clause (2) of this Act and inserting in lieu thereof the following: "The Secretary of Commerce shall include in such plan any documentation described in subsection (b)(1)(A) of this section, a rendering of any design described in subsection (b)(1)(B) of this section, and any recommendation

based on the determination under subsection (b)(1)(C) of this section."; and

(4) by adding at the end thereof the following new subsections:

Federal pavilion construction.

"(b)(1) In developing a plan under subsection (a)(3) of this section the Secretary of Commerce shall consider whether the plan should include the construction of a Federal pavilion. If the Secretary of Commerce determines that a Federal pavilion should be constructed, he shall request the Administrator of General Services (hereinafter in this section referred to as the 'Administrator') to determine, in consultation with such Secretary, whether there is a federally endorsed need for a permanent structure in the area of the exposition. If the Administrator determines that any such need exists—

"(A) the Administrator shall fully document such determination, including the identification of the need, and shall transmit such documentation to the Secretary of Commerce;

"(B) the Secretary of Commerce, in consultation with the Administrator, shall design a pavilion which satisfies the federally endorsed needs for—

"(i) participation in the exposition; and

"(ii) permanent use of such pavilion after the termination of participation in the exposition; and

"(C) the Secretary of Commerce shall determine whether the Federal Government should be deeded a satisfactory site for the Federal pavilion in fee simple, free of all liens and encumbrances, as a condition of participation in the exposition.

Temporary Federal pavilion.

96 STAT. 813

"(2) Notwithstanding paragraph (1)(B) of this subsection, if the Secretary of Commerce, in consultation with the Administrator determines that no design of a Federal pavilion will satisfy both needs described in paragraph (1)(B) of this subsection, the Secretary shall design a temporary Federal pavilion.

"(c) The enactment of a specific authorization of appropriations shall be required—

"(1) to construct a Federal pavilion in accordance with the plan prepared pursuant to subsection (a)(3) of this section;

"(2) if the Federal pavilion is not temporary, to modify such Federal pavilion after termination of participation in the exposition if modification is necessary to adapt such pavilion for use by the Federal Government to satisfy a need described in subsection (b)(1)(B)(ii) of this section; and

"(3) if the Federal pavilion is temporary, to dismantle, demolish, or otherwise dispose of such Federal pavilion after termination of Federal participation in the exposition.

"(d) For the purposes of this section—

"(1) a Federal pavilion shall be considered to satisfy both needs described in subsection (b)(1)(B) of this section if the Federal pavilion which satisfies the needs described in paragraph (1)(B)(i) of such subsection can be modified after completion of the exposition to satisfy the needs described in paragraph (1)(B)(ii) of such subsection, provided that such modification shall cost no more than the expense of demolition, dismantling, or other disposal, or if the cost is higher, it shall be no more than 50 per centum of the original cost of the construction of the pavilion; and

"(2) a Federal pavilion is temporary if the Federal pavilion is designed to satisfy the minimum needs of the Federal Government described in subsection (b)(1)(B)(i) of this section and is intended for disposal by the Federal Government after the termination of participation in the exposition.".

Approved September 8, 1982.

LEGISLATIVE HISTORY—H.R. 6409:

HOUSE REPORT No. 97-639 (Comm. on Foreign Affairs).
SENATE REPORT No. 97-525 (Comm. on Foreign Relations)
CONGRESSIONAL RECORD, Vol. 128 (1982):
July 19, considered and passed House.
Aug. 19, considered and passed Senate, amended; House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 36 (1982):
Sept. 8, Presidential statement.

Public Law 97-259
97th Congress

96 STAT. 1087

An Act

To amend the Communications Act of 1934, and for other purposes.

Sept. 13, 1982
[H.R. 3239]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Communications Act of 1934, amendment.

Communications Amendments Act of 1982.

TITLE I—COMMUNICATIONS AMENDMENTS

SHORT TITLE

SECTION. 101. This title may be cited as the "Communications Amendments Act of 1982".

47 USC 609 note.

FINANCIAL INTERESTS OF MEMBERS AND EMPLOYEES OF FEDERAL COMMUNICATIONS COMMISSION

SEC. 102. Section 4(b) of the Communications Act of 1934 (47 U.S.C. 154(b)) is amended to read as follows:

"(b)(1) Each member of the Commission shall be a citizen of the United States.

"(2)(A) No member of the Commission or person employed by the Commission shall—

"(i) be financially interested in any company or other entity engaged in the manufacture or sale of telecommunications equipment which is subject to regulation by the Commission;

"(ii) be financially interested in any company or other entity engaged in the business of communication by wire or radio or in the use of the electromagnetic spectrum;

"(iii) be financially interested in any company or other entity which controls any company or other entity specified in clause (i) or clause (ii), or which derives a significant portion of its total income from ownership of stocks, bonds, or other securities of any such company or other entity; or

"(iv) be employed by, hold any official relation to, or own any stocks, bonds, or other securities of, any person significantly regulated by the Commission under this Act;

except that the prohibitions established in this subparagraph shall apply only to financial interests in any company or other entity which has a significant interest in communications, manufacturing, or sales activities which are subject to regulation by the Commission.

"(B)(i) The Commission shall have authority to waive, from time to time, the application of the prohibitions established in subparagraph (A) to persons employed by the Commission if the Commission determines that the financial interests of a person which are involved in a particular case are minimal, except that such waiver authority shall be subject to the provisions of section 208 of title 18, United States Code. The waiver authority established in this subparagraph shall not apply with respect to members of the Commission.

Notice; publication in Federal Register; notification to congressional committees.

"(ii) In any case in which the Commission exercises the waiver authority established in this subparagraph, the Commission shall publish notice of such action in the Federal Register and shall furnish notice of such action to the appropriate committees of each House of the Congress. Each such notice shall include information regarding the identity of the person receiving the waiver, the position held by such person, and the nature of the financial interests which are the subject of the waiver.

"(3) The Commission, in determining whether a company or other entity has a significant interest in communications, manufacturing, or sales activities which are subject to regulation by the Commission, shall consider (without excluding other relevant factors)—

"(A) the revenues, investments, profits, and managerial efforts directed to the related communications, manufacturing, or sales activities of the company or other entity involved, as compared to the other aspects of the business of such company or other entity;

"(B) the extent to which the Commission regulates and oversees the activities of such company or other entity;

"(C) the degree to which the economic interests of such company or other entity may be affected by any action of the Commission; and

"(D) the perceptions held by the public regarding the business activities of such company or other entity.

"(4) Members of the Commission shall not engage in any other business, vocation, profession, or employment while serving as such members.

"(5) The maximum number of commissioners who may be members of the same political party shall be a number equal to the least number of commissioners which constitutes a majority of the full membership of the Commission.".

APPOINTMENT, TERMS OF OFFICE, SALARY, AND COMPENSATION OF MEMBERS OF COMMISSION

SEC. 103. (a) Section 4(c) of the Communications Act of 1934 (47 U.S.C. 154(c)) is amended—

(1) by striking out "The";

(2) by striking out "first appointed" and all that follows through "but their successors"; and

(3) by striking out "qualified" and inserting in lieu thereof "been confirmed and taken the oath of office".

(b) Section 4(d) of the Communications Act of 1934 (47 U.S.C. 154(d)) is amended to read as follows:

"(d) Each Commissioner shall receive an annual salary at the annual rate payable from time to time for level IV of the Executive Schedule, payable in monthly installments. The Chairman of the Commission, during the period of his service as Chairman, shall receive an annual salary at the annual rate payable from time to time for level III of the Executive Schedule.".

5 USC 5315.

5 USC 5314.

(c) Section 4(f)(2) of the Communications Act of 1934 (47 U.S.C. 154(f)(2)) is amended by striking out "a legal assistant, an engineering assistant," and inserting in lieu thereof "three professional assistants".

(d) Section 4(g) of the Communications Act of 1934 (47 U.S.C. 154(g)) is amended by inserting "(1)" after the subsection designation, and by adding at the end thereof the following new paragraph:

"(2)(A) If—

"(i) the necessary expenses specified in the last sentence of paragraph (1) have been incurred for the purpose of enabling commissioners or employees of the Commission to attend and participate in any convention, conference, or meeting;

"(ii) such attendance and participation are in furtherance of the functions of the Commission; and

"(iii) such attendance and participation are requested by the person sponsoring such convention, conference, or meeting;

then the Commission shall have authority to accept direct reimbursement from such sponsor for such necessary expenses.

"(B) The total amount of unreimbursed expenditures made by the Commission for travel for any fiscal year, together with the total amount of reimbursements which the Commission accepts under subparagraph (A) for such fiscal year, shall not exceed the level of travel expenses appropriated to the Commission for such fiscal year.

Publication in Federal Register.

"(C) The Commission shall submit to the appropriate committees of the Congress, and publish in the Federal Register, quarterly reports specifying reimbursements which the Commission has accepted under this paragraph.

"(D) The provisions of this paragraph shall cease to have any force or effect at the end of fiscal year 1985.".

(e) Section 4(k)(2) of the Communications Act of 1934 (47 U.S.C. 154(k)(2)) is amended by striking out ": *Provided,* That the" and all that follows through "by such reports".

(f) Section 4(k) of the Communications Act of 1934 (47 U.S.C. 154(k)) is amended by redesignating paragraph (4) and paragraph (5) as paragraph (3) and paragraph (4), respectively.

(g) Section 4(k)(4) of the Communications Act of 1934, as so redesignated in subsection (f), is amended by striking out "Bureau of the Budget" and inserting in lieu thereof "Office of Management and Budget".

USE OF AMATEUR VOLUNTEERS FOR CERTAIN PURPOSES

SEC. 104. Section 4(f) of the Communications Act of 1934 (47 U.S.C. 154(f)) is amended by adding at the end thereof the following new paragraph:

"(4)(A) The Commission, for purposes of preparing any examination for an amateur station operator license, may accept and employ the voluntary and uncompensated services of any individual who holds an amateur station operator license of a higher class than the class license for which the examination is being prepared. In the case of examinations for the highest class of amateur station operator license, the Commission may accept and employ such services of any individual who holds such class of license.

"(B) The Commission, for purposes of administering any examination for an amateur station operator license, may accept and employ the voluntary and uncompensated services of any individual who holds an amateur station operator license of a higher class than the class license for which the examination is being conducted. In the case of examinations for the highest class of amateur station operator license, the Commission may accept and employ such services of any individual who holds such class of license. Any person who owns a significant interest in, or is an employee of, any company or other entity which is engaged in the manufacture or distribution of equipment used in connection with amateur radio transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses, shall not be eligible to render any service under this subparagraph.

96 STAT. 1090

"(C)(i) The Commission, for purposes of monitoring violations of any provision of this Act (and of any regulation prescribed by the Commission under this Act) relating to the amateur radio service, may—

"(I) recruit and train any individual licensed by the Commission to operate an amateur station; and

"(II) accept and employ the voluntary and uncompensated services of such individual.

"(ii) The Commission, for purposes of recruiting and training individuals under clause (i) and for purposes of screening, annotating, and summarizing violation reports referred under clause (i), may accept and employ the voluntary and uncompensated services of any amateur station operator organization.

"(iii) The functions of individuals recruited and trained under this subparagraph shall be limited to—

"(I) the detection of improper amateur radio transmissions;

"(II) the conveyance to Commission personnel of information which is essential to the enforcement of this Act (or regulations prescribed by the Commission under this Act) relating to the amateur radio service; and

"(III) issuing advisory notices, under the general direction of the Commission, to persons who apparently have violated any provision of this Act (or regulations prescribed by the Commission under this Act) relating to the amateur radio service.

Nothing in this clause shall be construed to grant individuals recruited and trained under this subparagraph any authority to issue sanctions to violators or to take any enforcement action other than any action which the Commission may prescribe by rule.

"(D)(i) The Commission, for purposes of monitoring violations of any provision of this Act (and of any regulation prescribed by the Commission under this Act) relating to the citizens band radio service, may—

"(I) recruit and train any citizens band radio operator; and

"(II) accept and employ the voluntary and uncompensated services of such operator.

"(ii) The Commission, for purposes of recruiting and training individuals under clause (i) and for purposes of screening, annotating, and summarizing violation reports referred under clause (i), may accept and employ the voluntary and uncompensated services of any citizens band radio operator organization. The Commission, in accepting and employing services of individuals under this subparagraph, shall seek to achieve a broad representation of individuals and organizations interested in citizens band radio operation.

"(iii) The functions of individuals recruited and trained under this subparagraph shall be limited to—

"(I) the detection of improper citizens band radio transmissions;

"(II) the conveyance to Commission personnel of information which is essential to the enforcement of this Act (or regulations prescribed by the Commission under this Act) relating to the citizens band radio service; and

96 STAT. 1091

"(III) issuing advisory notices, under the general direction of the Commission, to persons who apparently have violated any provision of this Act (or regulations prescribed by the Commission under this Act) relating to the citizens band radio service.

Nothing in this clause shall be construed to grant individuals recruited and trained under this subparagraph any authority to issue sanctions to violators or to take any enforcement action other than any action which the Commission may prescribe by rule.

"(E) The authority of the Commission established in this paragraph shall not be subject to or affected by the provisions of part III of title 5, United States Code, or section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"(F) Any person who provides services under this paragraph shall not be considered, by reason of having provided such services, a Federal employee.

"(G) The Commission, in accepting and employing services of individuals under subparagraphs (A), (B), and (C), shall seek to achieve a broad representation of individuals and organizations interested in amateur station operation.

Rules of conduct and regulations.

"(H) The Commission may establish rules of conduct and other regulations governing the service of individuals under this paragraph.".

ORGANIZATION AND FUNCTIONING OF COMMISSION

SEC. 105. (a) Section 5(b) of the Communications Act of 1934 (47 U.S.C. 155(b)) is amended—

(1) by striking out "Within" and all that follows through "and from" and inserting in lieu thereof "From"; and

(2) by striking out "thereafter".

(b) Section 5 of the Communications Act of 1934 (47 U.S.C. 155) is amended by redesignating subsection (d) and subsection (e) as subsection (c) and subsection (d), respectively.

(c) The first sentence of section 5(c)(1) of the Communications Act of 1934, as so redesignated in subsection (b), is amended by striking out "three" and inserting in lieu thereof "two".

REGULATION OF POLE ATTACHMENTS

SEC. 106. Section 224 of the Communications Act of 1934 (47 U.S.C. 224) is amended by striking out subsection (e) thereof.

JURISDICTION OF COMMISSION

SEC. 107. Section 301 of the Communications Act of 1934 (47 U.S.C. 301) is amended—

(1) by striking out "interstate and foreign";

(2) by inserting "State," after "any" the third place it appears therein;

(3) by inserting a comma after "Territory" the first place it appears therein; and

(4) by inserting "State," after "same".

INTERFERENCE WITH ELECTRONIC EQUIPMENT

SEC. 108. (a)(1) The first sentence of section 302(a) of the Communications Act of 1934 (47 U.S.C. 302(a)) is amended by inserting "(1)" after "regulations", and by inserting before the period at the end thereof the following: "; and (2) establishing minimum performance standards for home electronic equipment and systems to reduce their susceptibility to interference from radio frequency energy".

96 STAT. 1092

(2) The last sentence of section 302(a) of the Communications Act of 1934 (47 U.S.C. 302(a)) is amended by striking out "shipment, or use of such devices" and inserting in lieu thereof "or shipment of such devices and home electronic equipment and systems, and to the use of such devices". 47 USC 302a.

(3) Section 302(b) of the Communications Act of 1934 (47 U.S.C. 302(b)) is amended by striking out "ship, or use devices" and inserting in lieu thereof "or ship devices or home electronic equipment and systems, or use devices,". 47 USC 302a.

(4) Section 302(c) of the Communications Act of 1934 (47 U.S.C. 302(c)) is amended— 47 USC 302a.

(A) in the first sentence thereof, by inserting "or home electronic equipment and systems" after "devices" each place it appears therein; and

(B) in the last sentence thereof, by inserting "and home electronic equipment and systems" after "Devices", by striking out "common objective" and inserting in lieu thereof "objectives", and by inserting "and to home electronic equipment and systems" after "reception".

(b) Any minimum performance standard established by the Federal Communications Commission under section 302(a)(2) of the Communications Act of 1934, as added by the amendment made in subsection (a)(1), shall not apply to any home electronic equipment or systems manufactured before the date of the enactment of this Act. 47 USC 302a note.

QUALIFICATIONS OF STATION OPERATORS

SEC. 109. Section 303(l)(1) of the Communications Act of 1934 (47 U.S.C. 303(l)(1)) is amended—

(1) by striking out "such citizens" and all that follows through "qualified" and inserting in lieu thereof "persons who are found to be qualified by the Commission and who otherwise are legally eligible for employment in the United States"; and

(2) by striking out "in issuing licenses" and all that follows through the end thereof and inserting in lieu thereof the following: "such requirement relating to eligibility for employment in the United States shall not apply in the case of licenses issued by the Commission to (A) persons holding United States pilot certificates; or (B) persons holding foreign aircraft pilot certificates which are valid in the United States, if the foreign government involved has entered into a reciprocal agreement under which such foreign government does not impose any similar requirement relating to eligibility for employment upon citizens of the United States;".

GROUNDS FOR SUSPENSION OF LICENSES

SEC. 110. Section 303(m)(1)(A) of the Communications Act of 1934 (47 U.S.C. 303(m)(1)(A)) is amended by inserting ", or caused, aided, or abetted the violation of," after "violated".

96 STAT. 1093

LICENSING OF CERTAIN AIRCRAFT RADIO STATIONS AND OPERATORS

SEC. 111. (a) Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by adding at the end thereof the following new paragraph:

"(t) Notwithstanding the provisions of section 301(e), have authority, in any case in which an aircraft registered in the United States is operated (pursuant to a lease, charter, or similar arrangement) by an aircraft operator who is subject to regulation by the government of a foreign nation, to enter into an agreement with such government under which the Commission shall recognize and accept any radio station licenses and radio operator licenses issued by such government with respect to such aircraft.".

(b) Section 301(e) of the Communications Act of 1934 (47 U.S.C. 301(e)) is amended by inserting "(except as provided in section 303(t))" after "United States".

REVISION OF LICENSE TERMS

SEC. 112. (a) Section 307 of the Communications Act of 1934 (47 U.S.C. 307) is amended by striking out subsection (c), and by redesignating subsection (d) and subsection (e) as subsection (c) and subsection (d), respectively.

(b) Section 307(c) of the Communications Act of 1934, as so redesignated in subsection (a), is amended—

(1) by striking out "five years" the second place and the last place it appears therein and inserting in lieu thereof "ten years"; and

(2) by inserting after the second sentence thereof the following new sentence: "The term of any license for the operation of any auxiliary broadcast station or equipment which can be used only in conjunction with a primary radio, television, or translator station shall be concurrent with the term of the license for such primary radio, television, or translator station.".

AUTHORITY TO OPERATE CERTAIN RADIO STATIONS WITHOUT INDIVIDUAL LICENSES

SEC. 113. (a) Section 307 of the Communications Act of 1934, as amended in section 112(a), is further amended by adding at the end thereof the following new subsection:

"(e)(1) Notwithstanding any licensing requirement established in this Act, the Commission may by rule authorize the operation of radio stations without individual licenses in the radio control service and the citizens band radio service if the Commission determines that such authorization serves the public interest, convenience, and necessity.

"(2) Any radio station operator who is authorized by the Commission under paragraph (1) to operate without an individual license shall comply with all other provisions of this Act and with rules prescribed by the Commission under this Act.

"(3) For purposes of this subsection, the terms 'radio control service' and 'citizens band radio service' shall have the meanings given them by the Commission by rule.".

(b) Section 303(n) of the Communications Act of 1934 (47 U.S.C. 303(n)) is amended by inserting after "any Act" the first place it appears therein the following: ", or which the Commission by rule has authorized to operate without a license under section 307(e)(1),".

96 STAT. 1094

AUTHORIZATION OF TEMPORARY OPERATIONS

SEC. 114. Section 309(f) of the Communications Act of 1934 (47 U.S.C. 309(f)) is amended—

(1) by striking out "emergency" each place it appears therein and inserting in lieu thereof "temporary";

(2) by striking out "one additional period" and inserting in lieu thereof "additional periods"; and

(3) by striking out "ninety days" and inserting in lieu thereof "180 days".

RANDOM SELECTION SYSTEM FOR CERTAIN LICENSES AND PERMITS

SEC. 115. (a) Section 309(i)(1) of the Communications Act of 1934 (47 U.S.C. 309(i)(1)) is amended—

95 Stat. 736.

(1) by striking out "applicant" the first place it appears therein and inserting in lieu thereof "application"; and

(2) by striking out "the qualifications of each such applicant under section 308(b)" and inserting in lieu thereof "that each such application is acceptable for filing".

(b) Section 309(i)(2) of the Communications Act of 1934 (47 U.S.C. 309(i)(2)) is amended to read as follows:

"(2) No license or construction permit shall be granted to an applicant selected pursuant to paragraph (1) unless the Commission determines the qualifications of such applicant pursuant to subsection (a) and section 308(b). When substantial and material questions of fact exist concerning such qualifications, the Commission shall conduct a hearing in order to make such determinations. For the purpose of making such determinations, the Commission may, by rule, and notwithstanding any other provision of law—

"(A) adopt procedures for the submission of all or part of the evidence in written form;

"(B) delegate the function of presiding at the taking of written evidence to Commission employees other than administrative law judges; and

"(C) omit the determination required by subsection (a) with respect to any application other than the one selected pursuant to paragraph (1).".

(c)(1) Section 309(i)(3)(A) of the Communications Act of 1934 (47 U.S.C. 309(i)(3)(A)) is amended by striking out ", groups" the first place it appears therein, and all that follows through the end thereof, and inserting in lieu thereof the following: "used for granting licenses or construction permits for any media of mass communications, significant preferences will be granted to applicants or groups of applicants, the grant to which of the license or permit would increase the diversification of ownership of the media of mass communications. To further diversify the ownership of the media of mass communications, an additional significant preference shall be granted to any applicant controlled by a member or members of a minority group.".

(2) Section 309(i)(3) of the Communications Act of 1934 (47 U.S.C. 309(i)(3)) is amended by adding at the end thereof the following new subparagraph:

"(C) For purposes of this paragraph:

"Media of mass communications."

96 STAT. 1095

"(i) The term 'media of mass communications' includes television, radio, cable television, multipoint distribution service, direct broadcast satellite service, and other services, the licensed facilities of which may be substantially devoted toward providing programming or other information services within the editorial control of the licensee.

"Minority group."

"(ii) The term 'minority group' includes Blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders.".

(d) Section 309(i)(4)(A) of the Communications Act of 1934 (47 U.S.C. 309(i)(4)(A)) is amended by striking out "effective date of this subsection" and inserting in lieu thereof "date of the enactment of the Communications Technical Amendments Act of 1982".

AGREEMENTS RELATING TO WITHDRAWAL OF CERTAIN APPLICATIONS

SEC. 116. (a) Section 311(c)(3) of the Communications Act of 1934 (47 U.S.C. 311(c)(3)) is amended by striking out "the agreement" the second place it appears therein and all that follows through the end thereof and inserting in lieu thereof the following: "(A) the agreement is consistent with the public interest, convenience, or necessity; and (B) no party to the agreement filed its application for the purpose of reaching or carrying out such agreement.".

95 Stat. 737.

(b) Section 311(d)(1) of the Communications Act of 1934 (47 U.S.C. 311(d)(1)) is amended by striking out "two or more" and all that follows through "station" and inserting in lieu thereof the following: "an application for the renewal of a license granted for the operation of a broadcasting station and one or more applications for a construction permit relating to such station".

(c) Section 311(d)(3) of the Communications Act of 1934 (47 U.S.C. 311(d)(3)) is amended by striking out "license".

WILLFUL OR REPEATED VIOLATIONS

Definitions.

SEC. 117. Section 312 of the Communications Act of 1934 (47 U.S.C. 312) is amended by adding at the end thereof the following new subsection:

"(f) For purposes of this section:

"(1) The term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act or any rule or regulation of the Commission authorized by this Act or by a treaty ratified by the United States.

"(2) The term 'repeated', when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.".

APPLICABILITY OF CONSTRUCTION PERMIT REQUIREMENTS TO CERTAIN STATIONS

SEC. 118. Section 319(a) of the Communications Act of 1934 (47 U.S.C. 319(a)) is amended by striking out "the construction of which is begun or is continued after this Act takes effect,".

96 STAT. 1096

AUTHORITY TO ELIMINATE CERTAIN CONSTRUCTION PERMITS

SEC. 119. Section 319(d) of the Communications Act of 1934 (47 U.S.C. 319(d)) is amended to read as follows:

"(d) A permit for construction shall not be required for Government stations, amateur stations, or mobile stations. A permit for construction shall not be required for public coast stations, privately owned fixed microwave stations, or stations licensed to common carriers, unless the Commission determines that the public interest, convenience, and necessity would be served by requiring such permits for any such stations. With respect to any broadcasting station, the Commission shall not have any authority to waive the requirement of a permit for construction. With respect to any other station or class of stations, the Commission shall not waive such requirement unless the Commission determines that the public interest, convenience, and necessity would be served by such a waiver.".

PRIVATE LAND MOBILE SERVICES

SEC. 120. (a) Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"PRIVATE LAND MOBILE SERVICES

"SEC. 331. (a) In taking actions to manage the spectrum to be made available for use by the private land mobile services, the Commission shall consider, consistent with section 1 of this Act, whether such actions will—

47 USC 332.

47 USC 151.

"(1) promote the safety of life and property;

"(2) improve the efficiency of spectrum use and reduce the regulatory burden upon spectrum users, based upon sound engineering principles, user operational requirements, and marketplace demands;

"(3) encourage competition and provide services to the largest feasible number of users; or

"(4) increase interservice sharing opportunities between private land mobile services and other services.

"(b)(1) The Commission, in coordinating the assignment of frequencies to stations in the private land mobile services and in the fixed services (as defined by the Commission by rule), shall have authority to utilize assistance furnished by advisory coordinating committees consisting of individuals who are not officers or employees of the Federal Government.

"(2) The authority of the Commission established in this subsection shall not be subject to or affected by the provisions of part III of title 5, United States Code, or section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"(3) Any person who provides assistance to the Commission under this subsection shall not be considered, by reason of having provided such assistance, a Federal employee.

"(4) Any advisory coordinating committee which furnishes assistance to the Commission under this subsection shall not be subject to the provisions of the Federal Advisory Committee Act.

5 USC app

"(c)(1) For purposes of this section, private land mobile service shall include service provided by specialized mobile radio, multiple licensed radio dispatch systems, and all other radio dispatch systems, regardless of whether such service is provided indiscriminately to eligible users on a commercial basis, except that a land station licensed in such service to multiple licensees or otherwise shared by authorized users (other than a nonprofit, cooperative station) shall not be interconnected with a telephone exchange or interexchange service or facility for any purpose, except to the extent that (A) each user obtains such interconnection directly from a duly authorized carrier; or (B) licensees jointly obtain such interconnection directly from a duly authorized carrier.

96 STAT. 1097

"(2) A person engaged in private land mobile service shall not, insofar as such person is so engaged, be deemed a common carrier for any purpose under this Act. A common carrier shall not provide any dispatch service on any frequency allocated for common carrier service, except to the extent such dispatch service is provided on stations licensed in the domestic public land mobile radio service before January 1, 1982.

"(3) No State or local government shall have any authority to impose any rate or entry regulation upon any private land mobile service, except that nothing in this subsection may be construed to impair such jurisdiction with respect to common carrier stations in the mobile service.".

(b)(1) Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended by adding at the end thereof the following new paragraph:

"(gg) 'Private land mobile service' means a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation.".

"Mobile service."

(2) Section 3(n) of the Communications Act of 1934 (47 U.S.C. 153(n)) is amended to read as follows:

"(n) 'Mobile service' means a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes both one-way and two-way radio communication services.".

NOTICES OF APPEAL

Sec. 121. Section 402(d) of the Communications Act of 1934 (47 U.S.C. 402(d)) is amended—

(1) by striking out "Commission" the first place it appears therein and inserting in lieu thereof "appellant";

(2) by striking out "date of service upon it" and inserting in lieu thereof "filing of such notice";

(3) by striking out "and shall thereafter" and all that follows through "Washington"; and

(4) by striking out "Within thirty days after the filing of an appeal, the" and inserting in lieu thereof "The".

COMPUTATION OF CERTAIN FILING DEADLINES

Sec. 122. The last sentence of section 405 of the Communications Act of 1934 (47 U.S.C. 405) is amended by striking out "public notice" and all that follows through the end thereof and inserting in lieu thereof the following: "the Commission gives public notice of the order, decision, report, or action complained of.".

96 STAT. 1098

EFFECTIVE DATE OF CERTAIN COMMISSION ORDERS

Sec. 123. Section 408 of the Communications Act of 1934 (47 U.S.C. 408) is amended by striking out "within such reasonable time" and all that follows through the end thereof and inserting in lieu thereof the following: "thirty calendar days from the date upon which public notice of the order is given, unless the Commission designates a different effective date. All such orders shall continue in force for the period of time specified in the order or until the Commission or a court of competent jurisdiction issues a superseding order.".

APPLICATION OF FORFEITURE REQUIREMENTS TO CABLE TELEVISION SYSTEM OPERATORS

Sec. 124. The second sentence of section 503(b)(5) of the Communications Act of 1934 (47 U.S.C. 503(b)(5)) is amended by inserting ", or is a cable television system operator" before the period at the end thereof.

FORFEITURE OF COMMUNICATIONS DEVICES

Sec. 125. Title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.) is amended by adding at the end thereof the following new section:

"FORFEITURE OF COMMUNICATIONS DEVICES

47 USC 510.

"Sec. 510. (a) Any electronic, electromagnetic, radio frequency, or similar device, or component thereof, used, sent, carried, manufactured, assembled, possessed, offered for sale, sold, or advertised with willful and knowing intent to violate section 301 or 302, or rules prescribed by the Commission under such sections, may be seized and forfeited to the United States.

47 USC 301, 302.

"(b) Any property subject to forfeiture to the United States under this section may be seized by the Attorney General of the United States upon process issued pursuant to the supplemental rules for certain admiralty and maritime claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made if the seizure is incident to a lawful arrest or search.

"(c) All provisions of law relating to—

"(1) the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws;

"(2) the disposition of such property or the proceeds from the sale thereof;

"(3) the remission or mitigation of such forfeitures; and

"(4) the compromise of claims with respect to such forfeitures;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section, except that such seizures and forfeitures shall be limited to the communications device, devices, or components thereof.

"(d) Whenever property is forfeited under this section, the Attorney General of the United States may forward it to the Commission or sell any forfeited property which is not harmful to the public. The proceeds from any such sale shall be deposited in the general fund of the Treasury of the United States.".

96 STAT. 1099

EXEMPTION APPLICABLE TO AMATEUR RADIO COMMUNICATIONS

SEC. 126. The last sentence of section 605 of the Communications Act of 1934 (47 U.S.C. 605) is amended—

(1) by striking out "broadcast or";

(2) by striking out "amateurs or others" and inserting in lieu thereof "any station";

(3) by striking out "or" the last place it appears therein;

(4) by inserting ", aircraft, vehicles, or persons" after "ships"; and

(5) by inserting before the period at the end thereof the following: ", or which is transmitted by an amateur radio station operator or by a citizens band radio operator".

TECHNICAL AMENDMENTS

SEC. 127. (a) Section 304 of the Communications Act of 1934 (47 U.S.C. 304) is amended by striking out "ether" and inserting in lieu thereof "electromagnetic spectrum".

(b) Section 402(a) of the Communications Act of 1934 (47 U.S.C. 402(a)) is amended by striking out "Public Law" and all that follows through the end thereof and inserting in lieu thereof "chapter 158 of title 28, United States Code.".

(c)(1) Section 405 of the Communications Act of 1934 (47 U.S.C. 405) is amended by striking out "rehearing" each place it appears therein and inserting in lieu thereof "reconsideration".

(2) The heading for section 405 of the Communications Act of 1934 (47 U.S.C. 405) is amended by striking out "REHEARINGS" and inserting in lieu thereof "RECONSIDERATIONS".

AMENDMENT TO OTHER LAW

SEC. 128. Section 1114 of title 18, United States Code, is amended by inserting after "law enforcement functions," the following: "or any officer or employee of the Federal Communications Commission performing investigative, inspection, or law enforcement functions,".

TITLE II—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the administration of the National Telecommunications and Information Administration $12,917,000 for fiscal year 1983, and $11,800,000 for fiscal year 1984, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs.

STUDY OF TELECOMMUNICATIONS AND INFORMATION GOALS

47 USC 151 note.

SEC. 202. (a) The National Telecommunications and Information Administration shall conduct a comprehensive study of the long-range international telecommunications and information goals of the United States, the specific international telecommunications and information policies necessary to promote those goals and the

96 STAT. 1100

strategies that will ensure that the United States achieves them. The Administration shall further conduct a review of the structures, procedures, and mechanisms which are utilized by the United States to develop international telecommunications and information policy.

(b) In any study or review conducted pursuant to this section, the National Telecommunications and Information Administration shall not make public information regarding usage or traffic patterns which would damage United States commercial interests. Any such study or review shall be limited to international telecommunications policies or to domestic telecommunications issues which *directly* affect such policies.

Approved September 13, 1982.

LEGISLATIVE HISTORY—H.R. 3239 (S. 821):

HOUSE REPORTS: No. 97-84 (Comm. on Energy and Commerce) and No. 97-765 (Comm. of Conference).

SENATE REPORT No. 97-73 accompanying S. 821 (Comm. on Commerce, Science and Transportation).

CONGRESSIONAL RECORD:
Vol. 127 (1981): June 8, 9, considered and passed House.
Vol. 128 (1982): Aug. 18, considered and passed Senate, amended.
Aug. 19, Senate and House agreed to conference report.

---

96 STAT. 1222

Public Law 97-286
97th Congress

An Act

Oct. 6, 1982
[S. 2271]

To authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1983, and for other purposes.

National Bureau of Standards Authorization Act for Fiscal Year 1983.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1983".

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 2. (a) There are hereby authorized to be appropriated to the Secretary of Commerce, hereinafter referred to as the Secretary, to carry out activities performed by the National Bureau of Standards, the sums set forth in the following line items:

(1) Measurement Research and Standards, for fiscal year 1983, $50,389,000.

(2) Engineering Measurements and Standards, for fiscal year 1983, $20,807,000.

(3) Computer Science and Technology, for fiscal year 1983, $10,000,000.

(4) Core Research Program for Innovation and Productivity, for fiscal year 1983, $11,188,000.

(5) Technical Competence Fund, for fiscal year 1983, $6,986,000.

(6) Fire Research Center, for fiscal year 1983, $4,991,000.

(7) Central Technical Support, for fiscal year 1983, $13,500,000.

(b) Notwithstanding any other provision of this or any other Act, for fiscal year 1983:

(1) of the total amount authorized under subsection (a)(4) not less than $3,000,000 shall be available for "Metals Processing";

(2) of the total amounts authorized under subsections (a)(1) and (a)(2), not less than $1,000,000 shall be available for "Measurement Standards for the Handicapped";

(3) of the total amount authorized under subsection (a)(3), not less than $10,000,000 shall be available for "Computer Science and Technology"; and

(4) of the total amount authorized under subsection (a)(4), $3,200,000 for "Robotics Research and Development".

EXCESS FOREIGN CURRENCY

SEC. 3. In addition to the sums authorized in section 2, not more than $500,000 is authorized for fiscal year 1983 for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States. 96 STAT. 1223

NATIONAL TECHNICAL INFORMATION SERVICE

SEC. 4. In addition to the sums authorized in section 2, the sum of $1,980,000 is authorized to be appropriated to the Assistant Secretary to carry out activities performed by the National Technical Information Service.

OFFICE OF PRODUCTIVITY, TECHNOLOGY AND INNOVATION

SEC. 5. In addition to the sums authorized in section 2, the sum of $1,898,000 is authorized to be appropriated to the Assistant Secretary for fiscal year 1983 for the purpose of research, development, and related activities in the field of innovation and productivity.

SALARY ADJUSTMENTS

SEC. 6. In addition to the sums authorized to be appropriated by this Act, such additional sums as may be necessary to make any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law are authorized to be appropriated for fiscal year 1983 and, if the full amount necessary to make such adjustments is not appropriated, the adjustments shall be made proportionately from sections 4 and 5 and in the line items in section 2(a) in a manner reflecting the extent to which the amount of each such line item in section 2(a) is attributable to employee benefits of the type involved.

AVAILABILITY OF APPROPRIATIONS

SEC. 7. Appropriations made under the authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making such appropriations.

ACTIVITIES PERFORMED FOR OTHER AGENCIES

SEC. 8. The Secretary of Commerce shall charge for any service performed by the Bureau, at the request of another Government agency, in compliance with any statute, enacted before, on, or after the date of enactment of this Act, which names the Secretary or the Bureau as a consultant to another Government agency, or calls upon the Secretary or the Bureau to support or perform any activity for or on behalf of another Government agency, or to cooperate with any Government agency in the performance by that agency of any activity, regardless of whether the statute specifically requires reimbursement to the Secretary or the Bureau by such other Government agency for such service, unless funds are specifically appropriated to the Secretary or the Bureau to perform such service. The Secretary may, however, waive any charge where the service rendered by the Bureau is such that the Bureau will incur only nominal costs in performing it. Costs shall be determined in accordance with section 12(e) of the Act of March 3, 1901, as amended (15 U.S.C. 278b(e)).

Waiver.

96 STAT. 1224

Approved October 6, 1982.

LEGISLATIVE HISTORY—S. 2271 (H.R. 5726):

HOUSE REPORT No. 97-501 accompanying H.R. 5726 (Comm. on Science and Technology).
SENATE REPORT No. 97-337 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 128 (1982):
- Apr. 29, considered and passed Senate.
- May 19, H.R. 5726 considered and passed House; proceedings vacated and S. 2271, amended, passed in lieu.
- Aug. 12, Senate concurred in House amendment with an amendment.
- Sept. 22, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 40 (1982):
- Oct. 7, Presidential statement.

---

96 STAT. 2503

Public Law 97-456
97th Congress

An Act

Jan. 12, 1983
[H.R. 6094]

To authorize appropriations for the United States International Trade Commission, the United States Customs Service, and the Office of the United States Trade Representative for fiscal year 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

U.S. International Trade Commission, U.S. Customs Service and Office of the U.S. Trade Representative.
Appropriation authorizations.

SECTION 1. UNITED STATES INTERNATIONAL TRADE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (2) of section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2) There are authorized to be appropriated to the Commission for necessary expenses for fiscal year 1983 not to exceed $19,737,000. No part of any sum that is appropriated under the authority of this paragraph may be used by the Commission for the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.".

(b) ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS FOR USE OF THE COMMISSION.—Subsection (a)(1) of section 331 of the Tariff Act of 1930 (19 U.S.C. 1331(a)(1)) is amended to read as follows:

"(a)(1)(A) Except as provided in paragraph (2), the chairman of the Commission shall—

"(i) appoint and fix the compensation of such employees of the Commission as he deems necessary (other than the personal staff of each commissioner), including the secretary,

"(ii) procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, and "(iii) exercise and be responsible for all other administrative functions of the Commission.

"(B) The chairman of the Commission may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

"(C) Any decision by the chairman under subparagraph (A) or (B) shall be subject to disapproval by a majority vote of all the commissioners in office.".

SEC. 2. UNITED STATES CUSTOMS SERVICE.

Section 301 of the Customs Procedural Reform and Simplification Act of 1978 (92 Stat. 905; 19 U.S.C. 2075) is amended—

(1) by striking out "For" and inserting in lieu thereof "(a) For"; and

(2) by inserting at the end thereof the following new subsections:

"(b) There are authorized to be appropriated to the Department of the Treasury not to exceed $564,224,000 for the salaries and expenses of the United States Customs Service for fiscal year 1983, of which not to exceed $31,464,000 is for salary and expenses for the enforcement of the alcohol and tobacco revenue laws.

96 STAT. 2504

"(c) No part of any sum that is appropriated under the authority of subsection (b) may be used to implement any procedure relating to the time of collection of estimated duties that shortens the maximum 10-day deferment procedure in effect on January 1, 1981.

"(d) For the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury for salaries of the United States Customs Service such additional sums as may be provided by law to reflect pay rate changes made in accordance with the Federal Pay Comparability Act of 1970.".

5 USC 5301 note.

SEC. 3. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of section 141 of the Trade Act of 1974 (19 U.S.C. 2171(f)) is amended to read as follows:

"(f)(1) There are authorized to be appropriated to the Office for the purpose of carrying out its functions $11,100,000 for fiscal year 1983; of which not to exceed $65,000 may be used for entertainment and representation expenses.

"(2) For the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, there are authorized to be appropriated to the Office for the salaries of its officers and employees such additional sums as may be provided by law to reflect pay rate changes made in accordance with the Federal Pay Comparability Act of 1970.".

(b) FUNCTIONS AND POWERS OF THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.—Section 141 of the Trade Act of 1974 is amended—

(1) by redesignating paragraph (2) of subsection (c) as paragraph (3) of subsection (c) and by inserting immediately after subsection (c)(1) the following new paragraph:

"(2) The United States Trade Representative may—

"(A) delegate any of his functions, powers, and duties to such officers and employees of the Office as he may designate; and

"(B) authorize such successive redelegations of such functions, powers, and duties to such officers and employees of the Office as he may deem appropriate.";

(2) by inserting ", powers and duties" after "functions" in subsection (d)(3);

(3) by striking out "and" at the end of subsection (d)(6);

(4) by striking out the period at the end of subsection (d)(7) and inserting in lieu thereof a semicolon; and

(5) by adding after subsection (d)(7) the following:

5 USC 5701 *et seq.*

"(8) pay for expenses approved by him for official travel without regard to the Federal Travel Regulations or to the provisions of subchapter I of chapter 57 of title 5, United States Code (relating to rates of per diem allowances in lieu of subsistence expenses);

"(9) accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Office; and

"(10) acquire, by purchase or exchange, not more than two passenger motor vehicles for use abroad, except that no vehicle may be acquired at a cost exceeding $9,500.".

96 STAT. 2505

(c) ADDITIONAL DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Paragraph (2) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended by striking out "two Deputy Special Representatives for Trade Negotiations" and inserting in lieu thereof "three Deputy United States Trade Representatives".

(d) CONFORMING AMENDMENTS.—

5 USC 5312, 5314, 19 USC 2171.

(1) Subsections (b)(3), (g), and (h) of section 141 of the Trade Act of 1974 are hereby repealed.

(2) Section 141 of the Trade Act of 1974 is further amended—

(A) by striking out "a Deputy Special Representative" in subsection (b)(2) and inserting in lieu thereof "a Deputy United States Trade Representative";

(B) by striking out "Deputy Special Representative for Trade Negotiations" in subsection (b)(2) and inserting in lieu thereof "Deputy United States Trade Representative";

(C) by striking out "Deputy Special Representative for Trade Negotiation" in subsection (c)(3), as redesignated by this Act, and inserting in lieu thereof "Deputy United States Trade Representative"; and

(D) by striking out "Special Representative for Trade Negotiations" each place it appears in the text and heading thereof and inserting in lieu thereof "United States Trade Representative".

(3) The chapter heading for chapter 4 of title I of the Trade Act of 1974 is amended to read as follows:

"CHAPTER 4—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE".

(4) The table of contents of the Trade Act of 1974 is amended by striking out the item relating to chapter 4 of title I and inserting in lieu thereof the following:

"CHAPTER 4—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

"Sec. 141. Office of the United States Trade Representative.".

(5) Section 5312 of title 5, United States Code, is amended by striking out the paragraph relating to the Special Representative for Trade Negotiations and inserting in lieu thereof the following paragraph:

96 STAT. 2506

"United States Trade Representative.".

(6) Section 5314 of title 5, United States Code, is amended by striking out the paragraph relating to the Deputy Special Representatives for Trade Negotiations and inserting in lieu thereof the following paragraph:

"Deputy United States Trade Representatives (3).".

Approved January 12, 1983.

LEGISLATIVE HISTORY—H.R. 6094 (S. 2555):

HOUSE REPORTS: No. 97-497 (Comm. on Ways and Means) and No. 97-988 (Comm. of Conference).

SENATE REPORT No. 97-410 accompanying S. 2555 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 128 (1982):

June 16, considered and passed House.

Sept. 30, considered and passed Senate, amended.

Dec. 21, House agreed to conference report and Senate agreed to conference report.

Public Law 97-214
97th Congress

An Act

July 12, 1982
[H.R. 6451]

To amend title 10, United States Code, to revise and codify the permanent provisions of law relating to military construction and military family housing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Military Construction Codification Act.
10 USC 2801 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Military Construction Codification Act".

ENACTMENT OF MILITARY CONSTRUCTION CHAPTER IN TITLE 10 AND TRANSFER OF RELATED PROVISIONS INTO THAT CHAPTER

SEC. 2. (a) Title 10, United States Code, is amended by adding at the end of subtitle A the following new chapter:

"CHAPTER 169—MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING

"Subchapter Sec.
"I. Military Construction 2801
"II. Military Family Housing 2821
"III. Administration of Military Construction and Military Family Housing. 2851

"SUBCHAPTER I—MILITARY CONSTRUCTION

"Sec.
"2801. Scope of chapter; definitions.
"2802. Military construction projects.
"2803. Emergency construction.
"2804. Contingency construction.
"2805. Unspecified minor construction.
"2806. Contributions for North Atlantic Treaty Organization Infrastructure.
"2807. Architectural and engineering services and construction design.
"2808. Construction authority in the event of a declaration of war or national emergency.

"§ 2801. Scope of chapter; definitions

"(a) The term 'military construction' as used in this chapter or any other provision of law includes any construction, development, conversion, or extension of any kind carried out with respect to a military installation.

"(b) A military construction project includes all military construction work, or any contribution authorized by this chapter, necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility (or to produce such portion of a complete and usable facility or improvement as is specifically authorized by law).

"(c) In this chapter:

96 STAT. 154

"(1) 'Facility' means a building, structure, or other improvement to real property.

"(2) 'Military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the Secretary of a military department or the Secretary of Defense.

"(3) 'Secretary concerned' includes the Secretary of Defense with respect to matters concerning the defense agencies.

"(4) 'Appropriate committees of Congress' means the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.

"(d) This chapter does not apply to the Coast Guard or to civil works projects of the Army Corps of Engineers.

"§ 2802. Military construction projects

"(a) The Secretary of Defense and the Secretaries of the military departments may carry out such military construction projects as are authorized by law.

"(b) Authority provided by law to carry out a military construction project includes authority for—

"(1) surveys and site preparation;

"(2) acquisition, conversion, rehabilitation, and installation of facilities;

"(3) acquisition and installation of equipment and appurtenances integral to the project;

"(4) acquisition and installation of supporting facilities (including utilities) and appurtenances incident to the project; and

"(5) planning, supervision, administration, and overhead incident to the project.

"§ 2803. Emergency construction

"(a) Subject to subsections (b) and (c), the Secretary concerned may carry out a military construction project not otherwise authorized by law if the Secretary determines (1) that the project is vital to the national security, and (2) that the requirement for the project is so urgent that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security.

Report to congressional committees.

"(b) When a decision is made to carry out a military construction project under this section, the Secretary concerned shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include (1) the justification for the project and the current estimate of the cost of the project, (2) the justification for carrying out the project under this section, and (3) a statement of the source of the funds to be used to carry out the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees, or after each such committee has approved the project, if the committees approve the project before the end of that period.

"(c)(1) The maximum amount that the Secretary concerned may obligate in any fiscal year under this section is $30,000,000.

"(2) A project carried out under this section shall be carried out within the total amount of funds appropriated for military construction that have not been obligated.

96 STAT. 155

"§ 2804. Contingency construction

"(a) Within the amount appropriated for such purpose, the Secretary of Defense may carry out a military construction project not otherwise authorized by law, or may authorize the Secretary of a military department to carry out such a project, if the Secretary of Defense determines that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security or national interest.

"(b) When a decision is made to carry out a military construction project under this section, the Secretary of Defense shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include (1) the justification for the project and the current estimate of the cost of the project, and (2) the justification for carrying out the project under this section. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees, or after each such committee has approved the project, if the committees approve the project before the end of that period.

Report to congressional committees.

"§ 2805. Unspecified minor construction

"(a) Within the amount authorized by law for such purpose, the Secretary concerned may carry out minor military construction projects not otherwise authorized by law. A minor military construction project is a military construction project (1) that is for a single undertaking at a military installation, and (2) that has an approved cost equal to or less than the amount specified by law as the maximum amount for a minor military construction project.

"(b)(1) A minor military construction project costing more than 50 percent of the amount specified by law as the maximum amount for a minor military construction project may not be carried out under this section unless approved in advance by the Secretary concerned.

"(2) When a decision is made to carry out a minor military construction project to which paragraph (1) is applicable, the Secretary concerned shall notify in writing the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only (A) after the end of the 21-day period beginning on the date the notification is received by the committees, or (B) after each such committee approves the project, if the committees approve the project before the end of that period.

Notification to congressional committees.

"(3) A project for the relocation of any activity from one installation to another that involves 25 or more full-time civilian employees of the Department of Defense but that is not subject to paragraph (1) may not be carried out under the authority of this section until the appropriate committees of Congress have been notified by the Secretary concerned of the intent to carry out such relocation under the authority of this section.

"(c) Only funds authorized for minor construction projects may be used to accomplish unspecified minor construction projects, except that the Secretary concerned may spend from appropriations available for operation and maintenance amounts necessary to carry out an unspecified military construction project costing not more than 20 percent of the amount specified by law as the maximum amount for a minor military construction project.

96 STAT. 156

"(d) Military family housing projects for construction of new housing units may not be carried out under the authority of this section.

"§ 2806. Contributions for North Atlantic Treaty Organization infrastructure

"(a) Within amounts authorized by law for such purpose, the Secretary of Defense may make contributions for the United States share of the cost of multilateral programs for the acquisition and construction of military facilities and installations (including international military headquarters) for the collective defense of the North Atlantic Treaty Area.

"(b) Funds may not be obligated or expended in connection with the North Atlantic Treaty Organization Infrastructure program in any year unless such funds have been authorized by law for such program.

"(c)(1) The Secretary may make contributions in excess of the amount appropriated for contribution under subsection (a) if the amount of the contribution in excess of that amount does not exceed

200 percent of the amount specified by law as the maximum amount for a minor military construction project.

Report to congressional committees.

"(2) If the Secretary determines that the amount appropriated for contribution under subsection (a) in any fiscal year must be exceeded by more than the amount authorized under paragraph (1), the Secretary may make contributions in excess of such amount, but not in excess of 125 percent of the amount appropriated (A) after submitting a report in writing to the appropriate committees of Congress on such increase, including a statement of the reasons for the increase and a statement of the source of the funds to be used for the increase, and (B) after either a period of 21 days has elapsed from the date of receipt of the report or after each such committee has indicated approval of the increased contribution.

"§ 2807. Architectural and engineering services and construction design

"(a) Within amounts appropriated for such purposes, the Secretary concerned may obtain architectural and engineering services and may carry out construction design in connection with military construction projects not otherwise authorized by law. Amounts available for such purposes may be used for construction management of projects that are funded by foreign governments directly or through international organizations and for which elements of the armed forces of the United States are the primary user.

Notification to congressional committees.

"(b) In the case of architectural and engineering services and construction design to be undertaken under subsection (a) for which the estimated cost exceeds the maximum amount specified by law for the purposes of this section, the Secretary concerned shall notify the appropriate committees of Congress of the scope of the proposed project and the estimated cost of such services not less than 21 days before the initial obligation of funds for such services.

Report to congressional committees.

"(c) If the Secretary concerned determines that the amount authorized for activities under subsection (a) in any fiscal year must be increased the Secretary may proceed with activities at such higher level (1) after submitting a report in writing to the appropriate committees of Congress on such increase, including a statement of the reasons for the increase and a statement of the source of funds to be used for the increase, and (2) after either a period of 21 days has elapsed from the date of receipt of the report or after each such committee has indicated approval of the increased level of activity.

96 STAT. 157

"§ 2808. Construction authority in the event of a declaration of war or national emergency

"(a) In the event of a declaration of war or the declaration by the President of a national emergency in accordance with the National Emergencies Act (50 U.S.C. 1601 et seq.) that requires use of the armed forces, the Secretary of Defense, without regard to any other provision of law, may undertake military construction projects, and may authorize the Secretaries of the military departments to undertake military construction projects, not otherwise authorized by law that are necessary to support such use of the armed forces. Such projects may be undertaken only within the total amount of funds that have been appropriated for military construction, including funds appropriated for family housing, that have not been obligated.

Notification to congressional committees.

"(b) When a decision is made to undertake military construction projects authorized by this section, the Secretary of Defense shall notify the appropriate committees of Congress of the decision and of the estimated cost of the construction projects, including the cost of any real estate action pertaining to those construction projects.

Termination.

"(c) The authority described in subsection (a) shall terminate with respect to any war or national emergency at the end of the war or national emergency.

"SUBCHAPTER II—MILITARY FAMILY HOUSING

"Sec.
"2821. Requirement for authorization of appropriations for construction and acquisition of military family housing.
"2822. Requirement for authorization of number of family housing units.
"2823. Determination of availability of suitable alternative housing for acquisition in lieu of construction of new family housing.
"2824. Authorization for acquisition of existing family housing in lieu of construction.
"2825. Improvements to family housing units.
"2826. Limitations on space by pay grade.
"2827. Relocation of military family housing units.
"2828. Leasing of military family housing.
"2829. Multi-year contracts for supplies and services.
"2830. Occupancy of substandard family housing units.
"2831. Military family housing management account.
"2832. Homeowners assistance program.

"§ 2821. Requirement for authorization of appropriations for construction and acquisition of military family housing

"(a) Except as provided in subsection (b), funds may not be appropriated for the construction, acquisition, leasing, addition, extension, expansion, alteration, relocation, or operation and maintenance of family housing under the jurisdiction of the Department of Defense unless the appropriation of such funds has been authorized by law.

Additional authorization.

"(b) In addition to the funds authorized to be appropriated by law in any fiscal year for the purposes described in subsection (a), there are authorized to be appropriated such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds appropriated for the purposes described in such paragraph.

96 STAT. 158

"(c) Amounts authorized by law for construction of military family housing units include amounts for (1) site preparation (including demolition), (2) installation of utilities, (3) ancillary supporting facilities, (4) shades, screens, ranges, refrigerators, and all other equipment and fixtures installed in such units, and (5) construction supervision, inspection, and overhead.

"§ 2822. Requirement for authorization of number of family housing units

"(a) Except as otherwise provided in subsection (b) or as otherwise authorized by law, the Secretary concerned may not construct or acquire military family housing units unless the number of units to be constructed or acquired has been specifically authorized by law.

"(b) Subsection (a) does not apply to the following:

"(1) Housing units acquired under section 404 of the Housing Amendments of 1955 (42 U.S.C. 1594a).

"(2) Housing units leased under section 2828 of this title. *Post*, p. 161.

"(3) Housing units acquired under the Homeowners Assistance Program referred to in section 2833 of this title.

"§ 2823. Determination of availability of suitable alternative housing for acquisition in lieu of construction of new family housing

"(a) Before entering into a contract for the construction of family housing units authorized by law to be constructed at a location within the United States, the Secretary concerned shall consult in writing with the Secretary of Housing and Urban Development as to the availability of suitable alternative housing at such location. The Secretary of Housing and Urban Development shall advise the Secretary concerned in writing as to the availability of such housing. If the Secretary of Housing and Urban Development does not advise the Secretary concerned as to the availability of such housing within 21 days of the date on which the request for such advice is made, the Secretary concerned may enter into a contract for the proposed construction.

Notification to congressional committees.

"(b) If the Secretary concerned and the Secretary of Housing and Urban Development disagree with respect to the availability of suitable alternative housing at any location, the Secretary concerned shall notify the appropriate committees of Congress, in writing, of the disagreement, of the Secretary's decision to proceed with the construction, and of the justification for proceeding with the construction. A contract for construction of family housing units at such location may not then be entered into until the end of the 21-day period beginning on the date such committees receive the notification.

"(c) If the Secretary concerned and the Secretary of Housing and Urban Development agree that suitable alternative housing is available at a location at which military family housing units are authorized to be constructed, the Secretary may not proceed with such construction.

Regulations.

"(d) The Secretary of Defense shall prescribe regulations to define what constitutes suitable alternative housing for the purposes of this section.

96 STAT. 159

"§ 2824. Authorization for acquisition of existing family housing in lieu of construction

"(a) In lieu of constructing any family housing units authorized by law to be constructed, the Secretary concerned may acquire sole interest in existing family housing units that are privately owned or that are held by the Department of Housing and Urban Development, except that in foreign countries the Secretary concerned may acquire less than sole interest in existing family housing units.

Land interests.

"(b) When authority provided by law to construct military family housing units is used to acquire existing family housing units under subsection (a), the authority includes authority to acquire interests in land.

"(c) The net floor area of a family housing unit acquired under the authority of this section may not exceed the applicable limitation specified in section 2826 of this title.

Infra.

"(d) Family housing units may not be acquired under this section through the exercise of eminent domain authority.

"§ 2825. Improvements to family housing units

"(a)(1) Authority provided by law to improve existing military family housing units and ancillary family housing support facilities is authority to make alterations, additions, expansions, and extensions.

"Improvement."

"(2) In this section, 'improvement' includes rehabilitation of a housing unit and maintenance or repair work to be accomplished concurrently with an improvement project.

Limitations.

"(b)(1) Funds may not be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units that are to be converted into or are to be used as a single family housing unit, if the cost per unit of such improvement will exceed an amount specified by law for such purpose multiplied by the area construction cost index as developed by the Department of Defense for the location concerned at the time of contract award.

"(2) In determining the applicability of the limitation contained in paragraph (1), there shall be included as part of the cost of the improvement the cost of repairs undertaken in connection with the improvement and any cost in connection with (A) the furnishing of electricity, gas, water and sewage disposal, (B) the construction or repair of roads and walks, and (C) grading and drainage work.

"(c) This section does not apply to projects authorized for restoration or replacement of housing units that have been damaged or destroyed.

"§ 2826. Limitations on space by pay grade

"(a) In the construction, acquisition, and improvement of military family housing units, the following are the space limitations for the applicable numbers of bedrooms permitted for each pay grade:

Pay grade	Number of bedrooms	Net floor area (square feet)
0-7 and above	4	2,100
0-6	4	1,700
0-4 and 0-5	4	1,550
	3	1,400
0-1 through 0-3; W-1 through W-4; and E-7 through E-9	5	1,550
	4	1,450
	3	1,350
	2	950
E-1 through E-6	5	1,550
	4	1,350
	3	1,200
	2	950

96 STAT. 160

"(b) The applicable maximum net floor area prescribed by subsection (a) may be increased by 10 percent for the housing unit of an officer holding a special command position (as designated by the Secretary of Defense), for the housing unit of the commanding officer of a military installation, and for the senior noncommissioned officer of a military installation.

"(c) The maximum net floor area prescribed by subsection (a) may be increased in any case by 5 percent if the Secretary concerned determines that the increase is in the best interest of the Government (1) to permit award of a turnkey construction contract to the contractor offering the most satisfactory proposal, or (2) to permit purchase, lease, or conversion of housing units. An increase in the maximum net floor area of a housing unit under subsection (b) when combined with an increase in the maximum net floor area of such unit under this subsection may not exceed 10 percent of the otherwise applicable limitation prescribed by subsection (a).

Waivers.

"(d)(1) The Secretary concerned may waive the provisions of subsection (a) with respect to a family housing unit leased in a foreign country if a suitable family housing unit within the applicable maximum net floor area prescribed by such subsection cannot be obtained.

"(2) Subsection (a) does not apply to family housing units in foreign countries constructed or acquired by the Secretary of State for occupancy by members of the armed forces.

Civilian personnel.

"(e) The maximum net floor areas prescribed by this section apply to family housing provided to civilian personnel based upon civilian pay scale comparability with military pay grades, as determined by the Secretary of Defense.

"Net floor area."

"(f) In this section, 'net floor area' means the total number of square feet of the floor space inside the exterior walls of a structure, excluding the floor area of an unfinished basement, an unfinished attic, a utility space, a garage, a carport, an open or insect-screened porch, a stairwell, and any space used for a solar-energy system.

"§ 2827. Relocation of military family housing units

"(a) Subject to subsection (b), the Secretary concerned may relocate existing military family housing units from any location where the number of such units exceeds requirements for military family housing to any military installation where there is a housing shortage.

Notification to congressional committees.

"(b) A contract to carry out a relocation of military family housing units under subsection (a) may not be awarded until (1) the Secretary concerned has notified the appropriate committees of Congress of the proposed new locations of the housing units to be relocated and the estimated cost of and source of funds for the relocation, and

96 STAT. 161

(2) a period of 21 days has elapsed after the notification has been received by those committees.

"§ 2828. Leasing of military family housing

"(a)(1) Subject to paragraph (2), the Secretary of the military department concerned may lease housing facilities at or near a military installation in the United States, Puerto Rico, or Guam for assignment, without rental charge, as family housing to members of the Armed Forces and for assignment, with fair market rental charge, as family housing to civilian employees of the Department of Defense stationed at such installation.

Conditions.

"(2) A lease may only be made under paragraph (1) if the Secretary concerned finds that there is a shortage of adequate housing at or near such military installation and that—

"(A) the requirement for such housing is temporary;

"(B) leasing would be more cost effective than construction or acquisition of new housing;

"(C) family housing is required for personnel attending service school academic courses on permanent change of station orders;

"(D) construction of family housing at such installation has been authorized by law but is not yet completed; or

"(E) a military construction authorization bill pending in Congress includes a request for authorization of construction of family housing at such installation.

"(b)(1) Not more than 10,000 family housing units may be leased at any one time under subsection (a).

"(2) Except as provided in paragraph (3), expenditures for the rental of housing units under subsection (a) (including the cost of utilities, maintenance, and operation) may not exceed the amount specified by law as the maximum annual domestic family housing unit lease amount.

"(3) Not more than 500 housing units may be leased under subsection (a) for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation) exceeds the maximum annual domestic family housing unit lease amount but does not exceed 120 percent of that amount.

Foreign housing facilities; conditions.

"(c) The Secretary concerned may lease housing facilities in foreign countries for assignment, without rental charge, as family housing to members of the Armed Forces and for assignment, with or without rental charge, as family housing to civilian employees of the Department of Defense—

"(1) under circumstances specified in clause (A), (B), (D), or (E) of subsection (a)(2);

"(2) for incumbents of special command positions (as determined by the Secretary of Defense);

"(3) in countries where excessive costs of housing or other lease terms would cause undue hardship on Department of Defense personnel; and

"(4) in countries that prohibit leases by individual military or civilian personnel of the United States.

Leasing period, limitation.

"(d) Leases of housing units in foreign countries under subsection (c) for assignment as family housing may be for any period not in excess of ten years, and the costs of such leases for any year may be paid out of annual appropriations for that year.

Maximum lease amount.

"(e)(1) Expenditures for the rental of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may not exceed the amount specified by law as the maximum annual foreign family housing unit lease amount. That maximum lease amount may be waived by Secretary concerned with respect to not more than a total of 200 such units that are leased for incumbents of special positions or for personnel assigned to Defense Attache Offices or that are leased in countries where excessive costs of housing would cause undue hardship on Department of Defense personnel.

96 STAT. 162

Waiver.

"(2) The maximum number of family housing units that may be leased in foreign countries under this section at any one time shall be specified by law.

"(f) A lease for family housing facilities, or for real property related to family housing facilities, in a foreign country for which the average estimated annual rental during the term of the lease exceeds the amount specified by law for such purpose may not be made under this section until (1) the Secretary concerned provides to the appropriate committees of Congress written notification of the facts concerning the proposed lease, and (2) a period of 21 days elapses after the notification is received by those committees.

Notification to congressional committees.

"§ 2829. Multi-year contracts for supplies and services

"The Secretary concerned may make contracts for periods of up to four years for supplies and services for the management, maintenance, and operation of military family housing and may pay the costs of such contracts for each year out of annual appropriations for that year.

"§ 2830. Occupancy of substandard family housing units

"(a)(1) A member of the uniformed services with dependents may, without loss of the member's basic allowance for quarters, occupy a substandard family housing unit under the jurisdiction of the Secretary of a military department.

"(2) Occupancy of a family housing unit under paragraph (1) shall be subject to a charge against the member's basic allowance for quarters in the amount of the fair rental value of the housing unit. However, such a charge may not be made in an amount in excess of 75 percent of the amount of such allowance.

"(b) Subject to regulations prescribed by the Secretary of Defense, the Secretary of a military department may lease substandard family housing units to members of any of the uniformed services for occupancy by such members.

"(c) In this section, 'uniformed services' means the armed forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration.

"Uniformed services."

"§ 2831. Military family housing management account

"(a) There is on the books of the Treasury an account known as the Department of Defense Military Family Housing Management Account (hereinafter in this section referred to as the 'account'). The account shall be used for the management and administration of funds appropriated or otherwise made available to the Department of Defense for military family housing programs.

"(b) The account shall be administered as a single account. There shall be transferred into the account—

Transfer of funds.

"(1) appropriations made for the purpose of, or which are available for, the payment of costs arising in connection with the construction, acquisition, leasing, relocation, operation and maintenance, and disposal of military family housing, including the cost of principal and interest charges, and insurance premiums, arising in connection with the acquisition of such housing, and mortgage insurance premiums payable under section 222(c) of the National Housing Act (12 U.S.C. 1715m(c));

96 STAT. 163

"(2) proceeds from the rental of family housing and mobile home facilities under the control of a military department, reimbursements from the occupants of such facilities for services rendered (including utility costs), funds obtained from individuals as a result of losses, damages, or destruction to such facilities caused by the abuse or negligence of such individuals, and reimbursements from other Government agencies for expenditures from the account; and

"(3) proceeds of the handling and the disposal of family housing of a military department (including related land and improvements), whether carried out by a military department or any other Federal agency, but less those expenses payable pursuant to section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b)).

"(c) Amounts in the account shall remain available until spent.

"(d) The Secretary concerned may make obligations against the account, in such amounts as may be specified from time to time in appropriation Acts, for the purpose of defraying, in the manner and to the extent authorized by law, the costs referred to in subsection (b).

"§ 2832. Homeowners assistance program

"The Secretary of Defense may exercise the authority provided in section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

"SUBCHAPTER III—ADMINISTRATION OF MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING

"Sec.
"2851. Supervision of military construction projects.
"2852. Military construction projects: waiver of certain restrictions.
"2853. Authorized cost variations.
"2854. Restoration or replacement of damaged or destroyed facilities.
"2855. Law applicable to contracts for architectural and engineering services and construction design.
"2856. Limitations on barracks space by pay grade.
"2857. Use of solar energy systems.
"2858. Limitation on the use of funds for expediting a construction project.
"2859. Transmission of annual military construction authorization request.
"2860. Availability of appropriations for five years.
"2861. Annual report to Congress.

"§ 2851. Supervision of military construction projects

"(a) Each contract entered into by the United States in connection with a military construction project or a military family housing project shall be carried out under the direction and supervision of the Secretary of the Army (acting through the Chief of Engineers), the Secretary of the Navy (acting through the Commander of the Naval Facilities Engineering Command), or such other department or Government agency as the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective completion of the project.

96 STAT. 164

"(b) A military construction project for an activity or agency of the Department of Defense (other than a military department) financed from appropriations for military functions of the Department of Defense shall be accomplished by or through a military department designated by the Secretary of Defense.

"§ 2852. Military construction projects: waiver of certain restrictions

"(a) The Secretary of Defense and the Secretaries of the military departments may carry out authorized military construction projects and authorized military family housing projects without regard to section 3648 of the Revised Statutes (31 U.S.C. 529).

"(b) Authority to carry out a military construction project or a military family housing project on land not owned by the United States may be exercised (1) before title to the land on which the project is to be carried out is approved under section 355 of the Revised Statutes (40 U.S.C. 255), and (2) even though the land is held temporarily.

"§ 2853. Authorized cost variations

"(a)(1) Except as provided in paragraph (2), the cost authorized for a military construction project (other than a project for which the approved amount is less than the amount specified by law as the maximum amount for a minor military construction project) may be increased by not more than 25 percent of the amount appropriated for the project by Congress or 200 percent of the amount specified by law as the maximum amount for a minor military construction project, whichever is lesser, if the Secretary concerned determines

(A) that such an increase is required for the sole purpose of meeting unusual variations in cost, and (B) that such variations in cost could not have been reasonably anticipated at the time the project was originally approved by Congress.

"(2) A military construction project (other than a project for which the approved amount is less than the amount specified by law as the maximum amount for a minor military construction project) may not be placed under contract if, based upon bids received—

"(A) the scope of work for the project, as approved by Congress, is proposed to be reduced by more than 25 percent; or

"(B) the current working estimate of the cost of the project exceeds the amount appropriated for the project by more than (i) 25 percent, or (ii) 200 percent of the amount specified by law as the maximum amount for a minor military construction project, whichever is lesser,

until subsection (d) is complied with.

"(b) If the amount approved for a project is less than the amount specified by law as the maximum amount for a minor military construction project, that approved amount may be increased to more than such maximum amount if the Secretary concerned determines (1) that such an increase is required for the sole purpose of meeting unusual variations in cost, and (2) that such variations in cost could not have been reasonably anticipated at the time the project was originally approved. However, if, based upon bids received, the current working estimate of the cost of such a project is more than such maximum amount and is more than 125 percent of the original approved amount for the project, the project may not be placed under contract until subsection (d) is complied with.

"(c) The amount authorized by law for the cost of authorized construction and acquisition of a military family housing project may be increased above the amount appropriated for such project if the Secretary determines (1) that the increase is required for the sole purpose of meeting unforeseen variations in cost, and (2) that such variations in cost could not have been reasonably anticipated at the time the project was originally approved by Congress. However, such amount may not be increased by more than 25 percent until subsection (d) is complied with.

"(d) The limitation on reduction in scope of work in subsection (a), and the limitations on cost increases in subsections (a), (b), and (c), do not apply if—

"(1) the reduction in scope of work or the increase in cost, as the case may be, is approved by the Secretary concerned;

"(2) a written notification of the facts relating to the proposed reduced scope of work or increased cost (including a statement of the reasons therefor) is submitted by the Secretary concerned to the appropriate committees of Congress; and

"(3) either 21 days have elapsed from the date of the submission of the notification under clause (2) or each of the appropriate committees of Congress has indicated approval of the proposed reduced scope of work or increased cost.

Reports to congressional committees.

"(e) After a contract for a project has been entered into, the Secretary concerned may carry out such project in an amount above the amount appropriated for such project by Congress in order to meet the costs of change orders or contractor claims. In the case of a contract to be carried out above the amount appropriated for which there has not been a cost variation under subsection (a), (b), (c), or (d), the Secretary concerned shall promptly report to the appropriate committees of Congress on the revised cost for the project and the reasons for the revised cost if the total cost under the contract exceeds the amount appropriated for the project by more than 25 percent. In the case of a contract to be carried out above the amount appropriated for which there has been a cost variation under subsection (a), (b), (c), or (d), the Secretary concerned shall promptly report to the appropriate committees of Congress on the revised cost for the project and the reasons for the revised cost, regardless of the amount by which the revised cost exceeds the amount approved for the project by the modification under subsection (a), (b), (c), or (d).

"§ 2854. Restoration or replacement of damaged or destroyed facilities

"(a) Subject to subsection (b), the Secretary concerned may repair, restore, or replace a facility under his jurisdiction, including a family housing facility, that has been damaged or destroyed.

Notification of congressional committees.

"(b) When a decision is made to carry out construction under this section and the cost of the repair, restoration, or replacement is greater than the maximum amount for a minor construction project, the Secretary concerned shall notify in writing the appropriate committees of Congress of that decision, of the justification for the project, of the current estimate of the cost of the project, of the source of funds for the project, and of the justification for carrying out the project under this section. The project may then be carried out only (1) after the end of the 21-day period beginning on the date the notification is received by such committees, or (2) after each such committee has approved the project, if the committees approve the project before the end of that period.

"§ 2855. Law applicable to contracts for architectural and engineering services and construction design

"Contracts for architectural and engineering services and construction design in connection with a military construction project or a military family housing project shall be awarded in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

"§ 2856. Limitations on barracks space by pay grade

Regulations.

"(a) The Secretary of Defense shall prescribe regulations establishing the maximum allowable net square feet per occupant for new permanent barracks construction. Such regulations shall be uniform for the armed forces under the jurisdiction of the Secretary of a military department.

Submittal to congressional committees.

"(b) Before taking effect, any regulations under this section, and any modifications to such regulations, shall be submitted to the appropriate committees of Congress. Such regulations (including any modifications to such regulations) may not then take effect until 21 days after being received by such committees.

"§ 2857. Use of solar energy systems

"(a) The Secretary of Defense shall encourage the use of solar energy systems as a source of energy for military construction projects (including military family housing projects) where use of solar energy would be practical and economically feasible.

"(b)(1) The Secretary concerned shall require that the design of all new facilities (including family housing) shall include consideration of solar energy systems in those cases in which use of solar energy has the potential for significant savings of fossil-fuel-derived energy.

"(2) The Secretary concerned shall require that contracts for construction resulting from such design include a requirement that solar energy systems be installed if such systems can be shown to be cost effective.

"(c)(1) For the purposes of this section, a solar energy system for a facility shall be considered to be cost effective if the difference between (A) the original investment cost of the energy system for the facility with a solar energy system, and (B) the original investment cost of the energy system for the facility without a solar energy system can be recovered over the expected life of the facility.

"(2) A determination under paragraph (1) of whether a cost-differential can be recovered over the expected life of a facility shall be made using accepted life-cycle costing procedures and shall include—

"(A) the use of all capital expenses and all operating and maintenance expenses associated with the energy system with and without a solar energy system over the expected life of the facility or during a period of 25 years, whichever is shorter;

"(B) the use of fossil fuel costs (and a rate of cost growth for fossil fuel costs) as determined by the Secretary of Defense; and

"(C) the use of a discount rate of 7 percent per year for all expenses of the energy system.

"(3) For the purpose of any life-cycle cost analysis under this subsection, the original investment cost of the solar energy system shall be reduced by 10 percent to reflect an allowance for an investment cost credit.

"(d) In order to equip a military construction project (including a military family housing project) with solar heating equipment, solar cooling equipment, or both solar heating and solar cooling equipment, or with a passive solar energy system, the Secretary concerned may authorize an increase in any otherwise applicable limitation with respect to the number of square feet or the cost per square foot of the project by such amount as may be necessary for such purpose. Any such increase under this subsection shall be in addition to any other administrative increase in cost per square foot or variation in floor area authorized by law.

"§ 2858. Limitation on the use of funds for expediting a construction project

"Funds appropriated for military construction (including military family housing) may not be expended for additional costs involved in expediting a construction project unless the Secretary concerned (1) certifies that expenditures for such costs are necessary to protect the national interest, and (2) establishes a reasonable completion date for the project. In establishing such a completion date, the Secretary shall take into consideration the urgency of the requirement for completion of the project, the type and location of the project, the climatic and seasonal conditions affecting the construction involved, and the application of economical construction practices.

"§ 2859. Transmission of annual military construction authorization request

"The Secretary of Defense shall transmit to Congress the annual request for military construction authorization for a fiscal year during the first 10 days after the President transmits to Congress the Budget for that fiscal year pursuant to section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11).

"§ 2860. Availability of appropriations for five years

"(a) Subject to the provisions of appropriation Acts and except as otherwise provided under subsection (b), any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

Notification to congressional committees.

"(b) Should a requirement develop to obligate funds for a military construction project after the end of the fourth fiscal year after the fiscal year for which such funds were appropriated, such obligation may be made after the end of the 21-day period beginning on the date on which the appropriate committees of Congress receive notification of the need for such obligation and the reasons therefor.

"§ 2861. Annual report to Congress

"(a) The Secretary of Defense shall submit a report to the appropriate committees of Congress each year with respect to military construction activities and military family housing activities. Each such report shall be submitted at the same time that the annual request for military construction authorization is submitted for that

96 STAT. 168

year. Except where otherwise provided in this section, information required by this section to be provided in the report shall be provided for the two most recent fiscal years and for the fiscal year for which the budget request is made.

"(b) Each report under subsection (a) shall include the following:

"(1) A statement of the construction status and a fiscal summary of the military construction projects undertaken under, and the amounts authorized and appropriated for, contingency construction under section 2804 of this title.

Ante, p. 155.

"(2) Information to enable the committees to evaluate the relationships between budget requests for appropriations for unspecified minor construction projects under section 2805 of this title and obligations of appropriated funds for projects under such section. Such information shall include comparisons of budget requests and obligations using military construction appropriations and using operations and maintenance appropriations, maintenance and repair backlog, and obligations for maintenance and repair.

"(3) Information to enable the committees to monitor trends in construction started using funds contributed by the United States under section 2806 of this title to the North Atlantic Treaty Organization Infrastructure program and the status of recoupments under that program.

Ante, p. 156.

"(4) Information to enable the committees to evaluate trends in contracting for architect and engineering services and construction design, and trends in accomplishing design of construction projects by Government employees, under the authority of section 2807 of this title.

Ante, p. 159.

"(5) Information to enable the committees to evaluate trends in supervision, inspection, and overhead costs for the dollar amount of military construction accomplished during a fiscal year by a military construction department or agency under the authority of section 2851 of this title.

Ante, p. 163.

"(6) A summary of military construction projects (other than a military construction project for an amount less than the amount specified by law as the maximum amount for a minor military construction project) placed under contract during the preceding fiscal year with respect to which a cost variation or scope reduction report was supplied to the appropriate committees of Congress under section 2853 of this title. There shall also be included an analysis to indicate whether the cost variation was the result of a lack of competition, quality of plans and specifications, or quality of budget estimates, or of other factors.

Ante, p. 164.

"(7) Information to enable the committees to evaluate the use of the authority provided under section 2858 to expedite a military construction project when such expediting is required to protect the national interest.

Ante, p. 167.

"(8) Information in sufficient detail to enable the committees to monitor trends in design, construction, performance goals, and progress.

"(9) With respect to each contract awarded during the preceding fiscal year on other than a competitive basis to the lowest responsible bidder, the name of the contractor, the original amount of the contract, and the reason for the award of the contract on other than a competitive basis.".

96 STAT. 169

(b) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of title 10, United States Code, are amended by adding at the end thereof the following:

"169. Military Construction and Military Family Housing.................................... 2801".

AMENDMENTS RELATING TO FACILITIES FOR RESERVE COMPONENTS

SEC. 3. (a) Subsection (f) of section 2233 of title 10, United States Code, is amended to read as follows:

"(f)(1) Authority provided by law to construct, expand, rehabilitate, convert, or equip any facility under this section includes authority to expend funds for surveys, administration, overhead, planning, and supervision incident to any such activity.

"(2) Authority to acquire real property under this section includes authority to make surveys and to acquire interests in land (including temporary interests) by purchase, gift, exchange of Government-owned land, or otherwise.". Real property, acquisition.

(b)(1) Chapter 133 of such title is amended by adding at the end thereof the following new section:

"§ 2239. Waiver of certain restrictions

"(a) The Secretary of Defense and the Secretary of each military department may make expenditures and contributions under section 2233 of this title without regard to section 3648 of the Revised Statutes (31 U.S.C. 529).

"(b) Authority provided by law to place permanent or temporary improvements on lands under section 2233 of this title may be exercised (1) before title to the land on which the improvement is located (or is to be located) is approved under section 355 of the Revised Statutes (40 U.S.C. 255), and (2) even though the land is held temporarily.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2239. Waiver of certain restrictions.".

(c)(1) Section 2233a of such title is amended to read as follows:

"§ 2233a. Limitation on certain projects; authority to carry out small projects with operation and maintenance funds

"(a)(1) Except as provided in paragraph (2), an expenditure or contribution in an amount in excess of $200,000 may not be made under section 2233 of this title for any facility until the Secretary of Defense has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the location, nature, and estimated cost of the facility and a period of 21 days has passed after receipt of such notification. Notification to congressional committees. 10 USC 2233.

"(2) Paragraph (1) does not apply to expenditures or contributions for the following:

"(A) Facilities acquired by lease.

"(B) A project for a facility that has been authorized by Congress, if the location and purpose of the facility are the same as when authorized and if, based upon bids received—

"(i) the scope of work of the project, as approved by Congress, is not proposed to be reduced by more than 25 percent; and

"(ii) the current working estimate of the cost of the project does not exceed the amount approved for the project by more than (I) 25 percent, or (II) 200 percent of the amount specified by law as the maximum amount for a minor military construction project, whichever is lesser.

96 STAT. 170

"(b) Under such regulations as the Secretary of Defense may prescribe, a project authorized under section 2233(a) of this title that costs $50,000 or less may be carried out with funds available for operations and maintenance.". 10 USC 2233.

(2) The item relating to such section in the table of sections at the beginning of such chapter is amended to read as follows:

"2233a. Limitation on certain projects; authority to carry out small projects with operation and maintenance funds.".

(d)(1) Clause (1) of section 2232 of such title is amended to read as follows: 10 USC 2232.

"(1) 'State' means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States and includes political subdivisions and military units thereof and tax-supported agencies therein.". "State."

10 USC 2233, 2236, 2237.

(2) Sections 2233(a)(2), 2233(a)(3), 2233(a)(4), 2233(a)(6), 2236(c), 2236(d), and 2237(b) of such title are amended by striking out "or Territory, Puerto Rico, or the District of Columbia".

(3) Subsections (a) and (b) of section 2236 of such title are amended by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is concerned,".

10 USC 2238.

(4) Section 2238 of such title is amended by striking out "or Territory" and all that follows and inserting in lieu thereof "or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia.".

(e)(1) Clause (5) of section 2233(a) of such title is amended to read as follows:

> "(5) contribute to any State amounts for the acquisition, construction, expansion, rehabilitation, and conversion by such State of such additional facilities as the Secretary determines to be required because of the failure of existing facilities to meet the purposes of this chapter; and".

(2) Section 2236(b) of such title is amended by inserting "or (5)" after "2233(a)(4)".

REQUIREMENT FOR CERTAIN NEW ANNUAL AUTHORIZATIONS OF APPROPRIATIONS RELATING TO MILITARY CONSTRUCTION

SEC. 4. Section 138(f)(1) of title 10, United States Code, is amended by striking out "but excludes" and all that follows and inserting in lieu thereof the following: ", any activity to which section 2807 of this title applies, any activity to which chapter 133 of this title applies, and advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23. Such term does not include any activity to which section 2821 or 2854 of this title applies.".

Ante, p. 156.
10 USC 2231 *et seq.*

Ante, pp. 157, 165.

ACQUISITION OF REAL PROPERTY; COST VARIATIONS

SEC. 5. Section 2676 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "No military department"; and

(2) by adding at the end the following:

"(b) Authority provided the Secretary of a military department by law to acquire an interest in real property (including a temporary interest) includes authority—

"(1) to make surveys; and

96 STAT. 171

"(2) to acquire the interest in real property by gift, purchase, exchange of real property owned by the United States, or otherwise.

Cost increase; limitation.

"(c)(1) Except as provided in paragraph (2), the cost authorized for a land acquisition project may be increased by not more than 25 percent of the amount appropriated for the project by Congress or 200 percent of the amount specified by law as the maximum amount for a minor military construction project, whichever is lesser, if the Secretary concerned determines (A) that such an increase is required for the sole purpose of meeting unusual variations in cost, and (B) that such variations in cost could not have been reasonably anticipated at the time the project was originally approved by Congress.

"(2) A land acquisition project may not be placed under contract if, based upon the agreed price for the land—

"(A) the scope of the acquisition, as approved by Congress, is proposed to be reduced by more than 25 percent; or

"(B) the agreed price for the land exceeds the amount appropriated for the project by more than (i) 25 percent, or (ii) 200 percent of the amount specified by law as the maximum amount for a minor military construction project, whichever is lesser,

until subsection (d) is complied with.

Notification of congressional committees.

"(d) The limitations on reduction in scope or increase in cost of a land acquisition in subsection (c) do not apply if the reduction in scope or the increase in cost, as the case may be, is approved by the

Secretary concerned and a written notification of the facts relating to the proposed reduced scope or increased cost (including a statement of the reasons therefor) is submitted by the Secretary concerned to the appropriate committees of Congress. A contract for the acquisition may then be awarded only (1) after a period of 21 days elapses from the date the notification is received by the committees, or (2) upon the approval of those committees, if before the end of that period each such committee approves the proposed reduced scope or increased cost.".

CODIFICATION OF OTHER PERMANENT PROVISIONS OF LAW

SEC. 6. (a)(1) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2394. Contracts for energy or fuel for military installations

"(a) Subject to subsection (c), the Secretary of a military department may enter into contracts for periods of up to 30 years—

"(1) under section 2689 of this title; and

Post, p. 173.

"(2) for the provision and operation of energy production facilities on real property under the Secretary's jurisdiction or on private property and the purchase of energy produced from such facilities.

"(b) A contract may be made under subsection (a) only—

"(1) after the approval of the proposed contract by the Secretary of Defense; and

"(2) after the Committees on Armed Services and on Appropriations of the Senate and House of Representatives have been notified of the terms of the proposed contract, including the dollar amount of the contract and the amount of energy or fuel to be delivered to the Government under the contract.

Notification to congressional committees.

96 STAT. 172

"(d) The costs of contracts under this section for any year may be paid from annual appropriations for that year.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2394. Contracts for energy or fuel for military installations.".

(b)(1) Chapter 153 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2577. Disposal of recyclable materials

Regulations.

"(a)(1) The Secretary of Defense shall prescribe regulations to provide for the sale of recyclable materials held by a military department or defense agency and for the operation of recycling programs at military installations. Such regulations shall include procedures for the designation by the Secretary of a military department (or by the Secretary of Defense with respect to facilities of a defense agency) of military installations that have established a qualifying recycling program for the puposes of subsection (b)(2).

"(2) Any sale of recyclable materials by the Secretary of Defense or Secretary of a military department shall be in accordance with the procedures in section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) for the sale of surplus property.

"(b)(1) Proceeds from the sale of recyclable materials at an installation shall be credited to funds available for operations and maintenance at that installation in amounts sufficient to cover the costs of operations, maintenance, and overhead for processing recyclable materials at the installation (including the cost of any equipment purchased for recycling purposes).

Limitation.

"(2) If after such funds are credited a balance remains available to a military installation and such installation has a qualifying recycling program (as determined by the Secretary of the military department concerned or the Secretary of Defense), not more than 50 percent of that balance may be used at the installation for projects for pollution abatement, energy conservation, and occupational safety and health activities. A project may not be carried out under the preceding sentence for an amount greater than 50 percent of the amount established by law as the maximum amount for a minor construction project.

Transfer of funds.

"(3) The remaining balance available to a military installation may be transferred to the nonappropriated morale and welfare account of the installation to be used for any morale or welfare activity.

"(c) If the balance available to a military installation under this section at the end of any fiscal year is in excess of $2,000,000, the amount of that excess shall be covered into the Treasury as miscellaneous receipts.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2577. Disposal of recyclable materials.".

(c)(1) Chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new sections:

96 STAT. 173

"§ 2689. Development of geothermal energy on military lands

"The Secretary of a military department may develop, or authorize the development of, any geothermal energy resource within lands under the Secretary's jurisdiction, including public lands, for the use or benefit of the Department of Defense if that development is in the public interest, as determined by the Secretary concerned, and will not deter commercial development and use of other portions of such resource if offered for leasing.

"§ 2690. Restriction on fuel sources for new heating systems

"(a) Except as provided in subsection (b), a new heating system that requires a heat input rate of fifty million British thermal units per hour or more and that uses oil or gas (or a derivative of oil or gas) as fuel may not be constructed on lands under the jurisdiction of a military department.

Waiver.

"(b) The Secretary of the military department concerned may waive the provisions of subsection (a) in rare and unusual cases, but such a waiver may not become effective until after the Secretary has notified the appropriate committees of Congress in writing of the waiver.

"(c) The Secretary of the military department concerned may not provide service for a new heating system in increments in order to avoid the prohibition contained in subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new items:

"2689. Development of sources of energy on or for military installations.
"2690. Restriction on fuel sources for new heating systems.".

REPEALER

Sec. 7. The following provisions of law are repealed:

(1) Sections 2212, 2661, 2673, 2674, 2678, 2681, 2684, 2686, 2688, 4774, and 9774 of title 10, United States Code.

(2) Section 504 of the Act entitled "An Act to authorize certain construction at military and naval installations, and for other purposes", approved September 28, 1951 (31 U.S.C. 723).

(3) Sections 103 and 406(a) of the Act entitled "An Act to authorize certain construction at military installations, and for other purposes", approved August 30, 1957 (42 U.S.C. 1594h and 1594i).

7 USC 1704b.

(4) Section 420 of the Military Construction Act of 1959 (Public Law 86-149; 73 Stat. 324).

(5) Sections 501, 503, and 507 of the Act entitled "An Act to authorize certain construction at military installations, and for other purposes", approved July 27, 1962 (42 U.S.C. 1594a-1, 1594h-1, and 1594a-2).

(6) Section 507 of the Military Construction Authorization Act, 1964 (42 U.S.C. 1594k).

(7) Sections 610 and 611 of the Military Construction Authorization Act, 1966 (Public Law 89-188; 79 Stat. 818). 10 USC 1077 note, 2662 note.

(8) Sections 610 and 612 of the Military Construction Authorization Act, 1967 (Public Law 89-568; 50 U.S.C. App. 2287; 31 U.S.C. 723a).

(9) Section 610(a) of the Military Construction Authorization Act, 1968 (42 U.S.C. 1594h-2).

(10) Section 807 of the Military Construction Authorization Act, 1969 (Public Law 90-408; 82 Stat. 392).

(11) Section 512 of the Military Construction Authorization Act, 1970 (Public Law 91-142; 83 Stat. 313).

(12) Section 508 of the Military Construction Authorization Act, 1971 (Public Law 91-511; 84 Stat. 1220).

(13) Section 508 of the Military Construction Authorization Act, 1973 (42 U.S.C. 1594j-1).

(14) Sections 509 and 612 of the Military Construction Authorization Act, 1975 (Public Law 93-552; 88 Stat. 1759, 1765).

(15) Section 613 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 380).

(16) Section 803 of the Military Construction Authorization Act, 1979 (Public Law 95-356; 30 U.S.C. 1002a). 30 USC 1002a note.

(17) Sections 505 and 808 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 94 Stat. 1765, 1778). 42 USC 1594h-3.

(18) Section 903 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1382). 10 USC 140 note.

AMENDMENTS TO SECTION OF TITLE 10 GOVERNING LEASES IN FOREIGN COUNTRIES

SEC. 8. (a) Subsection (a) of section 2675 of title 10, United States Code, is amended to read as follows:

"(a) The Secretary of a military department may acquire by lease in foreign countries structures and real property relating to structures that are needed for military purposes other than for military family housing. A lease under this section may be for a period of up to five years, and the rental for each yearly period may be paid from funds appropriated to that military department for that year.".

(b) Subsection (b) of such section is amended—

(1) by striking out "or any other provision of law"; and

(2) by striking out ", family housing facilities,".

(c) Subsections (c) and (d) of such section are repealed.

SAVINGS PROVISIONS

SEC. 9. (a) The Secretary of Defense shall pay to the Commodity Credit Corporation an amount not to exceed $6,000,000 per year until the amount due for foreign currencies used for housing constructed or acquired under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721-1726) has been liquidated. 7 USC 1704c

(b) The Secretary of Defense may continue in effect any agreement guaranteeing rental returns to builders or other sponsors of family housing in foreign countries that was made under section 507 of the Military Construction Authorization Act, 1964 (42 U.S.C. 1594k), before the effective date of this Act and may exercise any option of the United States in any such agreement that has not been exercised before such date. 42 USC 1594k note.

TECHNICAL AND CLERICAL AMENDMENTS

SEC. 10. (a)(1) The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended by striking out the item relating to section 2212. *Ante*, p. 173.

10 USC 2233.
96 STAT. 175

(2) Section 2233(e) of such title is amended by striking out "advance planning, construction design, and architectural services" and inserting in lieu thereof "architectural and engineering services and construction design".

(3) Section 2388(c) of title 10, United States Code, is amended by striking out "section 4774(d) or 9774(d) of this title, section 529 of title 31, or section 259 or 267 of title 40," and inserting in lieu thereof "section 3648 of the Revised Statutes (31 U.S.C. 529)".

Ante, p. 173.

(4) The table of sections at the beginning of chapter 159 of such title is amended by striking out the items relating to sections 2661, 2673, 2674, 2678, 2681, 2684, 2686, and 2688.

10 USC 2677.

(5)(A) Section 2677 of such title is amended by striking out "per centum" in subsection (b) and inserting in lieu thereof "percent".

(B) The heading of such section is amended to read as follows:

"§ 2677. Options: property required for military construction projects"

(C) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2677. Options: property required for military construction projects.".

10 USC 2775.

(6) Section 2775(c) of such title is amended by striking out "family" and all that follows through "1594a-1)" and inserting in lieu thereof "Military Family Housing Management Account provided for in section 2831 of this title".

Ante, p. 162.
10 USC 2682

(7) Section 2682 of such title is amended by striking out "construction" and all that follows through "extension" and inserting in lieu thereof "maintenance and repair".

10 USC 2687.

(8) Section 2687(d)(1) of such title is amended by striking out the matter preceding clause (A) and inserting in lieu thereof the following:

"Military installation."

> "(1) 'Military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department—".

Ante, p. 173.

(9)(A) The table of sections at the beginning of chapter 449 of such title is amended by striking out the item relating to section 4774.

Ante, p. 173.

(B) The table of sections at the beginning of chapter 949 of such title is amended by striking out the item relating to section 9774.

(b)(1) Section 305(a) of the Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592d(a)) is amended by striking out "sections 1136 and" and inserting in lieu thereof "section".

(2) Section 402(7) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5042(7)) is amended by striking out "(without regard to the provisions of section 4774(d) of title 10, United States Code),".

58 Stat. 829.
48 USC 1409b and note.

(3) Section 3 of the Act entitled "An Act to assist in the internal development of the Virgin Islands by the undertaking of useful projects therein, and for other purposes", approved December 20, 1944 (48 U.S.C. 1409b), is amended—

(A) by striking out "secs. 1136, as amended, and" and inserting in lieu thereof "section"; and

(B) by striking out "sections 355, as amended, and 1136, as amended," and inserting in lieu thereof "section 355".

63 Stat. 17.
50 USC 491 and note.
96 STAT. 176

(4) The Act entitled "An Act to authorize the Secretary of the Air Force to establish land-based air warning and control installations for the national security, and for other purposes", approved March 30, 1949 (50 U.S.C. 491), is amended by striking out "sections 1136, 3648, 3734, Revised Statutes" and inserting in lieu thereof "section 3648 of the Revised Statutes (31 U.S.C. 529)".

(5) Section 40 of the Act of August 10, 1956 (31 U.S.C. 649c), is amended by striking out "and the construction of public works".

INITIAL ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

10 USC 2828 note.

SEC. 11. During the period beginning on October 1, 1982, and ending on the date of the enactment of the Military Construction

Authorization Act for fiscal year 1984 or October 1, 1983, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is $1,000,000.

Ante, p. 155.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

Ante, p. 156.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

Ante, p. 159.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $6,000.

Ante, p. 161

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is $16,800.

JSC 2687

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is 29,000.

litary instal-
on."

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

e. p. 173.

e. p. 173.

EFFECTIVE DATE

SEC. 12. (a) Except as provided in subsection (b), the amendments made by this Act shall take effect on October 1, 1982, and shall apply to military construction projects, and to construction and acquisition of military family housing, authorized before, on, or after such date.

(b) The amendment made by section 4 shall apply with respect to funds appropriated for fiscal years beginning after September 30 1983.

Ante, p. 170.

96 STAT. 177

Approved July 12, 1982.

LEGISLATIVE HISTORY—H.R. 6451 (S. 2645):

HOUSE REPORT No. 97-612 (Comm. on Armed Services).
SENATE REPORT No. 97-474 accompanying S. 2645 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 128 (1982):
    June 21, considered and passed House.
    June 30, considered and passed Senate.

96 STAT. 245

Public Law 97-226
97th Congress

An Act

July 28, 1982
[H.R. 4688]

To amend the Military Personnel and Civilian Employees' Claims Act of 1964 to increase from $15,000 to $25,000 the maximum amount the United States may pay in settlement of a claim under section 3 of that Act.

Military Personnel and Civilian Employees' Claims Act of 1964, amendments.
31 USC 241 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That (a) sections 3(a)(1) and 3(b)(1) of the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 241 (a)(1) and (b)(1)), are amended by striking out "$15,000" and inserting in lieu thereof "$25,000".**

(b) The amendments made by this Act shall apply only to claims arising on or after the date of enactment.

(c) Sections (3)(a) (1) and (3) of the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 241(a) (1) and (3)) are amended by striking "the Treasury" and inserting in lieu thereof "Transportation".

Prohibition.
31 USC 241 note.

SEC. 2. No funds may be obligated or expended pursuant to the amendments made by this Act before October 1, 1982.

Approved July 28, 1982.

LEGISLATIVE HISTORY—H.R. 4688 (S. 1739):

HOUSE REPORT No. 97-452 (Comm. on the Judiciary).
SENATE REPORT No. 97-482 accompanying S. 1739 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Mar. 16, 18, considered and passed House.
July 14, S. 1739, considered and passed Senate.
July 16, considered and passed Senate.

---

96 STAT. 718

Public Law 97-252
97th Congress

An Act

Sept. 8, 1982
[S. 2248]

To authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize supplemental appropriations for fiscal year 1982, and for other purposes.

Department of Defense Authorization Act, 1983.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1983".

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement of aircraft, missiles, weapons and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, $2,541,600,000.
For missiles, $2,846,600,000.
For weapons and tracked combat vehicles, $4,707,600,000.
For ammunition, $2,486,400,000.
For other procurement, $4,391,100,000.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) AIRCRAFT.—Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement of aircraft for the Navy in the amount of $11,304,600,000.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

For missile programs, $3,058,600,000.
For the MK-48 torpedo program, $134,300,000.
For the MK-46 torpedo program, $141,200,000.
For the MK-60 torpedo program, $151,400,000.
For the MK-30 mobile target program, $19,400,000.
For the MK-38 mini-mobile target program, $2,300,000.
For the anti-submarine rocket (ASROC) program, $10,100,000.
For the modification of torpedoes, $89,300,000.
For the torpedo support equipment program, $66,900,000.
For the MK-15 close-in weapons system program, $118,700,000.
For the MK-75 76-millimeter gun mount program, $10,700,000.
For the MK-19 gun mount program, $400,000.
For the 25-millimeter gun mount program, $400,000.
For the modification of guns and gun mounts, $19,700,000. 96 STAT. 719
For the guns and gun mounts support equipment program, $17,500,000.

(c) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for fiscal year 1983 for shipbuilding and conversion for the Navy as follows:

For the Trident submarine program, $1,786,000,000.
For the CVN nuclear aircraft carrier program, $6,795,300,000.
For the SSN-688 nuclear attack submarine program, $1,443,400,000.
For the battleship reactivation program, $417,400,000.
For the aircraft carrier service life extension program, $699,500,000.
For the CG-47 Aegis cruiser program, $3,134,400,000.
For the LSD-41 landing ship dock program, $417,000,000.
For the LHD-1 air-capable amphibious ship program, $55,000,000.
For the FFG-7 guided missile frigate program, $706,400,000, of which $40,000,000 is available only for an X-band phased array radar.
For the mine countermeasures (MCM) ship program, $371,600,000.
For the T-AO fleet oiler ship program, $320,000,000.
For the ARS salvage ship program, $84,000,000.
For the TAKRX fast logistic ship program, $322,600,000.
For the TAHX hospital ship program, $300,000,000.
For service craft and landing craft, $162,100,000.
For outfitting, post delivery, cost growth, and escalation on prior year programs, $828,100,000.
For ship contract design, $97,200,000.
For the manufacturing technology program, $25,000,000.

(d) OTHER.—Funds are hereby authorized to be appropriated for fiscal year 1983 for other procurement for the Navy in the amount of $3,936,500,000, of which—

(1) the sum of $568,900,000 is available only for the ship support equipment program;

(2) the sum of $1,484,600,000 is available only for the communications and electronics equipment program; and

(3) the sum of $786,200,000 is available only for the ordnance support equipment program.

(e) PROCUREMENT, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $2,131,600,000.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a) Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $17,485,700,000.
For missiles, $6,038,700,000.
For other procurement, $5,656,700,000.

(b) Of the funds authorized to be appropriated in this section for aircraft for the Air Force, the sum of $186,100,000 is available only for contribution by the United States as its share of the cost for fiscal year 1983 of acquisition by the North Atlantic Treaty Organi-

96 STAT. 720

zation of the Airborne Warning and Control System (AWACS).

(c) Of the funds authorized to be appropriated in this section for missiles for the Air Force, the sum of $988,000,000 is available only for the Advanced Intercontinental Ballistic Missile (MX) program. Of such amount, $158,000,000 is authorized for basing and deployment and may not be obligated until the President completes his review of alternative MX missile system basing modes and notifies the Congress, in writing, of the basing mode in which the MX missile system will be deployed and thirty days of session of Congress have expired after the receipt by Congress of such notice. For the purpose of determining days of session of Congress under the preceding sentence, there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or an adjournment sine die.

AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE COMPONENTS

SEC. 104. (a) Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, other weapons, and other procurement for the reserve components of the Armed Forces as follows:

For the Army National Guard, $50,000,000.
For the Air National Guard, $30,000,000.
For the Army Reserve, $30,000,000.
For the Naval Reserve, $30,000,000.
For the Marine Corps Reserve, $30,000,000.
For the Air Force Reserve, $30,000,000.

(b) The authorizations of appropriations contained in subsection (a) are in addition to any other amounts authorized to be appropriated by this or any other Act.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 105. Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement by the Defense agencies in the amount of $859,600,000.

CERTAIN AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

Effective date.

SEC. 106. Effective on October 1, 1982, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1982" both places it appears and inserting in lieu thereof "fiscal year 1983".

REQUIREMENTS RELATING TO MULTIYEAR CONTRACTS FOR CERTAIN EQUIPMENT

SEC. 107. (a) Notwithstanding any other provision of law, a multiyear contract for the procurement of any of the equipment listed in subsection (b) may not be entered into until—

Report to congressional committees.

(1) the Secretary of the military department concerned has submitted to the Committees on Armed Services of the Senate and House of Representatives a written report setting forth the justification for entering into a multiyear contract for the procurement of the equipment concerned; and

(2) a period of thirty days has elapsed after the date on which the report is received by those committees.

(b) The equipment referred to in subsection (a) is the following:

(1) F-111 weapon navigation computers.
(2) C-2 aircraft.
(3) EA-6B aircraft.
(4) A-6E aircraft.
(5) MULE laser designators.
(6) CH-53E helicopters.
(7) MLRS rocket systems.
(8) ALQ-136 radio jammers.

ENHANCEMENT OF NORTH AMERICAN AIR DEFENSE COMMAND LOW LEVEL RADAR CAPABILITIES IN FLORIDA

SEC. 108. The Secretary of the Air Force, using funds available under section 103, may acquire one tethered aero-stat radar set (of the type currently in use at Cudjoe Key, Florida) for deployment at Kennedy Air Force Station, Florida. Concurrently with such procurement, the Secretary shall provide for necessary improvements to the radar set to be acquired and the existing set at Cudjoe Key, Florida. Such improvements and the operation and maintenance of such radar sets may be provided using funds available under this Act.

SECURE COMMUNICATIONS EQUIPMENT AND A SPECIAL CLASSIFIED PROGRAM

SEC. 109. The Secretary of Defense is authorized to procure secure telephone communication systems, including equipment and related items, during fiscal year 1983 for the Department of Defense and other government agencies and entities to support a national program to provide secure telephone service. Of the funds authorized to be appropriated pursuant to this title, not more than $50,000,000 may be used to provide secure telephone equipment and related items to the Department of Defense and other government agencies and entities in support of such a national program. Equipment provided to government agencies and entities outside the Department of Defense under the authority of this section and such related services as may be necessary may be furnished by the Secretary of Defense without reimbursement. In addition, of the funds authorized to be appropriated pursuant to this Act, not more than $132,000,000 is authorized for a special classified program.

PROHIBITION OF ACQUISITION OF 9-MILLIMETER HANDGUN

SEC. 110. None of the funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended in connection with the purchase of a 9-millimeter handgun for the Armed Forces or to carry out any activity concerned with evaluating the feasibility or desirability of purchasing a 9-millimeter handgun for the Armed Forces.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1983 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $3,926,367,000.

For the Navy (including the Marine Corps), $6,129,115,000.

For the Air Force, $10,720,884,000, of which $1,000,000 is available only for research, development, test, and evaluation of the C-17 type cargo transport aircraft.

For the Defense Agencies, $2,271,503,000, of which $55,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1983 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

(c) Of the total amount authorized to be appropriated in this section for research, development, test, and evaluation for the Air Force related to the basing of the MX missile system, $715,000,000 may not be obligated until the President completes his review of alternative MX missile system basing modes and notifies the Congress, in writing, of the long-term basing mode in which the MX missile system will be deployed and thirty days of session of Congress have expired after the receipt by Congress of such notice. For the purpose of determining days of session of Congress under the preceding sentence, there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or an adjournment sine die.

LIMITATION ON FUNDS FOR THE NAVY

SEC. 202. (a) Of the amount authorized in section 201 for the Navy (including the Marine Corps)—

(1) $12,000,000 is available only for the development of a derivative of the Firebolt advanced aerial target;

(2) $15,000,000 is available only for the phased array radar improvement program for the MK-92 fire control system;

(3) $60,000,000 is available only for the development, test, evaluation, and initial deployment of the 5-inch semi-active laser guided projectile and the Seafire electro-optical fire control system;

(4) $26,500,000 is available only for the Medium-Range Air-to-Surface Missile (MRASM) System;

(5) $138,595,000 is available, subject to subsection (b), only for the DDG-X (DDG-51) ship program;

(6) $900,000,000 is available only for Surface Warfare programs; and

(7) $5,555,000 is available only for the development of an advanced mine to replace the Captor mine.

96 STAT. 723

(b) None of the funds appropriated pursuant to the authorization of appropriations in section 201 for the Navy may be obligated or expended for the DDG-X (DDG-51) ship program until the Secretary of the Navy has submitted to the Committees on Armed Services of the Senate and House of Representatives a plan for the deployment of the 5-inch semi-active laser guided projectile and Seafire electro-optical fire control system concurrently with the deployment of the DDG-51 lead ship.

REQUIREMENT FOR COMPETITION BETWEEN THE AIR FORCE LANTIRN AND FLIR SYSTEMS

SEC. 203. No funds appropriated pursuant to this title for the Air Force may be obligated or expended for the development of the Low Altitude Navigation Targeting System for Night (LANTIRN) System until the Secretary of the Air Force submits to the Committees on Armed Services and Appropriations of the Senate and House of

Representatives a written statement certifying that the LANTIRN program has been restructured to provide a competitive demonstration between the current LANTIRN System and a suitably modified version of the Navy's F/A-18 aircraft FLIR System. The Secretary of the Air Force may not enter into any contract for the production of the Targeting Infrared for Night (TIRN) System until after a competitive demonstration between the LANTIRN System and the suitably modified version of the Navy's F/A-18 aircraft FLIR System has been carried out.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) Funds are hereby authorized to be appropriated for fiscal year 1983 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, $16,750,050,000.
For the Navy, $21,702,550,000.
For the Marine Corps, $1,472,500,000.
For the Air Force, $17,339,500,000.
For the Defense Agencies, $5,693,650,000.
For the Army Reserve, $704,889,000.
For the Naval Reserve, $671,700,000.
For the Marine Corps Reserve, $51,115,000.
For the Air Force Reserve, $766,300,000.
For the Army National Guard, $1,166,900,000.
For the Air National Guard, $1,779,000,000.
For the National Board for the Promotion of Rifle Practice, $875,000.
For Defense Claims, $172,500,000.
For the Court of Military Appeals, $3,210,000.

(b) There are authorized to be appropriated for fiscal year 1983, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a);

96 STAT. 724

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by subsection (a).

LIMITATION ON FUNDS FOR SHIP OVERHAULS

SEC. 302. Of the amount appropriated pursuant to authorizations of appropriation in section 301 for the Navy, not more than $2,756,000,000 may be obligated or expended for ship overhauls.

RESTRICTION ON LONG-TERM LEASES OF VESSELS FOR THE NAVY

Notification to congressional committees.

SEC. 303. (a) None of the funds appropriated pursuant to an authorization of appropriations in section 301 may be obligated or expended in connection with a long-term lease of a vessel for the Navy if the lease includes a substantial termination liability unless and until (1) the Secretary of the Navy has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed lease, and (2) a period of thirty days has elapsed after the date on which such committees receive such notification. Any such notification shall include a description of the terms of the proposed lease and a justification for entering into such a lease rather than obtaining the vessel involved by acquisition.

(b) Subsection (a) does not apply with respect to the lease of a vessel if the vessel was being leased by the Navy on September 30, 1982.

T-5 REPLACEMENT TANKER PROGRAM

SEC. 304. (a) None of the funds appropriated pursuant to authorizations of appropriations in this title for the Navy may be obligated or expended for any activity in connection with the lease of any vessel associated with the T-5 Replacement Tanker program which has a main propulsion system or any other major component not built in the United States.

(b) Subsection (a) does not apply with respect to the lease of a vessel if a contract for the lease of that vessel results from a request for proposal circulated before July 1, 1982.

LIMITATION ON STUDIES OF CONTRACTING-OUT OF CERTAIN COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS

SEC. 305. (a)(1) Except as provided in paragraph (2), funds appropriated pursuant to an authorization of appropriations in this title may not be obligated or expended in connection with any study begun during the period beginning on October 1, 1982, and ending on March 31, 1983, of the benefits or feasibility of contracting for performance by contractor personnel of any commercial or industrial type function or activity of the Department of Defense being performed by Department of Defense personnel on September 30, 1982.

(2) Paragraph (1) does not prohibit the obligation or expenditure of funds in connection with— 96 STAT. 725

(A) any study the purpose of which is to determine the most efficient and cost effective organization of any commercial or industrial type function of the Department of Defense for performance by Department of Defense personnel; or

(B) any study carried out with respect to the contracting for the performance by contractor personnel, rather than Department of Defense personnel, of any of the following:

(i) Custodial functions.

(ii) Laundry functions.

(iii) Refuse collection functions.

(iv) Grounds maintenance functions.

(v) Food service and preparation functions (other than commissaries).

(vi) Base transportation functions.

(b) Of the total amount of funds authorized in this title, $283,800,000 is available only for salaries and other costs for the employment of and performance of functions by direct-hire civilian employees of the Department of Defense in excess of 947,000 such employees.

TITLE IV—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 401. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1983, as follows:

(1) The Army, 782,500.

(2) The Navy, 560,300.

(3) The Marine Corps, 194,600.

(4) The Air Force, 592,600.

AUTHORITY TO EXCEED END-STRENGTH AUTHORIZATIONS

SEC. 402. (a) Section 138(c)(1)(A) of title 10, United States Code, is amended by inserting the following new sentence after the first sentence: "The end strength authorized for a component of the armed forces for a fiscal year may be increased by a number equal to not more than 0.5 percent of the total end strength authorized for such component for that fiscal year if the Secretary of Defense determines that such increase is in the national interest.".

(b) The amendment made by subsection (a) shall apply with respect to end strengths for active-duty personnel authorized for fiscal years beginning after September 30, 1981. 10 USC 138 note.

QUALITY CONTROL ON ENLISTMENTS INTO THE ARMY

SEC. 403. Effective on October 1, 1982, section 302(a) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 10 U.S.C. 520 note), is amended by striking out "October 1, 1981" and "September 30, 1982" and inserting in lieu thereof "October 1, 1982" and "September 30, 1983", respectively. Effective date.

SAVING PROVISION FOR CERTAIN ACCRUED LEAVE

SEC. 404. A member of the Armed Forces who was authorized under section 701(f) of title 10, United States Code, to accumulate ninety days leave during fiscal year 1980 and who lost any leave at the end of fiscal year 1981 shall be credited with the amount of the leave lost and may retain leave in excess of sixty days until the end of fiscal year 1982, but in no case may a member accumulate leave in excess of ninety days.

TITLE V—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 501. (a) For fiscal year 1983 the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following: 10 USC 261 note.

(1) The Army National Guard of the United States, 407,400.
(2) The Army Reserve, 258,700.
(3) The Naval Reserve, 105,500.
(4) The Marine Corps Reserve, 38,300.
(5) The Air National Guard of the United States, 101,100.
(6) The Air Force Reserve, 66,000.
(7) The Coast Guard Reserve, 12,000.

(b) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members. Reduction. Increase.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

SEC. 502. Within the average strengths prescribed in section 501, the reserve components of the Armed Forces are authorized, as of September 30, 1983, the following number of Reserves to be serving on full-time active duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 14,419.
(2) The Army Reserve, 8,251.
(3) The Naval Reserve, 12,038.

(4) The Marine Corps Reserve, 678.

(5) The Air National Guard of the United States, 5,158.

(6) The Air Force Reserve, 479.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

96 STAT. 727

INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 503. (a) The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	265	156	132	6
E-8	1,244	329	441	56".

10 USC 524.

(b) The columns under the headings "Army", "Air Force", and "Marine Corps" in the table in section 524(a) of such title are amended to read as follows:

"Army	Air Force	Marine Corps
1,351	281	95
671	267	40
234	170	21".

TITLE VI—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 601. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1983, of 1,050,060.

Apportionment.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

Report to Congress.

Direct-hire and indirect-hire civilian personnel.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program.

Part-time career employees.
5 USC 3404.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed

service on official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

10 USC 3404.

Transfer or assigned personnel.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for suc departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

Excess employees, limitation; notification to Congress.

(d) When the Secretary of Defense determines that such action is necessary in the national interest or if any conversion of commercial- and industrial-type functions from performance by Department of Defense personnel to performance by private contractors which was anticipated to be made during fiscal year 1983 in the Budget of the President submitted for such fiscal year is not determined to be appropriate for such conversion under established administrative criteria, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

Notification to Congress.

TITLE VII—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 701. (a) For fiscal year 1983, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 78,311.
(2) The Navy, 66,930.
(3) The Marine Corps, 20,435.
(4) The Air Force, 48,769.
(5) The Army National Guard of the United States, 18,052.
(6) The Army Reserve, 14,579.
(7) The Naval Reserve, 1,000.
(8) The Marine Corps Reserve, 2,971.
(9) The Air National Guard of the United States, 2,328.
(10) The Air Force Reserve, 1,351.

(b) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1983 shall be adjusted consistent with the manpower strengths authorized in titles IV, V, and VI of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

Apportionment.

EXTENSION OF REDUCTION IN NUMBER OF STUDENTS REQUIRED TO BE IN A UNIT OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS

SEC. 702. Section 602 of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 94 Stat. 1087), is amended by striking out "August 31, 1982" and inserting in lieu thereof "August 31, 1983".

10 USC 2031 note.

TITLE VIII—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 801. There is hereby authorized to be appropriated for fiscal year 1983 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251-2297) the sum of $152,340,000.

AMOUNT AUTHORIZED FOR CONTRIBUTION FOR STATE PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 802. Notwithstanding the second proviso of section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260), $60,000,000 of the amount authorized to be appropriated by the first section of this Act is available for appropriations for contributions to the States under section 205 of such Act (50 U.S.C. App. 2286) for personnel and administrative expenses.

TITLE IX—SUPPLEMENTAL AUTHORIZATIONS FOR FISCAL YEAR 1982

PROCUREMENT

SEC. 901. In addition to the funds authorized to be appropriated in title I of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1099), there is hereby authorized to be appropriated to the Air Force for fiscal year 1982 for procurement of aircraft the sum of $120,000,000.

OPERATION AND MAINTENANCE

95 Stat. 1103.

SEC. 902. In addition to the funds authorized to be appropriated in title III of the Department of Defense Authorization Act, 1982, funds are hereby authorized to be appropriated for fiscal year 1982 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for operation and maintenance in amounts as follows:

For the Army, Army Reserve, and Army National Guard, $6,600,000.

For the Navy, the Naval Reserve, and the Marine Corps, $5,000,000.

For the Air Force, Air Force Reserve, and Air National Guard, $25,000,000.

For the Defense Agencies and other Defense-wide activities, $25,800,000.

INCREASE IN END STRENGTH AUTHORIZED FOR THE ARMY FOR FISCAL YEAR 1982

SEC. 903. Section 401 of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1104), is amended by striking out "Army, 780,300" and inserting in lieu thereof "Army, 782,500".

Uniformed Services Former Spouses' Protection Act.

TITLE X—FORMER SPOUSES' PROTECTION

SHORT TITLE

10 USC 1401 note.

SEC. 1001. This title may be cited as the "Uniformed Services Former Spouses' Protection Act".

96 STAT. 730

PAYMENT OF RETIRED AND RETAINER PAY

SEC. 1002. (a) Chapter 71 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 1408.

"§ 1408. Payment of retired or retainer pay in compliance with court orders

Definitions.

"(a) In this section:

"(1) 'Court' means—

"(A) any court of competent jurisdiction of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

"(B) any court of the United States (as defined in section 451 of title 28) having competent jurisdiction; and

"(C) any court of competent jurisdiction of a foreign country with which the United States has an agreement requiring the United States to honor any court order of such country.

"(2) 'Court order' means a final decree of divorce, dissolution, annulment, or legal separation issued by a court, or a court ordered, ratified, or approved property settlement incident to such a decree (including a final decree modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation, or a court ordered, ratified, or approved property settlement incident to such previously issued decree), which—

"(A) is issued in accordance with the laws of the jurisdiction of that court;

"(B) provides for—

"(i) payment of child support (as defined in section 462(b) of the Social Security Act (42 U.S.C. 662(b)))";

"(ii) payment of alimony (as defined in section 462(c) of the Social Security Act (42 U.S.C. 662(c)))"; or

"(iii) division of property (including a division of community property); and

"(C) specifically provides for the payment of an amount, expressed in dollars or as a percentage of disposable retired or retainer pay, from the disposable retired or retainer pay of a member to the spouse or former spouse of that member.

"(3) 'Final decree' means a decree from which no appeal may be taken or from which no appeal has been taken within the time allowed for taking such appeals under the laws applicable to such appeals, or a decree from which timely appeal has been taken and such appeal has been finally decided under the laws applicable to such appeals.

"(4) 'Disposable retired or retainer pay' means the total monthly retired or retainer pay to which a member is entitled (other than the retired pay of a member retired for disability under chapter 61 of this title) less amounts which—

96 STAT. 731

10 USC 1201 *et seq.*

"(A) are owed by that member to the United States;

"(B) are required by law to be and are deducted from the retired or retainer pay of such member, including fines and forfeitures ordered by courts-martial, Federal employment taxes, and amounts waived in order to receive compensation under title 5 or title 38;

5 USC 101; 38 USC 101

"(C) are properly withheld for Federal, State, or local income tax purposes, if the withholding of such amounts is authorized or required by law and to the extent such amounts withheld are not greater than would be authorized if such member claimed all dependents to which he was entitled;

"(D) are withheld under section 3402(i) of the Internal Revenue Code of 1954 (26 U.S.C. 3402(i)) if such member presents evidence of a tax obligation which supports such withholding;

"(E) are deducted as Government life insurance premiums (not including amounts deducted for supplemental coverage); or

"(F) are deducted because of an election under chapter 73 of this title to provide an annuity to a spouse or former spouse to whom payment of a portion of such member's retired or retainer pay is being made pursuant to a court order under this section.

10 USC 1431 *et seq.*

"(5) 'Member' includes a former member.

"(6) 'Spouse or former spouse' means the husband or wife, or former husband or wife, respectively, of a member who, on or before the date of a court order, was married to that member.

"(b) For the purposes of this section—

"(1) service of a court order is effective if—

"(A) an appropriate agent of the Secretary concerned designated for receipt of service of court orders under regulations prescribed pursuant to subsection (h) or, if no agent has been so designated, the Secretary concerned, is personally served or is served by certified or registered mail, return receipt requested;

"(B) the court order is regular on its face;

"(C) the court order or other documents served with the court order identify the member concerned and include the social security number of such member; and

"(D) the court order or other documents served with the court order certify that the rights of the member under the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.) were observed; and

"(2) a court order is regular on its face if the order—

"(A) is issued by a court of competent jurisdiction;

"(B) is legal in form; and

"(C) includes nothing on its face that provides reasonable notice that it is issued without authority of law.

"(c)(1) Subject to the limitations of this section, a court may treat disposable retired or retainer pay payable to a member for pay periods beginning after June 25, 1981, either as property solely of the member or as property of the member and his spouse in accordance with the law of the jurisdiction of such court.

96 STAT. 732

"(2) Notwithstanding any other provision of law, this section does not create any right, title, or interest which can be sold, assigned, transferred, or otherwise disposed of (including by inheritance) by a spouse or former spouse.

"(3) This section does not authorize any court to order a member to apply for retirement or retire at a particular time in order to effectuate any payment under this section.

"(4) A court may not treat the disposable retired or retainer pay of a member in the manner described in paragraph (1) unless the court has jurisdiction over the member by reason of (A) his residence, other than because of military assignment, in the territorial jurisdiction of the court, (B) his domicile in the territorial jurisdiction of the court, or (C) his consent to the jurisdiction of the court.

"(d)(1) After effective service on the Secretary concerned of a court order with respect to the payment of a portion of the retired or retainer pay of a member to the spouse or a former spouse of the member, the Secretary shall, subject to the limitations of this section, make payments to the spouse or former spouse in the amount of the disposable retired or retainer pay of the member specifically provided for in the court order. In the case of a member entitled to receive retired or retainer pay on the date of the effective service of the court order, such payments shall begin not later than 90 days after the date of effective service. In the case of a member not entitled to receive retired or retainer pay on the date of the effective service of the court order, such payments shall begin not later than 90 days after the date on which the member first becomes entitled to receive retired or retainer pay.

"(2) If the spouse or former spouse to whom payments are to be made under this section was not married to the member for a period of 10 years or more during which the member performed at least 10 years of service creditable in determining the member's eligibility for retired or retainer pay, payments may not be made under this section to the extent that they include an amount resulting from the treatment by the court under subsection (c) of disposable retired or retainer pay of the member as property of the member or property of the member and his spouse.

"(3) Payments under this section shall not be made more frequently than once each month, and the Secretary concerned shall not be required to vary normal pay and disbursement cycles for retired or retainer pay in order to comply with a court order.

"(4) Payments from the disposable retired or retainer pay of a member pursuant to this section shall terminate in accordance with the terms of the applicable court order, but not later than the date of the death of the member or the date of the death of the spouse or former spouse to whom payments are being made, whichever occurs first.

"(5) If a court order described in paragraph (1) provides for a division of property (including a division of community property) in addition to an amount of disposable retired or retainer pay, the Secretary concerned shall, subject to the limitations of this section, pay to the spouse or former spouse of the member, from the disposable retired or retainer pay of the member, any part of the amount payable to the spouse or former spouse under the division of property upon effective service of a final court order of garnishment of such amount from such retired or retainer pay.

"(e)(1) The total amount of the disposable retired or retainer pay of a member payable under subsection (d) may not exceed 50 percent of such disposable retired or retainer pay.

"(2) In the event of effective service of more than one court order which provide for payment to a spouse and one or more former spouses or to more than one former spouse from the disposable retired or retainer pay of a member, such pay shall be used to satisfy (subject to the limitations of paragraph (1)) such court orders on a first-come, first-served basis. Such court orders shall be satisfied (subject to the limitations of paragraph (1)) out of that amount of disposable retired or retainer pay which remains after the satisfaction of all court orders which have been previously served.

"(3)(A) In the event of effective service of conflicting court orders under this section which assert to direct that different amounts be paid during a month to the same spouse or former spouse from the disposable retired or retainer pay of the same member, the Secretary concerned shall—

"(i) pay to that spouse the least amount of disposable retired or retainer pay directed to be paid during that month by any such conflicting court order, but not more than the amount of disposable retired or retainer pay which remains available for payment of such court orders based on when such court orders were effectively served and the limitations of paragraph (1) and subparagraph (B) of paragraph (4);

"(ii) retain an amount of disposable retired or retainer pay that is equal to the lesser of—

"(I) the difference between the largest amount of retired or retainer pay required by any conflicting court order to be paid to the spouse or former spouse and the amount payable to the spouse or former spouse under clause (i); and

"(II) the amount of disposable retired or retainer pay which remains available for payment of any conflicting court order based on when such court order was effectively served and the limitations of paragraph (1) and subparagraph (B) of paragraph (4); and

"(iii) pay to that member the amount which is equal to the amount of that member's disposable retired or retainer pay (less any amount paid during such month pursuant to legal process served under section 459 of the Social Security Act (42 U.S.C. 659) and any amount paid during such month pursuant to court orders effectively served under this section, other than such conflicting court orders) minus—

"(I) the amount of disposable retired or retainer pay paid under clause (i); and

"(II) the amount of disposable retired or retainer pay retained under clause (ii).

"(B) The Secretary concerned shall hold the amount retained under clause (ii) of subparagraph (A) until such time as that Secretary is provided with a court order which has been certified by the member and the spouse or former spouse to be valid and applicable to the retained amount. Upon being provided with such an order, the Secretary shall pay the retained amount in accordance with the order.

"(4)(A) In the event of effective service of a court order under this section and the service of legal process pursuant to section 459 of the Social Security Act (42 U.S.C. 659), both of which provide for payments during a month from the retired or retainer pay of the same member, such court orders and legal process shall be satisfied on a first-come, first-served basis. Such court orders and legal process shall be satisfied out of moneys which are subject to such orders and legal process and which remain available in accordance with the limitations of paragraph (1) and subparagraph (B) of this paragraph during such month after the satisfaction of all court orders or legal process which have been previously served.

96 STAT. 734

"(B) Notwithstanding any other provision of law, the total amount of the disposable retired or retainer pay of a member payable by the Secretary concerned under all court orders pursuant to this section and all legal processes pursuant to section 459 of the Social Security Act (42 U.S.C. 659) with respect to a member may not exceed 65 percent of the disposable retired or retainer pay payable to such member.

"(5) A court order which itself or because of previously served court orders provides for the payment of an amount of disposable retired or retainer pay which exceeds the amount of such pay available for payment because of the limit set forth in paragraph (1), or which, because of previously served court orders or legal process previously served under section 459 of the Social Security Act (42 U.S.C. 659), provides for payment of an amount of disposable retired or retainer pay that exceeds the maximum amount permitted under paragraph (1) or subparagraph (B) of paragraph (4), shall not be considered to be irregular on its face solely for that reason. However, such order shall be considered to be fully satisfied for purposes of this section by the payment to the spouse or former spouse of the maximum amount of disposable retired or retainer pay permitted under paragraph (1) and subparagraph (B) of paragraph (4).

"(6) Nothing in this section shall be construed to relieve a member of liability for the payment of alimony, child support, or other payments required by a court order on the grounds that payments made out of disposable retired or retainer pay under this section have been made in the maximum amount permitted under paragraph (1) or subparagraph (B) of paragraph (4). Any such unsatisfied obligation of a member may be enforced by any means available under law other than the means provided under this section in any case in which the maximum amount permitted under paragraph (1) has been paid and under section 459 of the Social Security Act (42 U.S.C. 659) in any case in which the maximum amount permitted under subparagraph (B) of paragraph (4) has been paid.

"(f)(1) The United States and any officer or employee of the United States shall not be liable with respect to any payment made from retired or retainer pay to any member, spouse, or former spouse pursuant to a court order that is regular on its face if such payment is made in accordance with this section and the regulations prescribed pursuant to subsection (h).

"(2) An officer or employee of the United States who, under regulations prescribed pursuant to subsection (h), has the duty to respond to interrogatories shall not be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or because of, any disclosure of information made by him in carrying out any of his duties which directly or indirectly pertain to answering such interrogatories.

"(g) A person receiving effective service of a court order under this section shall, as soon as possible, but not later than 30 days after the date on which effective service is made, send a written notice of such court order (together with a copy of such order) to the member affected by the court order at his last known address.

96 STAT. 735

Regulations. "(h) The Secretaries concerned shall prescribe uniform regulations for the administration of this section.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1408. Payment of retired or retainer pay in compliance with court orders.".

ANNUITIES UNDER THE SURVIVOR BENEFIT PLAN

SEC. 1003. (a) Section 1447 of title 10, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(6) 'Former spouse' means the surviving former husband or wife of a person who is eligible to participate in the Plan. Definitions.

"(7) 'Court' has the meaning given that term by section 1408(a)(1) of this title. *Ante*, p. 730.

"(8) 'Court order' means a court's final decree of divorce, dissolution, annulment, or legal separation, or a court ordered, ratified, or approved property settlement incident to such a decree (including a final decree modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation, or of a court ordered, ratified, or approved property settlement agreement incident to such previously issued decree).

"(9) 'Final decree' means a decree from which no appeal may be taken or from which no appeal has been taken within the time allowed for the taking of such appeals under the laws applicable to such appeals, or a decree from which timely appeal has been taken and such appeal has been finally decided under the laws applicable to such appeals.

"(10) 'Regular on its face', when used in connection with a court order, means a court order that meets the conditions prescribed in section 1408(b)(2) of this title.". *Ante*, p. 730.

(b)(1) Section 1448(a) of such title is amended— 10 USC 1448.

(A) in paragraph (3)(A) by inserting "or elects to provide an annuity under subsection (b)(2) of this section," after "for his spouse,"; and

(B) in paragraph (3)(B) by inserting "or elects to provide an annuity under subsection (b)(2) of this section," after "for his spouse,".

(2) Section 1448(b) of such title is amended to read as follows:

"(b)(1) A person who is not married and does not have a dependent child when he becomes eligible to participate in the Plan may elect to provide an annuity to a natural person with an insurable interest in that person or to provide an annuity to a former spouse.

"(2) A person who is married or has a dependent child may elect to provide an annuity to a former spouse instead of providing an annuity to a spouse or dependent child if the election is made in order to carry out the terms of a written agreement entered into voluntarily with the former spouse (without regard to whether such agreement is included in or approved by a court order).

"(3) In the case of a person electing to provide an annuity under paragraph (1) or (2) of this subsection by virtue of eligibility under subsection (a)(1)(B), the election shall include a designation under subsection (e).

96 STAT. 736

"(4) Any person who elects under paragraph (1) or (2) to provide an annuity to a former spouse shall, at the time of making such election, provide the Secretary concerned with a written statement, in a form to be prescribed by that Secretary, signed by such person and the former spouse setting forth whether the election is being made pursuant to a voluntary written agreement previously entered into by such person as a part of or incident to a proceeding of divorce, dissolution, annulment, or legal separation, and if so, whether such voluntary written agreement has been incorporated in or ratified or approved by a court order.".

(c) Section 1450(a)(4) of such title is amended— 10 USC 1450.

(1) by inserting "former spouse or other" before "natural person"; and

(2) by striking out "if there is no eligible beneficiary under clause (1) or clause (2)" and inserting in lieu thereof "unless the election to provide an annuity to the former spouse or other natural person has been changed as provided in subsection (f)".

(d) Section 1450(f) of such title is amended to read as follows:

"(f)(1) A person who elects to provide an annuity to a person designated by him under section 1448(b) of this title may, subject to paragraph (2) of this subsection, change that election and provide an annuity to his spouse or dependent child. The Secretary concerned shall notify the former spouse or other natural person previously designated under section 1448(b) of this title of any change of election under the first sentence of this paragraph. Any such change of election is subject to the same rules with respect to execution, revocation, and effectiveness as are set forth in section 1448(a)(5) of this title.

Ante, p. 735.

"(2) A person who, incident to a proceeding of divorce, dissolution, annulment, or legal separation, enters into a voluntary written agreement to elect under section 1448(b) of this title to provide an annuity to a former spouse and who makes an election pursuant to such agreement may not change such election under paragraph (1) unless—

"(A) in a case in which such agreement has been incorporated in or ratified or approved by a court order, the person—

"(i) furnishes to the Secretary concerned a certified copy of a court order which is regular on its face and modifies the provisions of all previous court orders relating to the agreement to make such election so as to permit the person to change the election; and

"(ii) certifies to the Secretary concerned that the court order is valid and in effect; or

"(B) in a case in which such agreement has not been incorporated or ratified or approved by a court order, the person—

"(i) furnishes to the Secretary concerned a statement, in such form as the Secretary concerned may prescribe, signed by the former spouse and evidencing the former spouse's agreement to a change in the election under paragraph (1); and

"(ii) certifies to the Secretary concerned that the statement is current and in effect.

"(3) Nothing in this chapter authorizes any court to order any person to elect under section 1448(b) of this title to provide an annuity to a former spouse unless such person has voluntarily agreed in writing to make such election.".

96 STAT. 737

MEDICAL BENEFITS

Sec. 1004. (a) Section 1072(2) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (D);

(2) by striking out the period at the end of clause (E) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new clause:

"(F) the unremarried former spouse of a member or former member who (i) on the date of the final decree of divorce, dissolution, or annulment, had been married to the member or former member for a period of at least 20 years during which period the member or former member performed at least 20 years of service which is creditable in determining that member's or former member's eligibility for retired or retainer pay, or equivalent pay, and (ii) does not have medical coverage under an employer-sponsored health plan.".

10 USC 1076.

(b) Section 1076(b) of such title is amended by inserting at the end thereof the following: "A dependent described in section 1072(2)(F) of this title may be provided medical and dental care pursuant to clause (2) without regard to subclause (B) of such clause.".

(c) Section 1086(c) of such title is amended by inserting after clause (2) the following new clause: 10 USC 1086.

"(3) A dependent covered by section 1072(2)(F) of this title.". 10 USC 1072.

COMMISSARY AND EXCHANGE PRIVILEGES

Regulations. 10 USC 1408 note.

SEC. 1005. The Secretary of Defense shall prescribe such regulations as may be necessary to provide that an unremarried former spouse described in subparagraph (F)(i) of section 1072(2) of title 10, United States Code (as added by section 1004), is entitled to commissary and post exchange privileges to the same extent and on the same basis as the surviving spouse of a retired member of the uniformed services.

EFFECTIVE DATES AND TRANSITION

10 USC 1408 note.

SEC. 1006. (a) The amendments made by this title shall take effect on the first day of the first month which begins more than one hundred and twenty days after the date of the enactment of this title.

(b) Subsection (d) of section 1408 of title 10, United States Code, as added by section 1002(a), shall apply only with respect to payments of retired or retainer pay for periods beginning on or after the effective date of this title, but without regard to the date of any court order. However, in the case of a court order that became final before June 26, 1981, payments under such subsection may only be made in accordance with such order as in effect on such date and without regard to any subsequent modifications. *Ante*, p. 730.

(c) The amendments made by section 1003 of this title shall apply to persons who become eligible to participate in the Survivor Benefit Plan provided for in subchapter II of chapter 73 of title 10, United States Code, before, on, or after the effective date of such amendments. 10 USC 1447.

(d) The amendments made by section 1004 of this title and the provisions of section 1005 of this title shall apply in the case of any

96 STAT. 738

former spouse of a member or former member of the uniformed services only if the final decree of divorce, dissolution, or annulment of the marriage of the former spouse and such member or former member is dated on or after the effective date of such amendments.

(e) For the purposes of this section— Definitions.

(1) the term "court order" has the same meaning as provided in section 1408(a)(2) of title 10, United States Code (as added by section 1002 of this title); *Ante*, p. 730.

(2) the term "former spouse" has the same meaning as provided in section 1408(a)(6) of such title (as added by section 1002 of this title); and

(3) the term "uniformed services" has the same meaning as provided in section 1408(a)(7) of such title (as added by section 1002 of this title).

TITLE XI—GENERAL PROVISIONS

TRANSFER AUTHORITY

SEC. 1101. (a)(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this Act between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,500,000,000.

(b) The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for higher priority items than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

Notification to Congress.

(c) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

WAIVER OF AUTHORIZATION REQUIREMENT FOR CERTAIN PREVIOUSLY APPROPRIATED FUNDS

SEC. 1102. The provisions of section 138(a) of title 10, United States Code, providing that funds may not be obligated or expended by the Armed Forces for certain purposes unless such funds have been specifically authorized by law shall not apply with respect to the obligation or expenditure of funds appropriated for fiscal year 1982 before the date of enactment of this Act for the following purposes:

(1) Procurement of aircraft for the Army.

(2) Procurement of aircraft for the Air Force.

(3) Procurement of missiles for the Air Force.

(4) Operations and maintenance for Defense-wide activities.

INCREASE IN AUTHORIZATION FOR SPECIAL DEFENSE ACQUISITION FUND

95 Stat. 1524
96 STAT. 739

SEC. 1103. Section 138(g) of title 10, United States Code, is amended—

(1) by striking out "and" after "1982" and inserting in lieu thereof a comma; and

(2) by inserting ", and may not exceed $900,000,000 in fiscal year 1984" after "1983".

INCREASE IN DOLLAR THRESHOLD FOR REPORTS TO CONGRESS REGARDING TRANSFER OF DEFENSE ARTICLES

SEC. 1104. Section 813 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 133 note), is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

REPORTS ON FUNDING OF TECHNOLOGY TRANSFER CONTROL POLICY

SEC. 1105. Section 138 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, recommending the amount of funds to be appropriated to the Department of Defense for the next fiscal year for functions relating to the formulation and carrying out of Department of Defense policies on the control of technology transfer and activities related to the control of technology transfer. The Secretary shall include in that report the proposed allocation of the funds requested for such purpose and the number of personnel proposed to be assigned to carry out such activities during such fiscal year.".

Allocation of funds.

LIMITATION ON DEFENSE FUNDS FOR SPACE SHUTTLE

SEC. 1106. Notwithstanding any other provision of law, during fiscal year 1983 the Secretary of Defense shall not transfer funds to the Administrator of the National Aeronautics and Space Administration to pay any part of the cost of placing Department of Defense payloads into orbit by means of the Space Shuttle except in accordance with laws in effect on July 1, 1982, and interagency agreements made pursuant to such laws.

IMPROVED OVERSIGHT OF COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 1107. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 139 the following new sections:

"§ 139a. Oversight of cost growth in major programs: Selected Acquisition Reports

10 USC 139a.

"(a) In this section:

Definitions.

"(1) 'Major defense acquisition program' means a Department of Defense acquisition program that is not a highly sensitive classified program (as determined by the Secretary of Defense) and—

"(A) that is designated by the Secretary of Defense as a major defense acquisition program; or

"(B) that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $200,000,000 (based on fiscal year 1980 constant dollars) or an eventual total expenditure for procurement of more than $1,000,000,000 (based on fiscal year 1980 constant dollars).

96 STAT. 740

"(2) 'Program acquisition unit cost', with respect to a major defense acquisition program, means the amount equal to (A) the total cost for development and procurement of, and system-specific military construction for, the acquisition program, divided by (B) the number of fully-configured end items to be produced for the acquisition program.

"(3) 'Procurement unit cost', with respect to a major defense acquisition program, means the amount equal to (A) the total of all procurement funds appropriated for the program for a fiscal year, reduced by the amount of funds appropriated for such fiscal year for advanced procurement for such program in any subsequent year and increased by any amount appropriated in years before such fiscal year for advanced procurement for such program in such fiscal year, divided by (B) the number of fully-configured end items to be procured with such funds during such fiscal year.

"(4) 'Major contract', with respect to a major defense acquisition program, means (A) each prime contract under the program, and (B) each associate or Government-furnished equipment contract under the program that is one of the six largest contracts under the program in dollar amount.

"(b)(1) The Secretary of Defense shall submit to Congress at the end of each fiscal-year quarter a report on current major defense acquisition programs. Except as provided in paragraphs (2) and (3), each such report shall include a status report on each defense acquisition program that at the end of such quarter is a major defense acquisition program. Reports under this section shall be known as Selected Acquisition Reports.

Selected Acquisition Reports.

"(2) A status report on a major defense acquisition program need not be included in the Selected Acquisition Report for the second, third, or fourth quarter of a fiscal year if such a report was included in a previous Selected Acquisition Report for that fiscal year and there has been no change in program cost, performance, or schedule since the most recent such report.

"(3) A status report on a particular major defense acquisition program need not be included in any Selected Acquisition Report with the approval of the Committees on Armed Services of the Senate and House of Representatives.

"(c) Each Selected Acquisition Report for the first quarter of a fiscal year shall include (1) the same information, in detailed and summarized form, as is provided in reports submitted under section 139 of this title, (2) the current program acquisition unit cost for each major defense acquisition program included in the report and the history of that cost from the date the program was first included in a Selected Acquisition Report to the end of the quarter for which

10 USC 139.

the current report is submitted, and (3) such other information as the Secretary of Defense considers appropriate. Selected Acquisition Reports for the first quarter of a fiscal year shall be known as comprehensive annual Selected Acquisition Reports.

"(d)(1) Each Selected Acquisition Report for the second, third, and fourth quarters of a fiscal year shall include—

"(A) with respect to each major defense acquisition program that was included in the most recent comprehensive annual Selected Acquisition Report, the information described in subsection (e); and

96 STAT. 741

"(B) with respect to each major defense acquisition program that was not included in the most recent comprehensive annual Selected Acquisition Report, the information described in subsection (c).

Quarterly Selected Acquisition Reports.

"(2) Selected Acquisition Reports for the second, third, and fourth quarters of a fiscal year shall be known as Quarterly Selected Acquisition Reports.

"(e) Information to be included under this subsection in a Quarterly Selected Acquisition Report with respect to a major defense acquisition program is as follows:

"(1) The quantity of items to be purchased under the program.

"(2) The program acquisition cost.

"(3) The program acquisition unit cost.

"(4) The current procurement cost for the program.

"(5) The current procurement unit cost for the program.

"(6) The reasons for any change in program acquisition cost, program acquisition unit cost, procurement cost, or procurement unit cost or in program schedule from the previous Selected Acquisition Report.

"(7) The major contracts under the program and the reasons for any cost or schedule variances under those contracts since the last Selected Acquisition Report.

"(8) The completion status of the program (A) expressed as the percentage that the number of years for which funds have been appropriated for the program is of the number of years for which it is planned that funds will be appropriated for the program, and (B) expressed as the percentage that the amount of funds that have been appropriated for the program is of the total amount of funds which it is planned will be appropriated for the program.

"(9) Program highlights since the last Selected Acquisition Report.

Submittal dates.

"(f) Each comprehensive annual Selected Acquisition Report shall be submitted within 30 days after the date on which the President transmits the Budget to Congress for the following fiscal year, and each Quarterly Selected Acquisition Report shall be submitted within 30 days after the end of the fiscal-year quarter. If a preliminary report is submitted for the comprehensive annual Selected Acquisition Report in any year, the final report shall be submitted within 15 days after the submission of the preliminary report.

10 USC 139b.

"§ 139b. Oversight of cost growth of major programs: unit cost reports

Definitions.

"(a) In this section:

Ante, p. 739.

"(1) 'Major defense acquisition program', 'program acquisition unit cost', 'procurement unit cost', and 'major contract' have the same meanings as provided in section 139a(a) of this title.

"(2) 'Baseline Selected Acquisition Report', with respect to a unit cost report that is submitted under this section to the Secretary concerned on a major defense acquisition program, means the Selected Acquisition Report in which information on the program is first included or the comprehensive annual Selected Acquisition Report for the fiscal year immediately before the fiscal year containing the quarter with respect to which the unit cost report is submitted, whichever is later.

"(3) 'Procurement program' means a program for which funds for procurement are authorized to be appropriated in a fiscal year. 96 STAT. 742

"(b) The program manager for a defense acquisition program that as of the end of a fiscal-year quarter is a major defense acquisition program (other than a program not required to be included in the Selected Acquisition Report for that quarter under section 139a(b)(3) of this title) shall, not more than 7 days after the end of that quarter, submit to the Secretary concerned a written report on the unit costs of the program. The program manager shall include in each such unit cost report the following information with respect to the program (as of the last day of the quarter for which the report is made):

Unit cost report

Ante, p 739

Information

"(1) The program acquisition unit cost.

"(2) In the case of a procurement program, the procurement unit cost.

"(3) Any cost variance or schedule variance in a major contract under the program since the baseline Selected Acquisition Report was submitted.

"(4) Any changes from program schedule milestones or program performances reflected in the baseline Selected Acquisition Report that are known, expected, or anticipated by the program manager.

"(c)(1) If the program manager of a major defense acquisition program for which a unit cost report has previously been submitted under subsection (b) determines at any time during a fiscal-year quarter that there is reasonable cause to believe—

"(A) that the program acquisition unit cost for the program has increased by more than 15 percent over the program acquisition unit cost for the program as shown in the baseline Selected Acquisition Report;

"(B) in the case of a major defense acquisition program that is a procurement program, that the current procurement unit cost for the program has increased by more than 15 percent over the procurement unit cost for the program as reflected in the baseline Selected Acquisition Report; or

"(C) that cost variances or schedule variances of a major contract under the program have resulted in an increase in the cost of the contract of at least 15 percent over the cost of the contract as of the time the contract was made;

and if a unit cost report indicating an increase of such percentage or more has not previously been submitted to the Secretary concerned during the current fiscal year (other than the unit cost report under subsection (b) for the last quarter of the preceding fiscal year), then the program manager shall immediately submit to the Secretary concerned a unit cost report containing the information, determined as of the date of the report, required under subsection (b).

"(2) If in any fiscal year the program manager for a major defense acquisition program has submitted to the Secretary concerned a unit cost report (other than the unit cost report under subsection (b) for the last quarter of the preceding fiscal year) indicating an increase of 15 percent or more in a category described in clauses (A) through (C) of paragraph (1) and subsequently determines that there is reasonable cause to believe—

"(A) that the current program acquisition unit cost of the program has increased by more than 5 percent over the current program acquisition unit cost as shown in the most recent report under this subsection or subsection (b) submitted to the Secretary concerned with respect to that program;

96 STAT. 743

"(B) in the case of a major defense acquisition program that is a procurement program, that the current procurement unit cost for the program has increased by more than 5 percent over the current procurement unit cost as shown in the most recent report under this subsection or subsection (b) submitted to the Secretary concerned with respect to that program; or

"(C) that cost variances or schedule variances of a major contract under the program have resulted in an increase in the cost of the contract of at least 5 percent over the cost of the contract as shown in the most recent report under this subsection or subsection (b) submitted to the Secretary concerned with respect to that program;

Report

the program manager shall immediately submit to the Secretary concerned a unit cost report containing the information, determined as of the date of the report, required by subsection (b).

"(d)(1) When a unit cost report is submitted to the Secretary concerned under this section with respect to a major defense acquisition program, the Secretary shall determine whether the current program acquisition unit cost for the program has increased by more than 15 percent, or by more than 25 percent, over the program acquisition unit cost for the program as shown in the baseline Selected Acquisition Report.

"(2) When a unit cost report is submitted to the Secretary concerned under this section with respect to a major defense acquisition program that is a procurement program, the Secretary concerned shall, in addition to the determination under paragraph (1), determine whether the current procurement unit cost for the program has increased by more than 15 percent, or by more than 25 percent, over the procurement unit cost for the program as reflected in the baseline Selected Acquisition Report.

Unit cost increase; notification to Congress.

"(3) If the Secretary concerned determines (for the first time since the beginning of the current fiscal year) that the current program acquisition unit cost has increased by more than 15 percent, or by more than 25 percent, as determined under paragraph (1) or that the current procurement unit cost has increased by more than 15 percent, or by more than 25 percent, as determined under paragraph (2)—

"(A) the Secretary shall notify Congress in writing of such determination and of the increase with respect to such program within 30 days after the date on which the unit cost report that is the basis for such determination was submitted to him and shall include in such notification the date on which the determination was made; and

Obligated funds, prohibition.

"(B) except as provided in subsection (e), additional funds may not be obligated in connection with such program—

"(i) after the end of the 30-day period beginning on the day on which the Secretary makes such determination, in the case of a percentage increase of more than 15 but less than 25 percent; or

"(ii) after the end of the 60-day period beginning on the day on which the Secretary makes such determination, in the case of a percentage increase of more than 25 percent.

"(e)(1) The prohibition in subsection (d)(3)(B) on the obligation of funds for a major defense acquisition program does not apply in the case of a program to which it would otherwise apply in the case of a determination of a 15 percent increase (as determined under subsection (d)) if the Secretary concerned submits to Congress, before the end of the 30-day period referred to in such subsection, a report containing the information described in subsection (g).

96 STAT. 744

"(2) The prohibition in subsection (d)(3)(B) on the obligation of funds for a major defense acquisition program does not apply in the case of a program to which it would otherwise apply, in the case of a determination of a 25 percent increase (as determined under subsection (d))—

"(A) if the increase was due to termination or cancellation of the acquisition program; or

"(B) if the Secretary of Defense submits to Congress, before the end of the 60-day period referred to in such subsection—

"(i) a written certification stating that—

"(I) such acquisition program is essential to the national security;

"(II) there are no alternatives to such acquisition program which will provide equal or greater military capability at less cost;

"(III) the new estimates of the program acquisition unit cost or procurement unit cost are reasonable; and

"(IV) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost; and

"(ii) if a report under paragraph (1) has been previously submitted to Congress with respect to such program for the current fiscal year but was based upon a different unit cost report from the program manager to the Secretary concerned, a further report containing the information described in subsection (g), determined from the time of the previous report to the time of the current report.

Waiver.

"(3) The prohibition in subsection (d)(3)(B) on the obligation of funds for a major defense acquisition program shall cease to apply in the case of a program to which it would otherwise apply if, after such prohibition has taken effect, the Committees on Armed Services of the Senate and House of Representatives waive the prohibition with respect to such program.

"(f) Any determination of a percentage increase under this section shall include expected inflation.

"(g)(1) Except as provided in paragraph (2), each report under subsection (e) with respect to a major defense acquisition program shall include the following:

"(A) The name of the major defense acquisition program.

"(B) The date of the preparation of the report.

"(C) The program phase as of the date of the preparation of the report.

"(D) The estimate of the program acquisition cost for the program as shown in the Selected Acquisition Report in which the program was first included, expressed in constant base-year dollars and in current dollars.

"(E) The current program acquisition cost in constant base-year dollars and in current dollars.

"(F) A statement of the reasons for any increase in program acquisition unit cost or procurement unit cost.

"(G) The completion status of the program (i) expressed as the percentage that the number of years for which funds have been appropriated for the program is of the number of years for which it is planned that funds will be appropriated for the program, and (ii) expressed as the percentage that the amount of funds that have been appropriated for the program is of the total amount of funds which it is planned will be appropriated for the program.

96 STAT. 745

"(H) The fiscal year in which information on the program was first included in a Selected Acquisition Report (referred to in this paragraph as the 'base year') and the date of that Selected Acquisition Report in which information on the program was first included.

"(I) The date of the baseline Selected Acquisition Report.

"(J) The current change and the total change, in dollars and expressed as a percentage, in the program acquisition unit cost, stated both in constant base-year dollars and in current dollars.

"(K) The current change and the total change, in dollars and expressed as a percentage, in the procurement unit cost, stated both in constant base-year dollars and in current dollars.

"(L) The quantity of end items to be acquired under the program and the current change and total change, if any, in that quantity.

"(M) The identities of the military and civilian officers responsible for program management and cost control of the program.

"(N) The action taken and proposed to be taken to control future cost growth of the program.

"(O) Any changes made in the performance or schedule milestones of the program and the extent to which such changes have contributed to the increase in program acquisition unit cost or procurement unit cost.

Contract performance assessment information.

"(P) The following contract performance assessment information with respect to each major contract under the program:

"(i) The name of the contractor.

"(ii) The phase that the contract is in at the time of the preparation of the report.

"(iii) The percentage of work under the contract that has been completed.

"(iv) Any current change and the total change, in dollars and expressed as a percentage, in the contract cost.

"(v) The percentage by which the contract is currently ahead of or behind schedule.

"(vi) A narrative providing a summary explanation of the most significant occurrences, including cost and schedule variances under major contracts of the program, contributing to the changes identified and a discussion of the effect these occurrences will have on future program costs and the program schedule.

Report exclusions.

"(2) If a program acquisition unit cost increase or a procurment unit cost increase for a major defense acquisition program that results in a report under this subsection is due to termination or cancellation of the entire program, only the information specified in clauses (A) through (F) of paragraph (1) and the percentage change in program acquisition unit cost or procurement unit cost that resulted in the report need be included in the report.".

10 USC 139.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139 the following new items:

96 STAT. 746

"139a. Oversight of cost growth in major programs: Selected Acquisition Reports.
"139b. Oversight of cost growth in major programs: unit cost reports.".

Repeal

(b) Section 811 of the Department of Defense Appropriation Authorization Act, 1976 (10 U.S.C. 139 note), is repealed.

Effective dates.
10 USC 139a note
Ante, pp. 739, 741

(c) Sections 139a and 139b of title 10, United States Code, as added by subsection (a), shall take effect on January 1, 1983, and shall apply beginning with respect to reports for the first quarter of fiscal year 1983. The repeal made by subsection (b) shall take effect on January 1, 1983.

OVERSIGHT OF DEFENSE EXPENDITURES

Report to congressional committees

SEC. 1108. (a) Concurrent with the submission of the budget to Congress for fiscal year 1984, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report concerning the strength requested in such budget for civilian personnel for the Defense Contract Audit Agency, the Defense Audit Service, and the Defense Criminal Investigative Service. Such report shall state the number of such personnel at the end of fiscal year 1982, the number at the time the report is submitted, and the number requested in that budget and shall include a justification for the number requested. The report shall also include the opinion of the Secretary of Defense on whether the number requested is sufficient for those agencies to accomplish their functions with respect to the reduction of waste, fraud, and abuse in defense expenditures during the next fiscal year, particularly in

Personnel data

light of any increases (in real terms) in the levels of appropriations requested in that budget for operations, procurement of new equipment, and for research, development, test, and evaluation.

(b) The Secretary shall include in the report under subsection (a) information concerning the savings in defense expenditures achieved by the Defense Contract Audit Agency, the Defense Audit Service, and the Defense Criminal Investigative Service during fiscal year 1982, including a statement for each agency of the amount of such cost savings achieved as a percentage of the number of dollars spent by such agency during such year.

CONTINUATION OF TEST PROGRAM TO AUTHORIZE PRICE DIFFERENTIAL TO RELIEVE ECONOMIC DISLOCATIONS

10 USC 2392 note.

Contract provisions.

Sec. 1109. (a) The Secretary of Defense should conduct a test program during fiscal year 1983 in accordance with this subsection to test the effect of exempting certain contracts of the Department of Defense from the provisions of section 2892 of title 10, United States Code, and paying a price differential under such contracts for the purpose of relieving economic dislocations. Under such test program, the Secretary of Defense may exempt from the provisions of such section any contract (other than a contract for the purchase of fuel) made by the Defense Logistics Agency during fiscal year 1983 if the contract is to be awarded to an individual or firm located in a Labor Surplus Area (as defined and identified by the Department of Labor) and if the Secretary determines—

(1) that the awarding of such contract will not adversely affect the national security of the United States;

(2) that there is a reasonable expectation that bids will be received from a sufficient number of responsible bidders so that the award of such contract will be made at reasonable cost to the United States;

96 STAT. 747

(3) that the price differential to be paid under such contract will not exceed 2.2 percent; and

(4) the value of such contract, when added to the cumulative value of all other contracts awarded under the test program authorized by this section, will not exceed $4,000,000,000.

Report to Congress.

(b) Not later than April 15, 1983, the President shall submit a report to Congress on the implementation and results to that date of the test program authorized by subsection (a). The report shall include an assessment of the costs and benefits of the test program.

PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS

Sec. 1110. None of the funds appropriated pursuant to an authorization of appropriations in this or any other Act may be used for the purpose of consolidating any of the functions being performed on the date of the enactment of this Act by the Military Traffic Management Command of the Army, the Military Sealift Command of the Navy, or the Military Airlift Command of the Air Force with any function being performed on such date by either or both of the other commands.

PROHIBITION REGARDING CONTRACTS FOR THE PERFORMANCE OF FIREFIGHTING AND SECURITY FUNCTIONS

Sec. 1111. None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended to enter into any contract for the performance of firefighting functions or security-guard functions at any military installation or facility, except when such funds are for the express purpose of providing for the renewal of contracts in effect on the date of the enactment of this Act.

MODIFICATION OF REPORTS ON CONVERSION OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE

SEC. 1112. (a) Section 502 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2304 note), is amended—

(1) by striking out "Department of Defense personnel" each time it appears and inserting in lieu thereof "Department of Defense civilian employees"; and

(2) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) Except as provided in subsection (a)(1), subsections (a) through (c) shall not apply to a commercial or industrial type function of the Department of Defense that is being performed by 10 or fewer Department of Defense civilian employees.

"(e) In no case may any commercial or industrial type function being performed by Department of Defense personnel be modified, reorganized, divided, or in any way changed for the purpose of exempting from the requirements of subsection (a)(2) the conversion of all or any part of such function to performance by a private contractor.

96 STAT. 748

"(f) The provisions of this section shall not apply during war or a period of national emergency declared by the President or the Congress.".

Effective date. 10 USC 2304 note.

(b) The amendments made by subsection (a) shall take effect on October 1, 1982.

ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT

SEC. 1113. (a) Section 12 of the Military Selective Service Act (50 U.S.C. App. 462) is amended by adding after subsection (e) the following new subsection:

50 USC app. 453. Registration requirements.

"(f)(1) Any person who is required under section 3 to present himself for and submit to registration under such section and fails to do so in accordance with any proclamation issued under such section, or in accordance with any rule or regulation issued under such section, shall be ineligible for any form of assistance or benefit provided under title IV of the Higher Education Act of 1965.

"(2) In order to receive any grant, loan, or work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), a person who is required under section 3 to present himself for and submit to registration under such section shall file with the institution of higher education which the person intends to attend, or is attending, a statement of compliance with section 3 and regulations issued thereunder.

Statements of compliance verification methods.

"(3) The Secretary of Education, in agreement with the Director, shall prescribe methods for verifying such statements of compliance filed pursuant to paragraph (2). Such methods may include requiring institutions of higher education to provide a list to the Secretary of Education or to the Director of persons who have submitted such statements of compliance.

Regulations.

"(4) The Secretary of Education, in consultation with the Director, shall issue regulations to implement the requirements of this subsection. Such regulations shall provide that any person to whom the Secretary of Education proposes to deny assistance or benefits under title IV for failure to meet the registration requirements of section 3 and regulations issued thereunder shall be given notice of the proposed denial and shall have a suitable period (of not less than thirty days) after such notice to provide the Secretary with information and materials establishing that he has complied with the registration requirement under section 3. Such regulations shall also provide that the Secretary may afford such person an opportunity for a hearing to establish his compliance or for any other purpose.".

Hearing.

Effective date. 50 USC app. 462 note. 20 USC 1070.

(b) The amendment made by subsection (a) shall apply to loans, grants, or work assistance under title IV of the Higher Education Act for periods of instruction beginning after June 30, 1983.

MILITARY RECRUITING INFORMATION

SEC. 1114. (a) The Congress finds that in order for Congress to carry out effectively its constitutional authority to raise and support armies, it is essential—

(1) that the Secretary of Defense obtain and compile directory information pertaining to students enrolled in secondary schools throughout the United States; and

(2) that such directory information be used only for military recruiting purposes and be retained in the case of each person with respect to whom such information is obtained and compiled for a limited period of time.

10 USC 503 note.

(b)(1) Section 503 of title 10, United States Code, is amended—

(A) by inserting "(a)" before "The Secretary"; and

(B) by adding at the end thereof the following new subsection:

"(b)(1) The Secretary of Defense may collect and compile directory information pertaining to each student who is 17 years of age or older or in the eleventh grade (or its equivalent) or higher and who is enrolled in a secondary school in the United States or its territories, possessions, or the Commonwealth of Puerto Rico.

"(2) The Secretary may make directory information collected and compiled under this subsection available to the armed forces for military recruiting purposes. Such information may not be disclosed for any other purpose.

"(3) Directory information pertaining to any person may not be maintained for more than 3 years after the date the information pertaining to such person is first collected and compiled under this subsection.

"(4) Directory information collected and compiled under this subsection shall be confidential, and a person who has had access to such information may not disclose such information except for the purposes described in paragraph (2).

"(5) The Secretary of Defense shall prescribe regulations to carry out this subsection. Regulations prescribed under this subsection shall be submitted to the Committees on Armed Services of the Senate and House of Representatives. Regulations prescribed by the Secretaries concerned to carry out this subsection shall be as uniform as practicable.

Regulations.
Submittal to congressional committees.

"(6) Nothing in this subsection shall be construed as requiring, or authorizing the Secretary of Defense to require, that any educational institution furnish directory information to the Secretary.

"(7) In this subsection, 'directory information' means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational agency or institution attended by the student.".

"Directory information."

(2) The heading for such section is amended to read as follows:

"§ 503. Enlistments: recruiting campaigns; compilation of directory information".

(3) The item relating to such section in the table of sections at the beginning of chapter 31 of such title is amended to read as follows:

"503. Enlistments: recruiting campaigns; compilation of directory information.".

(c)(1) Chapter 31 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 520a. Criminal history information for military recruiting purposes

10 USC 520a.

"(a) Each State and each unit of general local government of a State is requested to make available, upon request, to the Secretary concerned any criminal history information maintained by or available to such State or unit of general local government which pertains to any person who, within 90 days before the date on which such information was requested (1) has applied for enlistment in the armed forces, or (2) has applied, in connection with such person's application for enlistment, for participation in a program of the armed forces which requires a determination of the trustworthiness of persons who participate in such program.

"Criminal history information."

"(b) In this section, 'criminal history information' means the following information with respect to any juvenile or adult arrest, citation, or conviction of any person referred to in subsection (a):

"(1) The offense involved.

"(2) The age of the person with respect to whom such information pertains.

"(3) The dates of the arrest, citation, and conviction, if any.

"(4) The place the offense was alleged to have been committed, the place of the arrest, and the court to which the case was assigned.

"(5) The disposition of the case.

"(c) Criminal history information received under this section shall be confidential, and a person who has had access to any information received under this section may not disclose such information except to facilitate military recruiting.

Regulations.

Submittal to congressional committees.

"(d) The Secretaries concerned shall prescribe regulations, which shall be as uniform as practicable, to carry out this section. Regulations prescribed under this section shall be submitted to the Committees on Armed Services of the Senate and House of Representatives.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"520a. Criminal history information for military recruiting purposes.".

ACTIVE DUTY FOR TRAINING OF PERSONS ENLISTING IN A RESERVE COMPONENT OF THE ARMED FORCES

SEC. 1115. (a) The second sentence of section 511(d) of title 10, United States Code, is amended by striking out "180 days" and inserting in lieu thereof "270 days".

Effective date.

(b) The amendment made by this section shall be effective with respect to persons enlisting in a reserve component of the Armed Forces after the end of the ninety-day period beginning on the date of the enactment of this Act.

TEMPORARY INCREASE IN NUMBER OF NAVY OFFICERS THAT MAY SERVE IN THE GRADE OF VICE ADMIRAL

10 USC 525 note.

SEC. 1116. During fiscal year 1983, the number of officers of the Navy authorized under section 525(b)(2) of title 10, United States Code, to be on active duty in grades above rear admiral is increased by three. None of the additional officers in grades above rear admiral authorized by this section may be in the grade of admiral.

DEPARTMENT OF DEFENSE OFFICE OF INSPECTOR GENERAL

5 USC app.

SEC. 1117. (a) The Inspector General Act of 1978 (Public Law 95-452) is amended—

(1) by inserting "the Department of Defense," after "Commerce," in section 2(1);

(2) by redesignating subparagraphs (C) through (M) of section 9(a)(1) as subparagraphs (D) through (N), respectively;

(3) by inserting after subparagraph (B) of section 9(a)(1) the following new subparagraph:

"(C) of the Department of Defense, the offices of that department referred to as the 'Defense Audit Service' and the 'Office of Inspector General, Defense Logistics Agency', and that portion of the office of that department referred to as the 'Defense Investigative Service' which has responsibility for the investigation of alleged criminal violations;";

5 USC app.

(4) by inserting "Defense," after "Commerce," in section 11(1); and

(5) by inserting "Defense," after "Commerce," in section 11(2).

5 USC app.

(b) Section 8 of the Inspector General Act of 1978 is amended to read as follows:

"ADDITIONAL PROVISIONS WITH RESPECT TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

"SEC. 8. (a) No member of the Armed Forces, active or reserve, shall be appointed Inspector General of the Department of Defense.

5 USC app.

"(b)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Secretary of Defense with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning—

5 USC app.
Audits, investigations, or subpoenas.

"(A) sensitive operational plans;

"(B) intelligence matters;

"(C) counterintelligence matters;

"(D) ongoing criminal investigations by other administrative units of the Department of Defense related to national security; or

"(E) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described in paragraph (1) the Secretary of Defense may prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to preserve the national security interests of the United States.

"(3) If the Secretary of Defense exercises any power under paragraph (1) or (2), the Inspector General shall submit a statement concerning such exercise within thirty days to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees of the Congress.

Submittal to congressional committees.

"(4) The Secretary shall, within thirty days after submission of a statement under paragraph (3), transmit a statement of the reasons for the exercise of power under paragraph (1) or (2) to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees.

Statement of reasons, transmittal to congressional committees.

"(c) In addition to the other duties and responsibilities specified in this Act, the Inspector General of the Department of Defense shall—

Duties and responsibilities.

"(1) be the principal adviser to the Secretary of Defense for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department;

96 STAT. 752

"(2) initiate, conduct, and supervise such audits and investigations in the Department of Defense (including the military departments) as the Inspector General considers appropriate;

"(3) provide policy direction for audits and investigations relating to fraud, waste, and abuse and program effectiveness;

"(4) investigate fraud, waste, and abuse uncovered as a result of other contract and internal audits, as the Inspector General considers appropriate;

"(5) develop policy, monitor and evaluate program performance, and provide guidance with respect to all Department activities relating to criminal investigation programs;

"(6) monitor and evaluate the adherence of Department auditors to internal audit, contract audit, and internal review principles, policies, and procedures;

"(7) develop policy, evaluate program performance, and monitor actions taken by all components of the Department in response to contract audits, internal audits, internal review reports, and audits conducted by the Comptroller General of the United States;

"(8) request assistance as needed from other audit, inspection, and investigative units of the Department of Defense (including military departments); and

"(9) give particular regard to the activities of the internal audit, inspection, and investigative units of the military departments with a view toward avoiding duplication and insuring effective coordination and cooperation.

Violations.
5 USC app.
10 USC 801 *et seq.*

"(d) Notwithstanding section 4(d), the Inspector General of the Department of Defense shall expeditiously report suspected or alleged violations of chapter 47 of title 10, United States Code (Uniform Code of Military Justice), to the Secretary of the military department concerned or the Secretary of Defense.

5 USC app.

"(e) For the purposes of section 7, a member of the Armed Forces shall be deemed to be an employee of the Department of Defense.

5 USC app.
Report to congressional committees.

"(f)(1) Each semiannual report prepared by the Inspector General of the Department of Defense under section 5(a) shall include information concerning the numbers and types of contract audits conducted by the Department during the reporting period. Each such report shall be transmitted by the Secretary of Defense to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees of the Congress.

Report to congressional committees.

"(2) Any report required to be transmitted by the Secretary of Defense to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified in such section, to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives.

"(g) The provisions of section 1385 of title 18, United States Code, shall not apply to audits and investigations conducted by, under the direction of, or at the request of the Inspector General of the Department of Defense to carry out the purposes of this Act.".

5 USC app.

(c) Section 5 of such Act is amended by adding at the end thereof the following new subsection:

"(e)(1) Nothing in this section shall be construed to authorize the public disclosure of information which is—

96 STAT. 753

"(A) specifically prohibited from disclosure by any other provision of law;

"(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

"(C) a part of an ongoing criminal investigation.

Disclosure to public.

"(2) Notwithstanding paragraph (1)(C), any report under this section may be disclosed to the public in a form which includes information with respect to a part of an ongoing criminal investigation if such information has been included in a public record.

"(3) Nothing in this section or in any other provision of this Act shall be construed to authorize or permit the withholding of information from the Congress, or from any committee or subcommittee thereof.".

(d) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"Inspector General, Department of Defense.".

Transfer of positions.
5 USC app.

(e) In addition to the positions transferred to the Office of the Inspector General of the Department of Defense, pursuant to the amendments made by subsection (a) of this section, the Secretary of Defense shall transfer to the Office of Inspector General of the Department of Defense not less than one hundred additional audit positions. The Inspector General of the Department of Defense shall fill such positions with persons trained to perform contract audits.

EXTENSION OF PERIOD FOR TRANSFER OF DEFENSE DEPENDENTS' EDUCATION SYSTEM TO DEPARTMENT OF EDUCATION

SEC. 1118. The first sentence of section 302(a) of the Department of Education Organization Act (20 U.S.C. 3442) is amended by striking out "three years after the effective date of this Act" and inserting in lieu thereof "May 4, 1984".

OPEN ENROLLMENT PERIOD FOR RESERVES UNDER THE SURVIVOR BENEFIT PLAN

10 USC 1448 note.

SEC. 1119. (a) Subsection (b) of section 212 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 383) is amended by striking out the period at the end and inserting in lieu thereof ", in the case of a member or former member of the uniformed services who on August 13, 1981, was entitled to retired or retainer pay, and the period beginning on October 1, 1982, and ending on September 30, 1983, in the case of a member or former member who on August 13, 1981, would have been entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under sixty years of age on that date.".

10 USC 1331 *et seq.*

(b) Subsection (e)(1) of such section is amended to read as follows:

"Eligible members."

"(1) The term 'eligible member' means a member or former member of the uniformed services who on August 13, 1981 (A) was entitled to retired or retainer pay, or (B) would have been entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under sixty years of age on that date.".

96 STAT. 754

REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

22 USC 1928 note.

SEC. 1120. Section 1006(c) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 94 Stat. 1120), is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "March 1, 1982" and inserting in lieu thereof "March 1, 1983";

(3) by redesignating clauses (1) through (5) as clauses (A) through (E), respectively;

(4) by inserting "and their impact on mutual defense efforts" before the semicolon at the end of clause (A) (as so redesignated);

(5) by striking out "fiscal year 1982" both places it appears and inserting in lieu thereof "fiscal year 1983";

(6) by striking out "and" at the end of clause (D) (as so redesignated);

(7) by striking out the period at the end of clause (E) (as so redesignated) and inserting in lieu thereof a semicolon and "and"; and

(8) by adding after clause (E) the following:

"(F) a description of what additional actions the President plans to take should the efforts by the United States referred to in clauses (B) and (E) fail and, in those instances where such additional actions do not include consideration of the repositioning of elements of the Armed Forces of the United States, a detailed explanation as to why such repositioning is not being so considered.

Report to Congress.

"(2) If the report required by paragraph (1) as submitted to Congress is designated as having been classified, pursuant to Executive order, as requiring protection against unauthorized disclosure in the interest of national defense or foreign policy, then not later than thirty days after the submission of such report the Secretary shall submit to Congress a further report containing all the information in the initial report that does not require such protection.".

REPORT ON STANDARDIZATION OF NATO WEAPONS

SEC. 1121. Section 302(c) of the Department of Defense Appropriation Authorization Act, 1975 (88 Stat. 402; 10 U.S.C. 2451 note), is amended by adding at the end thereof the following: "The Secretary shall also include in each such report—

"(1) a description of each existing and planned program of the Department of Defense that supports the development or procurement of a weapon system or other military equipment originally developed or procured by members of the North Atlantic Treaty Organization (NATO) other than the United States and for which funds have been authorized to be appropriated for the fiscal year in which the report is submitted;

"(2) a summary listing of the amount of funds appropriated for all such existing and planned programs for the fiscal year in which the report is submitted; and

"(3) a summary listing of the amount of funds requested, or proposed to be requested, for all such programs for each of the 2 fiscal years following the fiscal year for which the report is submitted.

Such report shall also include a description of each weapon system or other military equipment originally developed or procured in the United States and that is being developed or procured by members of the North Atlantic Treaty Organization (NATO) other than the United States during the fiscal year for which the report is submitted.".

96 STAT. 755

NATO DEFENSE INDUSTRIAL COOPERATION

22 USC 1928 note.

SEC. 1122. (a) The Congress finds that—

(1) the United States remains firmly committed to cooperating closely with its North Atlantic Treaty Organization (hereinafter in this section referred to as "NATO") allies in protecting liberty and maintaining world peace;

(2) the financial burden of providing for the defense of Western Europe and for the protection of the interests of NATO member countries in areas outside the NATO treaty area has reached such proportions that new cooperative approaches among the United States and its NATO allies are required to achieve and maintain an adequate collective defense at acceptable costs;

(3) the need for a credible conventional deterrent in Western Europe has long been recognized in theory but has never been fully addressed in practice;

(4) a more equitable sharing by NATO member countries of both the burdens and the technological and economic benefits of the common defense would do much to reinvigorate the North Atlantic Treaty Organization alliance with a restored sense of unity and common purpose;

(5) a decision to coordinate more effectively the enormous technological, industrial, and economic resources of NATO member countries will not only increase the efficiency and effectiveness of NATO military expenditures but also provide inducement for the Soviet Union to enter into a meaningful arms reduction agreement so that both Warsaw Pact countries and NATO member countries can devote more of their energies and resources to peaceful and economically more beneficial pursuits.

(b) It is the sense of the Congress that the President should propose to the heads of government of the NATO member countries that the NATO allies of the United States join the United States in agreeing—

(1) to coordinate more effectively their defense efforts and resources to create, at acceptable costs, a credible, collective, conventional force for the defense of the North Atlantic Treaty area;

(2) to establish a cooperative defense-industrial effort within Western Europe and between Western Europe and North America that would increase the efficiency and effectiveness of NATO expenditures by providing a larger production base while eliminating unnecessary duplication of defense-industrial efforts;

(3) to share more equitably and efficiently the financial burdens, as well as the economic benefits (including jobs, technology, and trade) of NATO defense; and

(4) to intensify consultations promptly for the early achievement of the objectives described in clauses (1) through (3).

STUDY OF IMPROVED CONTROL OF USE OF NUCLEAR WEAPONS

SEC. 1123. (a) The Secretary of Defense shall conduct a full and complete study and evaluation of possible initiatives for improving the containment and control of the use of nuclear weapons, particularly during crises. Such study and evaluation shall include consideration of the following:

(1) Establishment of a multi-national military crisis control center for monitoring and containing the use or potential use of nuclear weapons by third parties or terrorist groups.

(2) Development of a forum through which the United States and the Soviet Union could exchange information pertaining to nuclear weapons that could potentially be used by third parties or terrorist groups.

(3) Development of measures for building confidence between the United States and the Soviet Union for improved crisis stability and arms control, including—

(A) an improved United States/Soviet Union communications hotline for crisis control;

(B) improved procedures for verification of any arms control agreements;

(C) measures to reduce the vulnerability of command, control, and communications of both nations; and

(D) measures to lengthen the warning time each nation would have of potential nuclear attack.

Report to congressional committees.

(b) The Secretary of Defense shall submit a report of the study and evaluation under subsection (a) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives by February 1, 1983. Such report should be available in both a classified, if necessary, and unclassified format.

Report to congressional committees.

(c) The President shall report to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives by March 1, 1983, on the merits to the arms control process of the initiatives developed under the study and evaluation required by subsection (a) and on the status of any such initiative as it may relate to any arms control negotiation with the Soviet Union.

NEGOTIATIONS FOR BANNING OF CHEMICAL WEAPONS

SEC. 1124. It is the sense of Congress that the President should—

(1) continue to promote actively negotiations among the member countries of the Ad Hoc Working Group on Chemical Warfare of the Committee on Disarmament established by the United Nations General Assembly and meeting in Geneva, Switzerland for the purpose of drafting a treaty for the complete, effective, and verifiable prohibition of the development, production, and stockpiling of all chemical weapons and for their destruction;

(2) press vigorously in every appropriate forum for a full explanation of outstanding allegations concerning Soviet and Soviet-proxy use of chemical weapons in violation of international law; and

(3) communicate to the Government of the Union of Soviet Socialist Republics the earnest desire of the Government of the United States for a comprehensive, verifiable ban on chemical weaponry and the willingness of the Government of the United States to participate in negotiations toward this end as soon as the Government of the United States can be satisfied that the Soviet Union is not in violation of existing international accords applying to the prohibition of first use of chemical weapons and the production and transfer of biological weapons and that the Soviet Union is prepared to agree to provisions needed to ensure the verifiability of an accord banning chemical warfare.

96 STAT. 757

COOPERATIVE MILITARY AIRLIFT AGREEMENTS

SEC. 1125. (a) Chapter 131 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2213.

"§ 2213. Cooperative military airlift agreements

"(a) Subject to the availability of appropriations, and after consultation with the Secretary of State, the Secretary of Defense may enter into cooperative military airlift agreements with the government of any allied country for the transportation of the personnel and cargo of the military forces of that country on aircraft operated by or for the military forces of the United States in return for the reciprocal transportation of the personnel and cargo of the military forces of the United States on aircraft operated by or for the military forces of that allied country. Any such agreement shall include the following terms:

"(1) The rate of reimbursement for transportation provided shall be the same for each party and shall be not less than the rate charged to military forces of the United States, as determined by the Secretary of Defense under section 2208(h) of this title.

10 USC 2208.

"(2) Credits and liabilities accrued as a result of providing or receiving transportation shall be liquidated not less often than once every 3 months by direct payment to the country that has provided the greater amount of transportation.

"(3) During peacetime, the only military airlift capacity that may be used to provide transportation is that capacity that (A) is not needed to meet the transportation requirements of the military forces of the country providing the transportation, and (B) was not created solely to accommodate the requirements of the military forces of the country receiving the transportation.

"(4) Defense articles purchased by an allied country from the United States under the Arms Export Control Act (22 U.S.C. 2751 et seq.) or from a commercial source under the export controls of the Arms Export Control Act may not be transported (for the purpose of delivery incident to the purchase of the defense articles) to the purchasing allied country on aircraft operated by or for the military forces of the United States except at a rate of reimbursement that is equal to the full cost of transportation of the defense articles, as required by section 21(a)(3) of the Arms Export Control Act (22 U.S.C. 2761(a)(3)).

"(b) Subject to the availability of appropriations, and after consultation with the Secretary of State, the Secretary of Defense may enter into nonreciprocal military airlift agreements with North Atlantic Treaty Organization subsidiary bodies for the transportation of the personnel and cargo of such subsidiary bodies on aircraft operated by or for the military forces of the United States. Any such agreement shall be subject to such terms as the Secretary of Defense considers appropriate.

96 STAT. 758

"(c) Any amount received by the United States as a result of an agreement entered into under this section shall be credited to applicable appropriations, accounts, and funds of the Department of Defense.

"(d) Notwithstanding chapter 138 of this title, the Secretary of Defense may enter into military airlift agreements with allied countries only under the authority of this section.

10 USC 2321 *et seq.*

"(e) In this section:

Definitions.

"(1) 'Allied country' means any of the following:

"(A) A country that is a member of the North Atlantic Treaty Organization.

"(B) Australia or New Zealand.

"(C) Any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

"(2) 'North Atlantic Treaty Organization subsidiary bodies' has the meaning given to it by section 2331 of this title.".

10 USC 2331.

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2213. Cooperative military airlift agreements.".

PURCHASE OF FOREIGN-MADE ADMINISTRATIVE MOTOR VEHICLES

Contracts.

SEC. 1126. (a) The Secretary of a military department may, after the date of the enactment of this Act, enter into contracts for the purchase of administrative motor vehicles without regard to section 783 of Public Law 97-114.

95 Stat. 1591.

Contract or agreement, funding.

(b) None of the funds appropriated pursuant to authorizations in this Act may be used by the Secretary of a military department to make a contract or agreement for the purchase of administrative motor vehicles that are manufactured outside the United States or Canada unless the contractor was selected through competitive bidding without a differential in favor of foreign manufacturers. This subsection does not apply to contracts for amounts less than $50,000 or to any contract or agreement in effect on the date of the enactment of this Act with the Federal Republic of Germany, the United Kingdom, or Italy, so long as the vehicles procured under such contract or agreement are standardized or interoperable with the vehicles of the host country.

RESTRICTION ON CONSTRUCTION OF NAVAL VESSELS IN FOREIGN SHIPYARDS

SEC. 1127. (a) Chapter 633 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 7309. Restriction on construction of naval vessels in foreign shipyards

10 USC 7309.

"(a) Except as provided in subsection (b), no naval vessel, and no major component of the hull or superstructure of a naval vessel, may be constructed in a foreign shipyard.

"(b) The President may authorize exceptions to the prohibition in subsection (a) when he determines that it is in the national security interest of the United States to do so. The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date the notice of such determination is received by Congress.".

Notification to Congress.

96 STAT. 759

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"7309. Restriction on construction of naval vessels in foreign shipyards.".

PRIOR NOTIFICATION TO CONGRESS ON FOREIGN SOLE-SOURCE PROCUREMENTS

SEC. 1128. Subject to the provisions of chapter 138 of title 10, United States Code (relating to North Atlantic Treaty Organization mutual support), none of the funds authorized to be appropriated in this Act may be used to enter into a prime contract for the purchase

10 USC 2321 *et seq.*

of a major article of equipment essential to the national defense from a manufacturer outside the United States that makes the United States dependent on that manufacturer as a sole source unless the Secretary of Defense has notified the Committees on Armed Services and Appropriations of the Senate and House of Representatives, in writing, of such proposed contract.

PURCHASE OF CHEMICAL WARFARE PROTECTIVE CLOTHING AND ITEMS CONTAINING SPECIALTY METALS FROM FOREIGN SOURCES

SEC. 1129. Section 723 of the Department of Defense Appropriations Act, 1982 (Public Law 97-114; 95 Stat. 1582) is amended by inserting after the first colon the following: "*Provided*, That nothing in this section shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions if such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or if such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within the North Atlantic Treaty Organization (NATO) so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and section 814 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 2351 note):".

RECOGNITION OF NATIONAL GUARD AND RESERVE FORCES

38 USC 2021 note.

SEC. 1130. (a) The Congress finds that—

(1) the National Guard and Reserve Forces of the United States are an integral part of the total force policy of the United States for national defense and need to be ready to respond, on short notice, to augment the active military forces in time of national emergency;

(2) attracting and retaining sufficient numbers of qualified persons to serve in the Guard and Reserve is a difficult challenge during a period in which authority to induct persons for training and service in the Armed Forces is not provided by law; and

96 STAT. 760

(3) the support of employers and supervisors in granting employees a leave of absence from their jobs to participate in military training without detriment to earned vacation time, promotions, and job benefits is essential to the maintenance of a strong Guard and Reserve force.

(b)(1) It is, therefore, the sense of Congress that the citizen-military volunteers who serve the Nation as members of the National Guard and Reserve require and deserve public recognition of the essential role they play in the national defense, and particularly require and deserve the support and cooperation of their civilian employers, in order to be fully ready to respond to national emergencies.

(2) The Congress recognizes, and requests all citizens to recognize, the vital need for a trained, ready National Guard and Reserve in the national defense posture of the United States and urges and requests employers and supervisors of employees who are members of the National Guard or Reserve to abide by the provisions of chapter 43 of title 38, United States Code, by granting a leave of absence for military training, exclusive of earned vacation, to employees who are members of the Guard and Reserve and by providing such employees equal consideration for job benefits and promotions as all other employees.

38 USC 2021 *et seq.*

REPORT ON VISTA 1999 TASK FORCE REPORT

Study and evaluation.

SEC. 1131. (a) The Secretary of Defense shall conduct a full and complete study and evaluation of the report entitled "VISTA 1999, A Long-Range Look at the Future of the Army and Air National Guard" submitted by the Chairman of the VISTA 1999 task force to the Chief of the National Guard Bureau on March 8, 1982. The study and evaluation shall include the following:

(1) A detailed evaluation of the findings, conclusions, and recommendations of the "VISTA 1999" study.

(2) The views of the Chief of the National Guard Bureau on the "VISTA 1999" study.

(3) Any plans and recommendations for implementation of the recommendations of the "VISTA 1999" study.

Report to congressional committees.

(b) The Secretary of Defense shall submit a report of the study and evaluation required by subsection (a) to the Committees on Armed Services of the Senate and House of Representatives no later than February 1, 1983.

MILITARY PERSONNEL CLAIM RESULTING FROM IRANIAN CRISIS

SEC. 1132. (a) The head of the military department having jurisdiction over Colonel Thomas E. Schaefer, United States Air Force, a member of the uniformed services who was held as a hostage in the Islamic Republic of Iran on or after November 4, 1979, and before January 22, 1981, may settle and pay an amount determined under subsection (b) for any claim against the United States made by such member for the loss of personal property in the Islamic Republic of Iran if the head of the military department determines that—

(1) the loss resulted from acts of mob violence, terrorist attacks, or other hostile acts, directed against the United States Government or its officers or employees;

(2) the loss was incurred on or after December 31, 1978, and before January 22, 1981;

96 STAT. 761

(3) the property was owned and possessed in the Islamic Republic of Iran by the claimant and the ownership and possession of such property was appropriate and reasonable considering the official representational duties and responsibilities of the claimant; and

(4) the claimant had no reasonable opportunity to remove the property from the place where it was lost or could not reasonably have been expected to remove the property from such place before it was lost.

(b) The amount payable under subsection (a) shall be equal to the lesser of—

(1) the excess (if any) of the full replacement cost of the lost personal property over the total amount of compensation for the loss available in such case under section 9 of the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 243a) and from all other sources; or

(2) $75,000.

(c) A claim may be allowed under this section if it is presented in writing within one year after the date of enactment of this Act.

(d) The provisions of section 9 of the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 243a) that are not inconsistent with any provision of this section shall apply in the administration of this section.

Definitions.

(e) For the purposes of this section, the terms "agency", "uniformed services", "settle", and "military department" have the same meanings provided in section 2 of the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240).

USE OF CERTAIN GIFTS TO THE UNITED STATES MILITARY ACADEMY

10 USC 4334 note.

SEC. 1133. (a) Under regulations prescribed by the Secretary of the Army, the Superintendent of the United States Military Academy may (without regard to section 2601 of title 10, United States Code) accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property of a value of $20,000 or less made to the United States on the condition that such gift, devise, or bequest be used for the benefit of the United States Military Academy or any entity thereof. The Secretary of the Army may pay or authorize the payment of all reasonable and necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest under this section.

(b) This section applies with respect to any gift, devise, or bequest made on or after the date of the enactment of this Act for the purpose described in subsection (a) and applies to any such gift, devise, or bequest, or devise made before the date of the enactment of this Act with respect to which the Secretary of the Army has approved application of this section rather than section 2601 of title 10, United States Code.

DESIGNATION OF ESTONIA, LATVIA, AND LITHUANIA ON DEFENSE MAPS

SEC. 1134. None of the funds appropriated pursuant to an authorization of appropriations in this Act may be used to prepare, produce or purchase any map showing the Union of Soviet Socialist Republics that does not—

(1) show the geographic boundaries of Estonia, Latvia, and Lithuania and designate those areas by those names;

96 STAT. 762

(2) include the designation "Soviet Occupied" in parenthesis under each of those names; and

(3) include in close proximity to the area of the Baltic countries the following statement: "The United States Government does not recognize the incorporation of Estonia, Latvia, and Lithuania into the Soviet Union".

Approved September 8, 1982.

LEGISLATIVE HISTORY—S. 2248 (H.R. 6030):

HOUSE REPORTS: No. 97-482 accompanying H.R. 6030 (Comm. on Armed Services) and No. 97-749 (Comm. of Conference).
SENATE REPORT No. 97-330 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 128 (1982):
May 3-6, 11-13, considered and passed Senate.
July 19-22, 27-29, H.R. 6030, considered and passed House; S. 2248, amended, passed in lieu.
Aug. 17, Senate agreed to conference report.
Aug. 18, House agreed to conference report.

---

96 STAT. 1142

Public Law 97-269
97th Congress

An Act

Sept. 27, 1982
[H.R. 6068]

To authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That titles I, II, III, IV, V, and VII may be cited as the "Intelligence Authorization Act for Fiscal Year 1983".

Intelligence and intelligence-related activities, appropriations authorization.
Intelligence Authorization Act for Fiscal Year 1983.

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1983 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1983, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Committee of Conference to accompany H.R. 6068 of the Ninety-seventh Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the schedule, within the executive branch.

Availability to congressional committees and President. Distribution.

96 STAT. 1143

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1983, funds may not be made available for any activity for which funds are authorized to be appropriated by this Act unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 104. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1983 the sum of $12,125,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1983 the sum of $15,400,000.

AUTHORIZATION OF PERSONNEL END-STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and ten full-time personnel as of September 30, 1983. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the Unted States Government.

(b) During fiscal year 1983, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

Personnel detail.

(c) During fiscal year 1983, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1983, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403n) in the same manner as activities and personnel of the Central Intelligence Agency.

95 Stat. 1153.
Post, p. 1154.

96 STAT. 1144

TITLE III CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1983 the sum of $91,300,000.

TITLE IV—SUPPLEMENTAL AUTHORIZATION FOR FISCAL YEAR 1982

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. In addition to the funds authorized to be appropriated under title I of the Intelligence Authorization Act for Fiscal Year 1982 (Public Law 97-89; 95 Stat. 1150), funds are hereby authorized to be appropriated for fiscal year 1982 for the conduct of the intelligence and intelligence-related activities of the United States Government. The amounts authorized to be appropriated under the preceding sentence are those specified for that purpose in the classified Schedule of Authorizations described in section 102.

CEILING ON THE EMPLOYMENT OF CIVILIAN PERSONNEL BY THE CENTRAL INTELLIGENCE AGENCY

SEC. 402. Section 102 of the Intelligence Authorization Act for Fiscal Year 1982 (95 Stat. 1150) is amended—

(1) by striking out in the first sentence "The" and inserting in lieu thereof "(a) Except as provided in subsection (b), the"; and

(2) by adding at the end thereof the following:

"(b) The Director of Central Intelligence may authorize the employment of civilian personnel by the Central Intelligence Agency in excess of the number authorized by subsection (a) when he determines that such action is necessary to the performance of important intelligence functions, except that such additional number may not exceed two percent of the total number authorized for the Central Intelligence Agency by such subsection.

Report to congressional committees.

"(c) The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of any authorization to increase civilian personnel of the the Central Intelligence Agency under subsection (b).".

TITLE V—PROVISIONS RELATED TO INTELLIGENCE AGENCIES

UNAUTHORIZED USE OF DEFENSE INTELLIGENCE AGENCY NAME, INITIALS, OR SEAL

SEC. 501. (a) Title 10, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—DEFENSE AGENCIES

"Sec.

"191. Unauthorized use of Defense Intelligence Agency name, initials, or seal.

96 STAT. 1145

"§ 191. Unauthorized use of Defense Intelligence Agency name, initials, or seal

10 USC 191.

"(a) No person may, except with the written permission of the Secretary of Defense, knowingly use the words 'Defense Intelligence Agency', the initials 'DIA', the seal of the Defense Intelligence Agency, or any colorable imitation of such words, initials or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use in approved, endorsed, or authorized by the Secretary of Defense.

"(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.".

(b) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 7 the following new item:

"8. Defense Agencies .... 191".

AUTOMATIC DATA PROCESSING EQUIPMENT OR SERVICES

SEC. 502. (a) Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c) is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding subsection (e) of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(e)), the provisions of section 111 of such Act relating to the procurement of automatic data processing equipment or services shall not apply with respect to such procurement by the Central Intelligence Agency.".

50 USC 403c note.

(b) Subsection (e) of section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(e)), as added by subsection (a) of this section, does not apply to a contract made before the date of enactment of this Act.

TITLE VI—RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES OF CENTRAL INTELLIGENCE AGENCY EMPLOYEES

SHORT TITLE

Central Intelligence Agency Spouses' Retirement Equity Act of 1982.
50 USC 403 note.

SEC. 601. This title may be cited as the "Central Intelligence Agency Spouses' Retirement Equity Act of 1982".

ANNUITANTS

SEC. 602. Section 204 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

96 STAT. 1146

(1) by inserting "former spouses," after "including surviving wives and husbands,"; and

"Former spouse."

(2) by adding at the end thereof the following:

"(4) 'Former spouse' means a former wife or husband of a participant or former participant who was married to such participant for not less than 10 years during periods of service by that participant which are creditable under sections 251, 252, and 253 of this Act, at least five years of which were spent outside the United States by both the participant and the former spouse.".

50 USC 403 note.

COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES

50 USC 403 note.

SEC. 603. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

(1) by inserting immediately above the section the following section heading: "COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES"; and

(2) by amending subsection (b) to read as follows:

"(b)(1)(A) Except to the extent provided otherwise under a written election under subparagraph (B) or (C), if at the time of retirement a participant or former participant is married (or has a former spouse who has not remarried before attaining age 60), the participant shall receive a reduced annuity and provide a survivor annuity for his or her spouse under this subsection or former spouse under section 222(b), or a combination of such annuities, as the case may be.

Post, p. 1148.

Waiver.

"(B) A married participant or former participant and his or her spouse may jointly elect in writing to waive a survivor annuity for that spouse under this section (or under section 222(b) if the spouse later qualifies as a former spouse under section 204(b)(4)), or to reduce such survivor annuity under this section (or section 222(b)) by designating a portion of the annuity of the participant as the base for the survivor benefit. If the marriage is dissolved following an election for such a reduced annuity and the spouse qualifies as a former spouse, the base used in calculating any annuity of the former spouse under section 222(b) may not exceed the portion of the participant's annuity designated under this subparagraph.

Supra.

Waiver.

Post, p. 1153.

"(C) If a participant or former participant has a former spouse, the participant (or former participant) and such former spouse may jointly elect by spousal agreement under section 263(b) to waive a survivor annuity under section 222(b) for that former spouse, if the election is made (i) before the end of the 12-month period beginning on the date the divorce or annulment involving that former spouse becomes final or (ii) at the time of retirement of the participant.

"(D) The Director may prescribe regulations under which a participant or former participant may make an election under subparagraph (B) or (C) without the participant's spouse or former spouse if the participant establishes to the satisfaction of the Director that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse or former spouse.

"(2) The annuity of a participant or former participant providing a survivor benefit under this section (or section 222(b)), excluding any portion of the annuity not designated or committed as a base for any survivor annuity, shall be reduced by 2½ percent of the first $3,600 plus 10 percent of any amount over $3,600. The reduction under this paragraph shall be calculated before any reduction under section 222(a)(4).

96 STAT. 1147

"(3)(A) If a former participant entitled to receive a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse equal to 55 percent of the full amount of the participant's annuity computed under subsection (a), or 55 percent of any lesser amount elected as the base for the survivor benefit under paragraph (1)(B).

"(B) Notwithstanding subparagraph (A), the amount of the annuity calculated under subparagraph (A) for a surviving spouse in any case in which there is also a surviving former spouse of the participant who qualifies for an annuity under section 222(b) may not exceed 55 percent of the portion (if any) of the base for survivor benefits which remains available under section 222(b)(4)(B).

Post, p. 1148.

"(C) An annuity payable from the fund to a surviving spouse under this paragraph shall commence on the day after the participant dies and shall terminate on the last day of the month before the surviving spouse's death or remarriage before attaining age 60. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.".

RIGHT OF ELECTION

SEC. 604. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by section 603 of this title, is further amended in subsection (g)—

50 USC 403 note.

(1) by inserting "(1)" after "(g)";

(2) by redesignating paragraphs (1) and (2) as clauses (A) and (B), respectively; and

(3) by adding at the end thereof the following:

"(2) A surviving former spouse of any participant or former participant shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the fund unless the survivor elects to receive it instead of any other survivor annuity to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than that participant.".

SUPPLEMENTAL ANNUITIES; RECOMPUTATION OF ANNUITIES

SEC. 605. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by sections 603 and 604 of this title, is further amended by adding at the end thereof the following:

"(m)(1) Any married annuitant who reverts to retired status with entitlement to a supplemental annuity under subsection 271(b) shall, unless the annuitant and his or her spouse jointly elect in writing to the contrary at that time, have the supplemental annuity reduced by 10 percent to provide a supplemental survivor annuity for his or her spouse. Such supplemental survivor annuity shall be equal to 55 percent of the supplemental annuity of the annuitant and shall be payable to a surviving spouse to whom the annuitant was married at the time of reversion to retired status or whom the annuitant subsequently married.

50 USC 403 note.

"(2) The Director shall issue regulations to provide for the application of paragraph (1) of this subsection and of subsection 271(b) in any case in which an annuitant has a former spouse who was married to the participant at any time during a period of recall service and who qualifies for an annuity under section 222(b).

Regulations.

96 STAT. 1148

Infra.

"(n) An annuity which is reduced under this section or any similar prior provision of law to provide a survivor benefit for a spouse shall, if the marriage of the participant to such spouse is dissolved, be recomputed and paid for each full month during which an annuitant is not married (or is remarried if there is no election in effect under the following sentence) as if the annuity had not been so reduced, subject to any reduction required to provide a survivor benefit under section 222 (b) or (c). Upon remarriage the retired participant may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, to receive during such marriage a reduction in annuity for the purpose of allowing an annuity for the new spouse of the annuitant in the event such spouse survives the annuitant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage (unless such reduction is adjusted under section 222(b)(5)), and shall be effective the first day of the first month beginning one year after the date of remarriage. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under subsection (b).

"(o) The Director shall, on an annual basis—

"(1) inform each participant of his or her right of election under subsections (f)(2) and (n); and

"(2) to the maximum extent practicable, inform spouses or former spouses of participants or former participants of their rights under this section and sections 222, 223, and 234 (c), (d), and (e).".

Infra.
Post, p. 1152.

COMPUTATION OF ANNUITIES FOR FORMER SPOUSES

SEC. 606. Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end thereof the following:

"COMPUTATION OF ANNUITIES FOR FORMER SPOUSES

50 USC 403 note.
Post, p. 1153.

"SEC. 222. (a)(1) Unless otherwise expressly provided by any spousal agreement or court order under section 263(b), a former spouse of a participant or former participant is entitled to an annuity—

"(A) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

"(B) if not married to the participant throughout such creditable service, equal to a proportion of 50 percent of such annuity which is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this Act bears to the total number of days of creditable service.

Annuity disqualification.

"(2) A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

"(3) The annuity of a former spouse under this subsection commences on the day the participant upon whose service the annuity is based becomes entitled to an annuity under this title or on the first

96 STAT. 1149

day of the month after the divorce or annulment involved becomes final, whichever is later. The annuity of such former spouse and the right thereto terminate on—

"(A) the last day of the month before the former spouse dies or remarries before 60 years of age; or

"(B) the date the annuity of the participant terminates (except in the case of an annuity subject to paragraph 4(B)).

"(4)(A) The annuity payable to any participant shall be reduced by the amount of an annuity under this subsection paid to any former spouse based upon the service of that participant. Such reduction shall be disregarded in calculating the survivor annuity for any spouse, former spouse, or other survivor under this title, and in calculating any reduction in the annuity of the participant to provide survivor benefits under subsection (b) or section 221(b).

Ante, p. 1146.

"(B) If any annuitant whose annuity is reduced under subparagraph (A) is recalled to service under section 271, or reinstated or reappointed, in the case of a recovered disability annuitant, or if any annuitant is reemployed as provided for under sections 272 and 273, the salary of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the fund.

50 USC 403 note.
50 USC 403 note.

Disability annuity.

"(5) Notwithstanding paragraph (3), in the case of any former spouse of a disability annuitant—

"(A) the annuity of that former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for an annuity under this title (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

"(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

"(6) An annuity under this subsection shall be treated the same as a survivor annuity under subsection (b) for purposes of section 221(g)(2) or any comparable provision of law.

"(7) No spousal agreement or court order under section 263(b) involving any participant may provide for an annuity or any combination of annuities under this subsection which exceeds the annuity of the participant. No such court order relating to an annuity under this subsection may be given effect if it is issued more than 12 months after the date the divorce or annulment involved becomes final.

Post, p. 1153

"(b)(1) Subject to any election under section 221(b)(1)(C) and unless otherwise expressly provided by any spousal agreement or court order under section 263(b), if a former participant who is entitled to receive an annuity is survived by a former spouse, the former spouse shall be entitled to a survivor annuity—

"(A) if married to the participant throughout the creditable service of the participant, equal to 55 percent of the full amount of the participant's annuity, as computed under section 221(a), or

50 USC 403 note.

"(B) if not married to the participant throughout such creditable service, equal to a proportion of 55 percent of the full amount of such annuity which is the proportion that the number of days of the marriage of the former spouse to the former participant during periods of creditable service of such former participant under this Act bears to the total number of days of such creditable service.

96 STAT. 1150

"(2) A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

"(3) An annuity payable from the fund to a surviving former spouse under this subsection shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 60. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

"(4)(A) The maximum survivor annuity or combination of survivor annuities under this section (and section 221(b)(3)) with respect to any participant or former participant may not exceed 55 percent of the full amount of the participant's annuity, as calculated under section 221(a).

Ante, p. 1146.

50 USC 403 note.

"(B) Once a survivor annuity has been provided under this subsection for any former spouse, a survivor annuity for another individual may thereafter be provided under this subsection (or section 221(b)(3)) with respect to a participant or former participant only for that portion (if any) of the maximum available which is not committed for survivor benefits for any former spouse whose prospective right to such annuity has not terminated by reason of death or remarriage.

"(C) After the death of a participant or former participant, a court order under section 263(b) may not adjust the amount of the annuity of any former spouse under this section.

Post, p. 1153.

"(5)(A) For each full month after a former spouse of a participant or former participant dies or remarries before attaining age 60, the annuity of the participant, if reduced to provide a survivor annuity for that former spouse, shall be recomputed and paid as if the annuity had not been so reduced, unless an election is in effect under subparagraph (B).

"(B) Subject to paragraph (4)(B), the participant may elect in writing within one year after receipt of notice of the death or remarriage of the former spouse to continue the reduction in order to provide a higher survivor annuity under section 221(b)(3) for any spouse of the participant.

"(c)(1) In the case of any participant or former participant providing a survivor annuity benefit under subsection (b) for a former spouse—

"(A) such participant may elect, or

"(B) a spousal agreement or court order under section 263(b) may provide for,

an additional survivor annuity under this subsection for any other former spouse or spouse surviving the participant, if the participant satisfactorily passes a physical examination as prescribed by the Director.

"(2) Neither the total amount of survivor annuity or annuities under this subsection with respect to any participant or former participant, nor the survivor annuity or annuities for any one surviving spouse or former spouse of such participant under this section or section 221, shall exceed 55 percent of the full amount of the participant's annuity, as computed under section 221(a).

"(3)(A) In accordance with regulations which the Director shall prescribe, the participant involved may provide for any annuity under this subsection— 96 STAT. 1151

"(i) by a reduction in the annuity or an allotment from the salary of the participant,

"(ii) by a lump-sum payment or installment payments to the fund, or

"(iii) by any combination thereof.

"(B) The present value of the total amount to accrue to the fund under subparagraph (A) to provide any annuity under this subsection shall be actuarially equivalent in value to such annuity, as calculated upon such tables of mortality as may from time to time be prescribed for this purpose by the Director.

"(C) If a former spouse predeceases the participant or remarries before attaining age 60 (or, in the case of a spouse, the spouse does not qualify as a former spouse upon dissolution of the marriage)—

"(i) if an annuity reduction or salary allotment under subparagraph (A) is in effect for that spouse or former spouse, the annuity shall be recomputed and paid as if it had not been reduced or the salary allotment terminated, as the case may be, and

"(ii) any amount accruing to the fund under subparagraph (A) shall be refunded, but only to the extent that such amount may have exceeded the actuarial cost of providing benefits under this subsection for the period such benefits were provided, as determined under regulations prescribed by the Director.

"(D) Under regulations prescribed by the Director, an annuity shall be recomputed (or salary allotment terminated or adjusted), and a refund provided (if appropriate), in a manner comparable to that provided under subparagraph (C), in order to reflect a termination or reduction of future benefits under this subsection for a spouse in the event a former spouse of the participant dies or remarries before attaining age 60 and an increased annuity is provided for that spouse in accordance with this section.

"(4) An annuity payable under this subsection to a spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 60.

50 USC 403 note. "(5) Section 291 shall not apply to any annuity under this subsection, unless authorized under regulations by the Director.

50 USC 403 note. "(d) Section 221(1) shall not apply—

"(1) to any annuity payable under subsection (a) or (b) to any former spouse if the amount of that annuity varies by reason of a spousal agreement or court order under section 263(b), or an election under section 221(b)(1)(B), from the amount which would be calculated under subsection (a)(1) or (b)(1), as the case may be, in the absence of such spousal agreement, court order, or election; or

Post, p. 1153.
Ante, p. 1146.

"(2) to any annuity payable under subsection (c).".

SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES

SEC. 607. Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by section 606 of this title, is further amended by adding at the end thereof the following:

96 STAT. 1152

"ELECTION OF SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES

50 USC 403 note.

"SEC. 223. (a) Any participant or former participant in the Central Intelligence Agency Retirement and Disability System who on November 15, 1982, has a former spouse may, by a spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse under section 222(b).

Ante, p. 1148.

"(b)(1) If the participant or former participant has not retired under such system on or before November 15, 1982, an election under this section may be made at any time before retirement.

"(2) If the participant or former participant has retired under such system on or before November 15, 1982, an election under this section may be made within such period after November 15, 1982, as the Director may prescribe.

"(3) For the purposes of applying this Act, any such election shall be treated in the same manner as if it were a spousal agreement under section 263(b).

Post, p. 1153.

"(c) An election under this section may provide for a survivor benefit based on all or any portion of that part of the annuity of the participant which is not designated or committed as a base for survivor benefits for a spouse or any other former spouse of the participant. The participant and his or her spouse may make an election under section 221(b)(1)(B) prior to the time of retirement for the purpose of allowing an election to be made under this section.

Ante, p. 1146.

"(d) The amount of the reduction in the participant's annuity shall be determined in accordance with section 221(b)(2). Such reduction shall be effective as of—

"(1) the commencing date of the participant's annuity, in the case of an election under subsection (b)(1), or

"(2) November 15, 1982, in the case of an election under subsection (b)(2).".

DISCONTINUED SERVICE BENEFITS

SEC. 608. Section 234 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

50 USC 403 note.

(1) by striking out in subsection (a) "Any" and inserting in lieu thereof the following: "Subject to the limitations contained in subsections (c), (d), and (e), any"; and

(2) by adding at the end thereof the following:

"(C) Whenever a participant becomes separated from the Agency without becoming eligible for an annuity or a deferred annuity under this Act and becomes entitled to receive a lump-sum payment under this section or section 241, a share of that lump-sum payment shall be paid to any former spouse of the participant in accordance with subsections (d) and (e).

50 USC 403 note.

"(d) Unless otherwise expressly provided by any spousal agreement or court order under section 263(b), the amount of a participant's or former participant's lump-sum credit under this section or under section 241 payable to a former spouse of that participant shall be--

Lump-sum credit.

"(1) if the former spouse was married to the participant throughout the period of creditable service of the participant, 50 percent of such lump-sum credit to which such participant would be entitled in the absence of this subsection; or

96 STAT. 1153

"(2) if such former spouse was not married to the participant throughout such creditable service, an amount equal to a proportion of 50 percent of such lump-sum credit which is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this Act bears to the total number of days of such creditable service.

Such lump-sum credit of the participant shall be reduced by the amount of the lump-sum credit payable to the former spouse.

50 USC 403 note.

"(e) A lump-sum payment under this section or section 241 of this Act may be paid by the Director to or for the benefit of a participant—

"(1) only upon written notification by the Director to a current spouse of the participant, if any; and

"(2) only if the express written concurrence of that spouse has been received by the Director.".

SPOUSAL AGREEMENTS; COURT DECREES

SEC. 609. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is further amended—

50 USC 403 note.

(1) by striking out "None" in section 263 and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, none"; and

(2) by adding at the end thereof the following:

"(b) Payments under this Act which would otherwise be made to a participant or the child, survivor, or former spouse of a participant based upon the service of the participant shall be paid (in whole or in part) by the Director directly to the participant, or child, survivor, or former spouse of the participant according to the terms of any legally enforceable spousal agreement or recognized court decree of divorce, annulment, or legal separation between the participant and that former spouse, or the terms of any recognized court order or court-approved property settlement agreement incident to any such spousal agreement or court decree of divorce, annulment, or legal separation. Any payment under this subsection to a party to a spousal agreement, or court decree of divorce, annulment, or legal separation or property settlement agreement incident thereto shall bar recovery by any other person.".

TECHNICAL AMENDMENTS

SEC. 610. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is further amended—

50 USC 403 note.

(1) by striking out in the first sentence of section 221(f) "Any" and inserting in lieu thereof the following: "Subject to the rights of former spouses under sections 221(b) and 222, any"; and

(2) by adding to subsection 221(l) the following paragraph:

"(4) This subsection shall not apply to the extent provided in section 222(d).".

COMPULSORY CONTRIBUTIONS

50 USC 403 note.

SEC. 611. Section 211 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end thereof the following new subsection:

96 STAT. 1154

50 USC 403 note.

50 USC 403 note.

"(c) Amounts deducted and withheld from the basic salary of a participant under this section from the beginning of the first pay period after the participant has completed thirty-five years of creditable service computed under sections 251 and 252 (excluding service credit for unused sick leave under section 221(h)), together with interest on these amounts at the rate of 3 percent a year compounded annually from the date of the deduction to the date of retirement or death, shall be applied toward any special contribution due under section 252(b), and any balance not so required shall be refunded in a lump sum to the participant after separation (or, in the event of a death in service, to a beneficiary in order of precedence specified in subsection 241(b)(1)), subject to any restrictions on lump sums under section 234 of this Act regarding notification or consent of a current spouse to such payments, or the participant may use these sums to purchase an additional annuity in accordance with section 281, or any other elective benefits authorized by this Act, including additional retirement or survivor benefits for a current or former spouse or spouses.".

50 USC 403 note.
50 USC 403 note.
50 USC 403 note.

PARTICIPANTS IN THE CIVIL SERVICE RETIREMENT SYSTEM

SEC. 612. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403 a–m) is amended by adding at the end thereof the following new section:

"RETIREMENT EQUITY FOR SPOUSES OF CERTAIN EMPLOYEES

"SEC. 14. (a) The provisions of sections 204, 221(b) (1)–(3), 221(f), 221(g)(2), 221(l), 221(m), 221(n), 221(o), 222, 223, 234(c), 234(d), 234(e), and 263(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) establishing certain requirements, limitations, rights, entitlements, and benefits relating to retirement annuities, survivor benefits, and lump-sum payments for a spouse or former spouse of an Agency employee who is a participant in the Central Intelligence Agency Retirement and Disability System shall apply in the same manner and to the same extent in the case of an Agency employee who is a participant in the Civil Service Retirement and Disability System.

50 USC 403n.

Ante, pp. 1146–1148, 1152, 1153.

"(b) The Director of the Office of Personnel Management, in consultation with the Director of Central Intelligence, shall prescribe such regulations as may be necessary to implement the provisions of this section.".

Regulations.

EFFECTIVE DATE

SEC. 613. (a) Except as provided in subsections (b) and (c) of this section, this title shall take effect on November 15, 1982.

50 USC 403 note.

(b) The provisions of section 222(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as added by this title, regarding the rights of former spouses to an annuity shall apply in the case of any individual who after the effective date of this title becomes a former spouse of an individual who separates from service with the Agency after such date.

(c) Except to the extent provided in section 223 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, the provisions of section 221(b) (as amended by this title) and the provisions of subsections (b) and (c) of section 222 of such Act, as added by this title, regarding the rights of former spouses to receive survivor annuities shall apply in the case of any individual who after the effective date of this title becomes a former spouse of a participant or former participant in the Central Intelligence Agency Retirement and Disability System.

TITLE VII—GENERAL PROVISIONS

RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 701. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

USC prec. title 1.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 702. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

EFFECTIVE DATE

10 USC 191 note. **SEC. 703. The provisions of titles IV and V and of this title shall become effective upon the date of the enactment of this Act.**

Approved September 27, 1982.

LEGISLATIVE HISTORY—H.R. 6068 (S. 2487):

HOUSE REPORTS: No. 97-486, Pt. 1 (Comm. on Intelligence) and Pt. 2 (Comm. on Armed Servies) and No. 97-779 (Comm. of Conference).

SENATE REPORTS: No. 97-379 (Comm. on Intelligence) and No. 97-480 (Comm. on Armed Services), both accompanying S. 2487.

CONGRESSIONAL RECORD, Vol. 128 (1982):
- May 18, 19, considered and passed House.
- June 30, S. 2487 considered and passed Senate; H.R. 6068 amended, passed in lieu.
- Sept. 8, House agreed to conference report.
- Sept. 10, Senate agreed to conference report.

---

96 STAT. 1287

Public Law 97-295
97th Congress

An Act

Oct. 12, 1982
[H.R. 4623]

To amend titles 10, 14, 37, and 38, United States Code, to codify recent law and to improve the Code.

United States Code, titles 10, 14, 37, and 38, amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS TO TITLE 10

SECTION 1. Title 10, United States Code, is amended as follows:

10 USC 133. (1) Section 133 is amended by adding at the end thereof the following:

Report to Congress. "(e) After consulting with the Secretary of State, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives before February 1 of each year a written report on—

"(1) the foreign policy and military force structure for the next fiscal year;

"(2) the relationship of that policy and structure to each other; and

"(3) the justification for the policy and structure.".

(2)(A) Chapter 4 is amended by inserting the following after section 133:

10 USC 133a. **"§ 133a. Secretary of Defense: annual report on North Atlantic Treaty Organization readiness**

"(a) The Secretary of Defense shall assess and make findings each year with respect to the readiness status of the military forces of the North Atlantic Treaty Organization. The Secretary shall submit a report of the assessment and findings to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives on the same date that the President submits the Budget to Congress.

"(b) The report under subsection (a) shall include the assessment and findings of the Secretary with respect to—

"(1) deficiencies in the readiness of the North Atlantic Treaty Organization (including an analysis of deficiencies in each member of the Organization) related to—

"(A) war reserve stocks;

"(B) command, control, and communications systems (including the susceptibility of those systems to degradation by potential overt activities of the Warsaw Pact);

"(C) electronic warfare capabilities;

"(D) chemical warfare capabilities;

"(E) air defense capabilities (including ground and air systems and the integration of ground systems with air systems);

"(F) armor and anti-armor capabilities;

"(G) firepower capabilities;

96 STAT. 1288

"(H) forward deployed units and the proximity of those units to assigned general defensive positions;

"(I) the availability of ammunition;

"(J) the availability, responsiveness, and overall effectiveness of reserve forces;

"(K) airlift capabilities to meet reinforcement and resupply requirements;

"(L) the ability to protect, cross-service, and stage air assets from allied airfields;

"(M) the maritime force capabilities (including sealift, minelaying, and minesweeping capabilities);

"(N) logistical support arrangements (including the availability of ports, airfields, transportation, and host nation support);

"(O) training (including the availability of the facilities and equipment needed to conduct realistic operational exercises); and

"(P) the compatibility of operational doctrine and procedures among military forces of the member nations;

"(2) planned corrections in the identified readiness deficiencies of the United States with respect to the Organization and that part of the Budget submitted to Congress by the President on the date the report is submitted that is allocated for the corrections; and

"(3) commitments made by other members of the Organization to correct their own readiness deficiencies (including deficiencies in the items listed in paragraph (1)) and an identification of particular improvements to be made in readiness by weapon system, program, or activity.

"§ 133b. Sale or transfer of defense articles: reports to Congress

10 USC 133b.

"When there is a letter of offer to sell or a proposal to transfer defense articles that are valued at $50,000,000 or more from the inventories of a regular component of the armed forces or from current production, the Secretary of Defense shall submit a report to Congress stating—

"(1) the impact of the sale or transfer on the current readiness of the armed forces;

"(2) the adequacy of reimbursements to cover, at the time of replenishment of United States inventories, the replacement costs of those items sold or transferred; and

"(3) for each article to be sold—

"(A) the initial issue quantity requirement for the armed forces for that article;

"(B) the percentage of that requirement already delivered to the armed forces or contracted for at the time of the report;

"(C) the timetable for meeting that requirement absent the proposed sale; and

"(D) the timetable for meeting that requirement if the sale is approved.".

(B) The analysis of chapter 4 is amended by inserting the following items immediately below item 133:

"133a. Secretary of Defense: annual report on North Atlantic Treaty Organization readiness.

96 STAT. 1289

"133b. Sale or transfer of defense articles: reports to Congress.".

10 USC 138.

(3) Section 138(c) is amended by adding at the end thereof the following:

"(5) The Secretary of Defense shall use the least costly form of personnel consistent with military requirements and other needs of the Department. In developing the annual personnel authorization requests to Congress and in carrying out personnel policies, the Secretary shall—

"(A) consider particularly the advantages of converting from one form of personnel (military, civilian, or private contract) to another for the performance of a specified job; and

"(B) include in each manpower requirements report submitted under paragraph (3) a complete justification for converting from one form of personnel to another.".

Ante, p. 739.

(4) Section 138 is amended by adding at the end thereof the following:

"(i) Funds may be appropriated for the armed forces for use as an emergency fund for research, development, test, and evaluation, or related procurement or production, only if the appropriation of the funds is authorized by law after June 30, 1966.".

10 USC 268.

(5) Section 268 is amended—

(A) in subsection (b), by striking out "Reserve components defined in section 261 of this title" and substituting "reserve components", and by striking out "United States Code,"; and

(B) in subsection (c)(2), by striking out "Reserve" and substituting "reserve".

10 USC 511.

(6) Section 511(b) is amended by striking out "(50 U.S.C. App. 451–473)" and substituting "(50 U.S.C. App. 451 et seq.)".

10 USC 532.

(7) The catchline for section 532 is amended by inserting "**a**" after "**original appointment as**".

10 USC 624.

(8) Section 624(d)(4) is amended by striking out "the subsection" and substituting "this subsection".

10 USC 673.

(9) Section 673b(h) is amended by inserting "(50 U.S.C. 1541 et seq.)" after "the War Powers Resolution".

10 USC 716.

(10) Section 716(a) is amended by striking out the comma after "policies".

10 USC 741.

(11) Section 741(c) is amended by striking out "the the" and substituting "the".

10 USC 867.

(12) Section 867 is amended—

(A) in subsection (d), by striking out "board of review" and substituting "Court of Military Review"; and

(B) in subsection (g), by striking out "Secretary of the Treasury" and substituting "Secretary of Transportation".

10 USC 931.

(13) Section 931 is amended by striking out "United States Code,".

(14)(A) Chapter 49 is amended by adding at the end thereof the following:

Regulations.
10 USC 978.

"§ 978. Denial of entrance into the armed forces of persons dependent on drugs or alcohol

"(a) The Secretary of Defense shall prescribe regulations, implement procedures using each practical and available method, and provide necessary facilities to identify each person examined at an armed forces examining and entrance station who is dependent on drugs or alcohol.

"(b) Each person identified under subsection (a) as dependent on

96 STAT. 1290

drugs or alcohol shall be—

"(1) denied entrance into the armed forces; and

"(2) referred to a civilian treatment facility.".

(B) The analysis of chapter 49 is amended by adding at the end thereof the following item:

"978. Denial of entrance into the armed forces of persons dependent on drugs or alcohol.".

(15)(A) Chapter 55 is amended by adding at the end thereof the following:

"§1090. Identifying and treating drug and alcohol dependence

Regulations. 10 USC 1090.

"(a) The Secretary of Defense shall prescribe regulations, implement procedures using each practical and available method, and provide necessary facilities to identify, treat, and rehabilitate members of the armed forces who are dependent on drugs or alcohol.".

(B) The analysis of chapter 55 is amended by adding at the end thereof the following item:

"1090. Identifying and treating drug and alcohol dependence.".

10 USC 1164.

(16) The catchline for section 1164 is amended by striking out "**officers;**" and substituting "**officers:**".

10 USC 1405.

(17) Section 1405 is amended—

(A) by striking out "3991 (formula B)" and substituting "3991 (formula A), 3992 (formula B)";

(B) by striking out "or" the first time it appears; and

(C) by striking out "8991 (formula B)" and substituting "8991 (formula A), or 8992 (formula B)".

10 USC 1448.

(18) The catchline for section 1448 is amended by striking out "**plan**" and substituting "**Plan**".

Repeals. 10 USC 1581, 1582.

(19)(A) Sections 1581 and 1582 are repealed.

(B) The analysis of chapter 81 is amended by striking out items 1581 and 1582.

10 USC 1583, 1584, 1586.

(20)(A) Sections 1583, 1584, and 1586(d) and (e)(1) are amended by striking out "compensation" and substituting "pay".

(B) The catchline for section 1583 is amended by striking out "**compensation**" and substituting "**pay**".

(C) Item 1583 in the analysis of chapter 81 is amended to read as follows:

"1583. Employment of certain persons without pay.".

10 USC 2203.

(21) Section 2203 is amended by adding at the end thereof the following new sentence: "The budget for the Department of Defense submitted to Congress for each fiscal year shall include data projecting the effect of the appropriations requested for materiel readiness requirements.".

10 USC 2208.

(22) Section 2208(h) is amended by adding the following sentence after the 2d sentence: "However, supplies available in inventories financed by working capital funds established under this section may be sold to contractors for use in performing contracts with the Department of Defense.".

Ante, p. 169.

(23) Section 2239 is amended by striking out "section 3648 of the Revised Statutes (31 U.S.C. 529)" and substituting "section 3324(a) and (b) of title 31".

10 USC 2304.

(24) Section 2304 is amended—

(A) in the first sentence of subsection (a), by inserting after "formal advertising" the following: ", and shall be awarded on a competitive bid basis to the lowest responsible bidder,";

96 STAT. 1291

(B) in subsection (f)(1), by striking out "Healy" and substituting "Healey"; and

(C) by adding at the end thereof the following:

"(i)(1) The Secretary shall require each prime contractor receiving contract awards of at least $500,000 from the Department of Defense to file a report with the Secretary at the end of the year identifying—

"(A) the amount of Department work (in dollars) that the contractor had performed by a subcontractor during the year; and

"(B) the State in which each subcontractor performed the work subcontracted to it.

Report to Congress.

"(2) The Secretary shall submit to Congress each year a report identifying, on a State-by-State basis, the total amount of Department money paid to subcontractors by the prime contractor described in paragraph (1) during the year for which the report is submitted.".

10 USC 2315.

(25) Section 2315 is amended by striking out "(40 U.S.C. 795)" and substituting "(40 U.S.C. 759)".

(26)(A) Chapter 137 is amended by adding at the end thereof the following:

10 USC 2316.

"§ 2316. Disclosure of identity of contractor

"The Secretary of Defense may disclose the identity or location of a person awarded a contract by the Department of Defense to any individual, including a Member of Congress, only after the Secretary makes a public announcement identifying the contractor. When the identity of a contractor is to be made public, the Secretary shall announce publicly that the contract has been awarded and the identity of the contractor.".

(B) The analysis of chapter 137 is amended by inserting the following item immediately below item 2314:

"2316. Disclosure of identity of contractor.".

Ante, p. 175.

(27) Section 2388(c) is amended by striking out "section 3648 of the Revised Statutes (31 U.S.C. 529)" and substituting "section 3324 (a) and (b) of title 31".

Ante, p. 1052.

(28)(A) Section 2394 (as enacted by section 2(b)(4) of Public Law 97-258) is redesignated as section 2395 and is amended to read as follows:

10 USC 2395.

"§ 2395. Availability of appropriations for procurement of technical military equipment and supplies

"Funds appropriated to the Department of Defense for the procurement of technical military equipment and supplies remain available until spent.".

Ante, p. 1053.

(B) Section 2395 (as enacted by section 2(b)(4) of Public Law 97-258) is redesignated as section 2396 and is amended by striking out "another" in subsection (b)(2)(C) and substituting "any other".

(29)(A) Chapter 141 is amended by adding at the end thereof the following:

10 USC 2397.

"§ 2397. Employees or former employees of defense contractors: reports

Definitions.

"(a) In this section:

96 STAT. 1292

"(1) 'Contract' means a contract awarded by negotiation (including the net amount of modifications to, and the exercise of options under, the contract) that involves at least $10,000.

"(2) 'Defense contractor' means a person that provides services, supplies, or both (including construction) to the Department of Defense under a contract directly with the Department.

"(3) 'Served', when used with 'otherwise', includes the representation of a defense contractor—

"(A) at a hearing, trial, appeal, or other action in which the United States was a party and that involved services, supplies, or both (including construction) that were provided to, or to be provided to, the Department by the contractor; and

"(B) in a transaction with the Department that involved services, supplies, or both (including construction) that were provided to, or to be provided to, the Department by the contractor.

"(b)(1) This subsection applies to—

"(A) a former or retired officer of the Army, Navy, Air Force, or Marine Corps who (i) has at least 10 years of active service, and (ii) held for any period during that service a grade above captain or, if the Navy, above lieutenant; and

"(B) a former civilian official or employee (including a consultant or part-time employee) of the Department of Defense whose pay rate (at any time during the 3-year period before the end of the last service of the person with the Department) was at least equal to the minimum rate at the time for GS–13.

"(2) A person to whom this subsection applies who (A) was employed by, or served as a consultant or otherwise to, a defense contractor at any time during a fiscal year at an annual pay rate of at least $15,000 and the contractor was awarded contracts by the Department during that fiscal year that total at least $10,000,000, and (B) within the 3-year period before the beginning of that fiscal year served on active duty or performed civilian service for the Department, shall file a report with the Secretary of Defense (before February 16 of the next succeeding fiscal year) in the way prescribed by the Secretary.

"(3) The report shall contain the following information:

"(A) The name and address of the person reporting.

"(B) The name and address of the defense contractor that employed the person or for whom the person served as a consultant or otherwise.

"(C) The title of the position of the person when serving the defense contractor.

"(D) A brief description of the duties and work performed by the person for the defense contractor.

"(E) The military grade of the person while on active duty or the gross pay rate while performing civilian service for the Department.

"(F) A brief description of the duties and the work performed by the person while on active duty or performing civilian service for the Department during the 3-year period before that duty or service ended.

"(G) The date the active duty or civilian service by the person for the Department ended and the date the service with the defense contractor began and, if applicable, ended.

"(H) Other pertinent information the Secretary requires.

"(c)(1) A person who (A) holds civilian office or employment (including employment as a consultant or part-time employee) in the Department at any time during a fiscal year at a pay rate at least equal to the minimum rate for GS–13, and (B) within the 3-year period before the effective date of employment with the Department was employed by, or served as a consultant or otherwise to, a defense contractor at any time during a fiscal year at an annual pay rate of at least $15,000 and the contractor was awarded contracts by the Department during that fiscal year that total at least $10,000,000, shall file a report with the Secretary in the way and at the time prescribed by the Secretary.

"(2) The report shall contain the following information:

"(A) The name and address of the person reporting.

"(B) The title of the position of the person with the Department.

"(C) A brief description of the duties with the Department.

"(D) The name and address of the defense contractor that employed the person or for whom the person served as a consultant or otherwise.

"(E) The title of the position of the person when serving the defense contractor.

"(F) A brief description of the duties and the work performed by the person for the defense contractor.

"(G) The date the service of the person with the defense contractor ended and the date the service with the Department began.

"(H) Other pertinent information the Secretary requires.

Files, inspection.

"(d) The Secretary shall maintain a file containing the information filed under this section. The file may be inspected by members of the public at any time during regular work hours.

Report to Congress.

"(e) Before April 1 of each year, the Secretary shall report to Congress the names of persons who have filed reports for the preceding fiscal year under this section. The names shall be listed, by groups, under the names of the appropriate defense contractors.

The Secretary may include for each name appropriate additional information.

Penalty.

"(f) A person not complying with the filing requirements of this section shall be fined not more than $1,000, or imprisoned not more than 6 months, or both.

10 USC 2398.

"§ 2398. Procurement of gasohol as motor vehicle fuel

"To the maximum extent feasible and consistent with overall defense needs and vehicle management practices prescribed by the Secretary of Defense, the Secretary shall make contracts, by competitive bid and subject to appropriations, to purchase domestically produced alcohol or alcohol-gasoline blends containing at least 10 percent domestically produced alcohol for use in motor vehicles owned or operated by the Department of Defense.

10 USC 2399.

"§ 2399. Limitation on availability of appropriations to reimburse a contractor for the cost of commercial insurance

"None of the funds appropriated to the Department of Defense is available for obligation to reimburse a contractor for the cost of commercial insurance that protects against the costs of the contractor for correction of the contractor's own defects in materials or workmanship.

10 USC 2400.

"§ 2400. Limitation on procurement of buses

"Funds appropriated for use by the armed forces are available to acquire a multipassenger motor vehicle (bus) only if the vehicle is manufactured in the United States. However, the Secretary of Defense may prescribe regulations authorizing the acquisition of a multipassenger motor vehicle (bus) not manufactured in the United States, but only to ensure that compliance with this section will not result in an uneconomical procurement action or adversely affect the national interest.".

(B) The analysis of chapter 141 is amended by striking out items 2394 and 2395 (as enacted by section 2(b)(4) of Public Law 97-258) and substituting the following:

"2395. Availability of appropriations for procurement of technical military equipment and supplies.
"2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, and pay and supplies of armed forces of friendly foreign countries.
"2397. Employees or former employees of defense contractors: reports.
"2398. Procurement of gasohol as motor vehicle fuel.
"2399. Limitation on availability of appropriations to reimburse a contractor for the cost of commercial insurance.
"2400. Limitation on procurement of buses.".

(30)(A) Chapter 145 is amended by adding at the end thereof the following:

10 USC 2457.

"§ 2457. Standardization of equipment with North Atlantic Treaty Organization members

"(a) It is the policy of the United States to standardize equipment, including weapons systems, ammunition, and fuel, procured for the use of the armed forces of the United States stationed in Europe under the North Atlantic Treaty or at least to make that equipment interoperable with equipment of other members of the North Atlantic Treaty Organization. To carry out this policy, the Secretary of Defense shall—

"(1) assess the costs and possible loss of nonnuclear combat effectiveness of the military forces of the members of the Organization caused by the failure of the members to standardize equipment;

"(2) maintain a list of actions to be taken, including an evaluation of the priority and effect of the action, to standardize equipment that may improve the overall nonnuclear defense capability of the Organization or save resources for the Organization; and

"(3) initiate and carry out, to the maximum extent feasible, procurement procedures to acquire standardized or interoperable equipment, considering the cost, function, quality, and availability of the equipment.

"(b) Progress in realizing the objectives of standardization and interoperability would be enhanced by expanded inter-Allied procurement of arms and equipment within the North Atlantic Treaty Organization. Expanded inter-Allied procurement would be made easier by greater reliance on licensing and coproduction cooperative agreements among the signatories of the North Atlantic Treaty. If constructed to preserve the efficiencies associated with economies of scale, the agreements could minimize potential economic hardship to parties to the agreements and increase the survivability, in time of war, of the North Atlantic Alliance's armaments production base by dispersing manufacturing facilities. In conjunction with other members of the Organization and to the maximum extent feasible, the Secretary shall—

"(1) identify areas in which those cooperative agreements may be made with members of the Alliance; and

"(2) negotiate those agreements.

"(c)(1) It is the sense of Congress that weapons systems being developed wholly or primarily for employment in the North Atlantic Treaty Organization theater should conform to a common Organization requirement in order to proceed toward joint doctrine and planning and to facilitate maximum feasible standardization and interoperability of equipment, and that a common Organization requirement should be understood to include a common definition of the military threat to the members of the Organization.

"(2) It is further the sense of Congress that standardization of weapons and equipment within the Organization on the basis of a 'two-way street' concept of cooperation in defense procurement between Europe and North America can only work in a realistic sense if the European nations operate on a united and collective basis. Therefore, the governments of Europe are encouraged to accelerate their present efforts to achieve European armaments collaboration among all European members of the Organization.

Report to Congress.

"(d) Before February 1 of each year, the Secretary shall submit a report to Congress that includes—

"(1) each specific assessment and evaluation made and the results of each assessment and evaluation, and the results achieved with the members of the North Atlantic Treaty Organization, under subsections (a)(1) and (2) and (b);

"(2) procurement action initiated on each new major system not complying with the policy of subsection (a);

"(3) procurement action initiated on each new major system that is not standardized or interoperable with equipment of other members of the Organization, including a description of the system chosen and the reason for choosing that system;

"(4) the identity of—

"(A) each program of research and development for the armed forces of the United States stationed in Europe that supports, conforms, or both, to common Organization requirements of developing weapon systems for use by the Organization, including a common definition of the military threat to the Organization; and

"(B) the common requirements of the Organization to which those programs conform or which they support;

"(5) action of the Alliance toward common Organization requirements if none exist;

"(6) efforts to establish a regular procedure and mechanism in the Organization to determine common military requirements;

"(7) a description of each existing and planned program of the Department of Defense that supports the development or procurement of a weapon system or other military equipment originally developed or procured by members of the Organization other than the United States and for which funds have been authorized to be appropriated for the fiscal year in which the report is submitted, including a summary listing of the amount of funds—

96 STAT. 1296

"(A) appropriated for those programs for the fiscal year in which the report is submitted; and

"(B) requested, or proposed to be requested, for those programs for each of the 2 fiscal years following the fiscal year for which the report is submitted; and

"(8) a description of each weapon system or other military equipment originally developed or procured in the United States and that is being developed or procured by members of the Organization other than the United States during the fiscal year for which the report is submitted.

"(e) If the Secretary decides that procurement of equipment manufactured outside the United States is necessary to carry out the policy of subsection (a), the Secretary may determine under section 2 of title III of the Act of March 3, 1933 (41 U.S.C. 10a), that acquiring that equipment manufactured in the United States is inconsistent with the public interest.

"(f) The Secretary shall submit the results of each assessment and evaluation made under subsection (a) (1) and (2) to the appropriate North Atlantic Treaty Organization body to become an integral part of the overall Organization review of force goals and development of force plans.".

(B) The analysis of chapter 145 is amended by inserting the following item immediately below item 2456:

"2457. Standardization of equipment with North Atlantic Treaty Organization members.".

Repeal.
Ante, p. 1054.

(31)(A) Section 2661a is repealed.

(B) The analysis of chapter 159 is amended by striking out item 2661a.

10 USC 2664.

(32) Section 2664(a) is amended—

(A) by striking out "military department" in the matter before paragraph (1) and all that follows through "or any" and substituting "military department, the Secretary of Transportation, or any"; and

(B) by striking out "transferred to the" in paragraph (3) and all that follows and substituting "transferred to the Secretary of Transportation under section 3 of the Maritime Act of 1981 (46 U.S.C. 1602).".

95 Stat. 151.

10 USC 2665.

(33) Section 2665 is amended—

(A) by striking out "executive department" and all that follows through "may sell" in subsections (a) and (b) and substituting "executive department, may sell"; and

(B) by striking out "Air Force" and all that follows in subsection (b) and substituting "Air Force, or Department of Transportation.".

10 USC 2667.

(34) Section 2667(b)(4) is amended by striking out "section 321" and all that follows through "(40 U.S.C. 303b)" and substituting "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)".

Ante, p. 164.

(35) Section 2852(a) is amended by striking out "section 3648 of the Revised Statutes (31 U.S.C. 529)" and substituting "section 3324 (a) and (b) of title 31".

Ante, p. 167.

(36) Section 2859 is amended by striking out "section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11)" and substituting "section 1105 of title 31".

10 USC 3068.

(37) Section 3068(5) is amended by striking out "(a)", "(b)", "(c)", "(d)", and "(e)" and substituting "(A)", "(B)", "(C)", "(D)", and "(E)", respectively.

10 USC 3036.

(38) Section 3036(d) is amended to read as follows:

96 STAT. 1297

"(d) Each officer named in subsection (a) shall perform duties prescribed by the Secretary of the Army and by law. Under the supervision of the Secretary, the Chief of Engineers may accept orders to provide services to another department, agency, or instru-

mentality of the United States and may provide any part of those services by contract.".

(39) Section 3075(b)(2) is amended by inserting a comma after "professors". 10 USC 3075.

(40) Section 3992 is amended to read as follows: 10 USC 3992.

"§ 3992. Recomputation of retired pay to reflect advancement on retired list

"An enlisted member of the Army who is advanced on the retired list under section 3964 of this title is entitled to recompute his retired pay under formula A of the following table, and a warrant officer of the Army so advanced is entitled to recompute his retired pay under formula B of that table.

	Column 1	Column 2	Column 3	Column 4
Formula	For a person who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) after September 7, 1980, take the monthly retired pay base as computed under section 1407(c). For all others, take	Multiply by	Add	Subtract
A	Monthly basic pay or base and longevity pay, as the case may be,[1] of grade to which member is advanced on retired list.	2½% of years of service credited to him under section 3925 of this title.[2]		Excess over 75% of pay upon which computation is based.
B	Monthly basic pay or base and longevity pay, as the case may be,[1] of grade to which member is advanced on retired list.	2½% of years of service credited to him under section 1405 of this title.[2]		Excess over 75% of pay upon which computation is based.

[1] Compute at rate applicable on date of retirement.

[2] Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months.".

(41)(A) Chapter 403 is amended by adding at the end thereof the following:

"§ 4356. Use of certain gifts

10 USC 4356.

"Under regulations prescribed by the Secretary of the Army, the Superintendent of the Academy may (without regard to section 2601 of this title) accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property of a value of $20,000 or less made to the United States on the condition that such gift, devise, or bequest be used for the benefit of the Academy or any entity thereof. The Secretary may pay or authorize the payment of all reasonable and necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest under this section.".

96 STAT. 1298

(B) The analysis of chapter 403 is amended by adding at the end thereof the following item:

"4356. Use of certain gifts.".

(42) Section 4656 is amended by striking out ", and at least one of which is designated by the Civil Aeronautics Authority for the training of Negro air pilots". 10 USC 4656.

(43)(A) Section 4772 is repealed. Repeal. 10 USC 4772.

(B) The analysis of chapter 449 is amended by striking out item 4772.

(44) Section 6954(f) is amended by striking out "Effective beginning with the nominations for appointment to the Academy in the calendar year 1964, the" and substituting "The". 10 USC 6954.

10 USC 7087.

(45) Section 7087(a) is amended by striking out "Civil Service Commission" and substituting "Director of the Office of Personnel Management".

10 USC 7218.

(46) Section 7218(b) is repealed.

10 USC 7299.

(47) Section 7299 is amended by striking out "Healy" and substituting "Healey".

(48)(A) Chapter 633 is amended by inserting the following after section 7299:

10 USC 7299a.

"§ 7299a. Construction of combatant and escort vessels and assignment of vessel projects

"(a) The distribution of assignments and contracts for the construction of combatant vessels and escort vessels is subject to the Act of March 27, 1934 (ch. 95, 48 Stat. 503), requiring that the first and each succeeding alternate vessel be constructed in a Navy yard. However, the President may direct that a vessel be constructed in a Navy or private yard if the requirement of this subsection is inconsistent with the public interest.

"(b) The assignment of naval vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of naval shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.".

(B) The analysis of chapter 633 is amended by inserting the following item immediately below item 7299:

"7299a. Construction of combatant and escort vessels and assignment of vessel projects.".

(49)(A) Chapter 633 is amended by adding at the end thereof the following:

10 USC 7310.

"§ 7310. Policy in constructing combatant vessels

"(a) The policy of the United States is to modernize the combatant forces of the Navy through the construction of advanced, versatile, survivable, and cost-effective combatant vessels in sufficient numbers and having sufficient combat effectiveness to defend the United States against attack and to carry out other missions that may be assigned to the Navy by law. To carry out this policy, the Navy should develop plans and programs for the construction and deployment of weapons systems, including naval aviation platforms, that are more survivable, less costly, and more effective than those in the Navy on October 20, 1978.

Request to Congress.

"(b) The President shall include in each request made to Congress for authorization of a vessel for the combatant forces (including an aircraft carrier)—

96 STAT. 1299

"(1) the conclusions of the President related to the survivability, cost-effectiveness, and combat effectiveness of the vessel requested;

"(2) a recommendation whether the vessel should be nuclear or conventionally powered; and

"(3) the reasons for the conclusions and recommendations.".

(B) The analysis of chapter 633 is amended by adding at the end thereof the following item:

"7310. Policy in constructing combatant vessels.".

Repeals 10 USC 7391-7394.

(50)(A) Sections 7391-7394 are repealed.

(B) The analysis of chapter 639 is amended by striking out items 7391-7394.

(C) Subtitle A is amended by inserting at the end of chapter 165 the following:

"CHAPTER 167—DEFENSE MAPPING AGENCY

"Sec.
"2791. Establishment and duties.
"2792. Maps, charts, and books.
"2793. Pilot charts.
"2794. Prices of maps, charts, and navigational publications.

"§ 2791. Establishment and duties

10 USC 2791.

"The Defense Mapping Agency is an agency of the Department of Defense. The Defense Mapping Agency shall improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Secretary of Defense, accurate and inexpensive nautical charts, sailing directions, books on navigation, and manuals of instructions for the use of all vessels of the United States and of navigators generally.

"§ 2792. Maps, charts, and books

10 USC 2792.

"The Secretary of Defense may—

"(1) have the Defense Mapping Agency prepare maps, charts, and nautical books required in navigation and have those materials published and furnished to navigators; and

"(2) buy the plates and copyrights of existing maps, charts, books on navigation, and sailing directions and instructions.

"§ 2793. Pilot charts

10 USC 2793.

"(a) There shall be conspicuously printed on pilot charts prepared in the Defense Mapping Agency the following: 'Prepared from data furnished by the Defense Mapping Agency of the Department of Defense and by the Department of Commerce, and published at the Defense Mapping Agency under the authority of the Secretary of Defense'.

"(b) The Secretary of Commerce shall furnish to the Defense Mapping Agency, as quickly as possible, all meteorological information received by the Secretary that is necessary for, and of the character used in, preparing pilot charts.

"§ 2794. Prices of maps, charts, and navigational publications

10 USC 2794.

"All maps, charts, and other publications offered for sale by the Defense Mapping Agency shall be sold at prices and under regulations that may be prescribed by the Secretary of Defense.".

96 STAT. 1300

(D) The analysis of subtitle A is amended by inserting the following item immediately below item 165:

"167. Defense Mapping Agency .... 2791".

(E) The analysis of part IV of subtitle A is amended by inserting the following item immediately below item 165:

"167. Defense Mapping Agency .... 2791".

(F) The chapter heading for chapter 639 is amended by striking out "NAVAL OCEANOGRAPHIC OFFICE AND".

(G) Item 639 in the analysis of subtitle C is amended to read as follows:

"639. United States Naval Observatory .... 7395".

(H) Item 639 in the analysis of part IV of subtitle C is amended to read as follows:

"639. United States Naval Observatory .... 7395".

(51)(A) Item 659 in the analysis of subtitle C is amended by striking out "responsibility" and substituting "Responsibility".

(B) The analysis of part IV of subtitle C is amended by adding at the end thereof the following item:

"661. Accountability and Responsibility .... 7861".

(C) The catchline for section 7861 is amended by striking out "public" and substituting "naval". *Ante*, p. 1057.

(D) Item 7861 in the analysis of chapter 661 is amended by striking out "public" and substituting "naval".

10 USC 8992. (52) Section 8992 is amended to read as follows:

"§ 8992. Recomputation of retired pay to reflect advancement on retired list

"An enlisted member of the Air Force who is advanced on the retired list under section 8964 of this title is entitled to recompute his retired pay under formula A of the following table, and a warrant officer of the Air Force so advanced is entitled to recompute his retired pay under formula B of that table.

	Column 1	Column 2	Column 3	Column 4
Formula	For a person who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) after September 7, 1980, take the monthly retired pay base as computed under section 1407(e). For all others, take	Multiply by	Add	Subtract
A	Monthly basic pay or base and longevity pay, as the case may be,[1] of grade to which member is advanced on retired list.	2½% of years of service credited to him under section 8925 of this title.[2]		Excess over 75% of pay upon which computation is based.
B	Monthly basic pay or base and longevity pay, as the case may be,[1] of grade to which member is advanced on retired list.	2½% of years of service credited to him under section 1405 of this title.[2]		Excess over 75% of pay upon which computation is based.

[1] Compute at rate applicable on date of retirement.

[2] Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months.".

96 STAT. 1301

10 USC 9656. (53) Section 9656 is amended by striking out ", and at least one of which is designated by the Civil Aeronautics Authority for the training of Negro air pilots".

AMENDMENTS TO TITLE 14

SEC. 2. Title 14, United States Code, is amended as follows:

14 USC 46. (1) Section 46(a) is amended by striking out "commandant" and substituting "Commandant".

14 USC 47. (2) The last sentence of section 47(a) is amended by striking out "an" and substituting "a".

14 USC 82. (3) Section 82 is amended by striking out "(ch. 20 of title 49)" and "sections 7392 and 7394 of title 10" and substituting "(49 U.S.C. 1301 et seq.)" and "chapter 167 of title 10", respectively.

14 USC 92, 93, 641. (4) Sections 92(d), 93(h), and 641(a) are amended by striking out ", as amended," and substituting "(40 U.S.C. 471 et seq.)".

14 USC 147. (5) Section 147 is amended by striking out "Admministration" and substituting "Administration".

(6)(A) Chapter 7 is amended by inserting the following after section 147:

14 USC 147a. **"§ 147a. Department of Health and Human Services**

"(a) The Commandant may assist the Secretary of Health and Human Services in providing medical emergency helicopter transportation services to civilians. The Commandant may prescribe conditions, including reimbursement, under which resources may be provided under this section. The following specific limitations apply to assistance provided under this section:

"(1) Assistance may be provided only in areas where Coast Guard units able to provide the assistance are regularly assigned. Coast Guard units may not be transferred from one area to another to provide the assistance.

"(2) Assistance may be provided only to the extent it does not interfere with the performance of the Coast Guard mission.

"(3) Providing assistance may not cause an increase in amounts required for the operation of the Coast Guard.

"(b) An individual (or the estate of that individual) who is authorized by the Coast Guard to provide a service under a program established under subsection (a) and who is acting within the scope of that individual's duties is not liable for injury to, or loss of, property or personal injury or death that may be caused incident to providing the service.".

(B) The analysis of chapter 7 is amended by inserting the following item immediately below item 147:

"147a. Department of Health and Human Services.".

(7)(A) Item 186 in the analysis of chapter 9 is amended to read as follows:

"186. Civilian teaching staff.".

(B) Item 195 in the analysis of chapter 9 is amended to read as follows:

"195. Admission of foreign nationals for instruction; restrictions; conditions.".

(8) Section 182(b) is amended by striking out "United States Code,". 14 USC 182.

(9) Sections 283(b) and 362 are amended by striking out "of this chapter" and substituting "of this title". 14 USC 283, 362.

(10) Sections 322(d), 323(c), and 327 are amended by inserting "of this title" immediately after each reference to "section 321" and "section 322 or 323". 14 USC 322, 323, 327.

(11) Sections 371(b), 432(g), 433(g), and 475(b) are amended by striking out "per centum" and substituting "percent". 14 USC 371, 432, 433, 475.

(12) Section 423(b) is amended by striking out "on or after the date of enactment of the Department of Defense Authorization Act, 1981" and substituting "after September 7, 1980". 14 USC 423.

(13) Section 432(f) is amended by striking out "the civil service classification laws and titles II and III of the Federal Employees Pay Act of 1945 as amended" and substituting "chapter 51, subchapter III of chapter 53, and sections 5542-5546 of title 5". 14 USC 432.

(14) Sections 433(f) and 434 are amended by striking out "sections 691, 693, 698, 707, 709-715, 716-719, 720-725, 727-729, 730, 731, and 733 of title 5" and substituting "subchapter III of chapter 83 of title 5". 14 USC 433, 434.

(15)(A) Section 473 is repealed. Repeal.

(B) The analysis of chapter 13 is amended by striking out item 473. 14 USC 473.

(16) Section 512 is amended by striking out ", United States Code," and ", United States Code". 14 USC 512.

(17) The analysis of chapter 17 is amended by striking out item 645.

(18) Section 634(b) is amended— 14 USC 634.

(A) in the first sentence, by striking out "United States Commissioners or"; and

(B) by striking out the 2d sentence.

(19)(A) Section 659 is repealed. Repeal.

(B) The analysis of chapter 17 is amended by striking out item 659. 14 USC 659.

(20)(A) Chapter 17 is amended by adding at the end thereof the following:

"§ 661. Authorization of personnel end strengths

14 USC 661.

"(a) For each fiscal year, Congress shall authorize the strength for active duty personnel of the Coast Guard as of the end of that fiscal year. Amounts may be appropriated for a fiscal year to or for the use of active duty personnel of the Coast Guard only if the end strength for active duty personnel for that fiscal year has been authorized by law.

"(b)(1) Congress shall authorize the average military training student loads for the Coast Guard for each fiscal year. That authorization is required for student loads for the following individual training categories:

"(A) Recruit and specialized training.

"(B) Flight training.

"(C) Professional training in military and civilian institutions.

96 STAT. 1303 "(D) Officer acquisition training.

"(2) Amounts may be appropriated for a fiscal year for use in training military personnel of the Coast Guard in the categories referred to in paragraph (1) only if the average student loads for the Coast Guard for that fiscal year have been authorized by law.

14 USC 662.

"§ 662. Requirement for prior authorization of appropriations

"Amounts may be appropriated to or for the use of the Coast Guard for the following matters only if the amounts have been authorized by law after December 31, 1976:

"(1) For the operation and maintenance of the Coast Guard.

"(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore or offshore establishments, vessels, or aircraft, including equipment related to the aids, establishments, vessels, or aircraft.

"(3) For altering obstructive bridges.

"(4) For research, development, test, or evaluation related to a matter referred to in clauses (1)–(3).

14 USC 663.

"§ 663. Submission of plans to Congress

"The President shall submit to Congress with each budget request for the Coast Guard the current copy of the Coast Guard's Capital Investment Plan, Cutter Plan, Aviation Plan, and Shore Facilities Plan.".

(B) The analysis of chapter 17 is amended by adding at the end thereof the following items:

"661. Authorization of personnel end strengths.
"662. Requirement for prior authorization of appropriations.
"663. Submission of plans to Congress.".

14 USC 707. (21) Section 707(e) is amended—

(A) in clause (1), by striking out "per centum" wherever it appears and substituting "percent"; and

(B) in clause (1)(A), by inserting "(42 U.S.C. 401 et seq.)" after "Social Security Act".

(22) Item 733 in the analysis of chapter 21 is amended to read as follows:

"733. Recommendation for promotion of an officer previously removed from an active status.".

AMENDMENTS TO TITLE 37

SEC. 3. Title 37, United States Code, is amended as follows:

37 USC 305a. (1) Section 305a(d) is amended by striking out "clause (B)" in the 2d sentence and substituting "clause (2)".

37 USC 308b. (2) Section 308b(a)(1) is amended by striking out "services" and substituting "service".

37 USC 312a. (3) Section 312a(c) is amended—

(A) by striking out "308(c)" and substituting "308(a)"; and

(B) by striking out the last sentence.

Ante, p. 1061. (4) Section 406 is amended by adding at the end thereof the following:

Transportation allowance.

"(k) Appropriations available to the Department of Defense to carry out subsection (b) of this section are available to pay a monetary allowance to a member when the member participates in a program in which baggage and household effects of the member

96 STAT. 1304

are transported by a privately owned or rental vehicle under regulations of the Secretary of the military department concerned. The allowance is not limited to reimbursement for actual expenses and may be paid in advance of the transportation of the baggage and household effects. However, the amount of the allowance shall provide a savings to the United States when the total cost of the transportation is compared with the cost that would be incurred under subsection (b) of this section.".

(5) Section 707 is amended—

(A) by inserting "(a)" before "The Secretary"; and 37 USC 707.

(B) by adding at the end thereof the following:

"(b) The United States is not liable for loss or damage suffered by a person as a result of an error made by an officer or employee of the United States in carrying out the allotment program under subsection (a) of this section.".

(6)(A) Chapter 17 is amended by adding at the end thereof the following:

"§ 908. Employment of reserves and retired members by foreign governments 37 USC 908.

"(a) Subject to subsection (b) of this section, Congress consents to the following persons accepting civil employment (and compensation for that employment) for which the consent of Congress is required by the last paragraph of section 9 of article I of the Constitution, related to acceptance of emoluments, offices, or titles from a foreign government:

"(1) Retired members of the uniformed services.

"(2) Members of a reserve component of the armed forces.

"(3) Members of the Commissioned Reserve Corps of the Public Health Service.

"(b) A person described in subsection (a) of this section may accept employment or compensation described in that subsection only if the Secretary concerned and the Secretary of State approve the employment.".

(B) The analysis of chapter 17 is amended by adding at the end thereof the following:

"908. Employment of reserves and retired members by foreign governments.".

AMENDMENTS TO TITLE 38

SEC. 4. Title 38, United States Code, is amended as follows:

(1) The analysis of title 38 is amended—

(A) by amending item 31 to read as follows:

"31. Training and Rehabilitation for Veterans with Service-Connected Disabilities .... 1500";

(B) by amending item 34 to read as follows:

"34. Veterans' Educational Assistance .... 1651";

and

(C) by inserting the following item immediately below item 81:

"82. Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions .... 5070".

(2) Section 101(4) is amended by striking out "within two years after the veteran's death or the date of enactment of this sentence" and substituting "before August 26, 1961, or within two years after the veteran's death". 38 USC 101.

96 STAT. 1305

(3) Section 106 is amended— 38 USC 106.

(A) in subsection (a)(2), by striking out "the Federal Employees' Compensation Act" and substituting "subchapter I of chapter 81 of title 5"; and

(B) in subsection (e), by striking out "the Act of June 27, 1944 (58 Stat. 387–391), as a person described in section 2(1) of such Act" and substituting "title 5 as a preference eligible described in section 2108(3)(C) of title 5".

38 USC 107. (4) Section 107(a)(2) is amended by striking out "the Missing Persons Act" and substituting "chapter 10 of title 37".

38 USC 111. (5) Section 111(e)(4) is amended by striking out ", and not later than sixty days after the effective date of this subsection, and thereafter" and substituting "and".

38 USC 230. (6) Section 230(b) is amended by striking out "Phillipines" and substituting "Philippines".

38 USC 243. (7) Section 243(a)(3)(E) is amended by striking out ", as amended" and substituting "(20 U.S.C. 1070e-1)".

38 USC 246. (8) Section 246 is amended—

(A) by striking out "per centum" wherever it appears and substituting "percent";

(B) by striking out "Commissioner of Education, Department of Health, Education, and Welfare" and "Commissioner of Education" wherever they appear and substituting "Secretary of Education";

(C) in subsection (b)(1)(B), by inserting "(20 U.S.C. 1070e)" after "the Higher Education Act of 1965";

(D) in subsection (c)(1)(A), by inserting "(20 U.S.C. 1070e(c)(1))" after "the Higher Education Act of 1965"; and

(E) in subsection (f)—

(i) by inserting "(20 U.S.C. 1001 et seq.)" after "the Higher Education Act of 1965"; and

(ii) by striking out "the Commissioner shall" and substituting "the Secretary shall".

(9) The analysis of chapter 11 is amended by inserting the following item immediately below item 360:

"361. Payment of disability compensation in disability severance cases.".

38 USC 415. (10) Section 415 is amended—

(A) in subsection (f)(1)(D), by striking out "subchapter II of chapter 7 of title 42" and substituting "title II of the Social Security Act (42 U.S.C. 401 et seq.)"; and

(B) in subsection (f)(1)(G), by striking out "per centum" and substituting "percent".

38 USC 416, 417. (11) Sections 416 and 417 are amended by striking out "the Federal Employees' Compensation Act" wherever it appears and substituting "subchapter I of chapter 81 of title 5".

38 USC 422. (12) Section 422(a) is amended by striking out "section 402 of title 42" and substituting "section 202 of the Social Security Act (42 U.S.C. 402)".

38 USC 503. (13) Section 503(a)(10)(A) is amended by inserting "(26 U.S.C. 6012(a))" after "the Internal Revenue Code of 1954".

(14) Item 560 in the analysis of chapter 15 is amended to read as follows:

96 STAT. 1306 "560. Medal of Honor Roll; persons eligible.".

(15) Item 624 in the analysis of chapter 17 is amended to read as follows:

"624. Hospital care, medical services, and nursing home care abroad.".

38 USC 602. (16) Section 602 is amended by striking out "or February 1, 1957, in the case of a veteran of the Korean conflict, or before the expiration of two years following termination of the Vietnam era" and substituting "before February 1, 1957, in the case of a veteran of the Korean conflict, or before May 8, 1977,".

38 USC 612. (17) Section 612 is amended—

(A) in subsection (a), by inserting "of this section" after "subsection (b)";

(B) in subsection (a), insert ")" before the period at the end of the 2d sentence;

(C) in subsection (f)(2), by striking out "per centum" and substituting "percent";

(D) in subsection (h), by inserting "of this title" after "chapter 11"; and

(E) in subsection (i), by striking out "Not later than ninety days after the effective date of this subsection, the" and substituting "The".

(18) Section 617 is amended by striking out "subsections 314(l)-(p) (or the comparable rates provided pursuant to section 334) of this title" and substituting "section 314(l)-(p) of this title (or the comparable rates provided pursuant to section 334 of this title)". 38 USC 617.

(19) Section 620 is amended— 38 USC 620.

(A) in subsection (a), by striking out "per centum" wherever it appears and substituting "percent"; and

(B) in subsection (c)—

(i) by inserting "(41 U.S.C. 351(b)(1))" after "the Service Contract Act of 1965"; and

(ii) by striking out ", as amended," and substituting "(29 U.S.C. 206(b))".

(20) The catchline for section 624 is amended by striking out "**Hospital care and medical services abroad**" and substituting "**Hospital care, medical services, and nursing home care abroad**". 38 USC 624.

(21) Section 704(e) is amended— 38 USC 704.

(A) in the first sentence, by striking out "On and after the effective date of this subsection" and substituting "After June 30, 1972,"; and

(B) in the 3d sentence, by striking out "subsections" and substituting "subsection".

(22) Section 707(c) is amended by striking out "within six calendar months after the effective date of this subsection" and substituting "before February 1, 1973". 38 USC 707.

(23) Section 712(d) is amended by striking out "the date of enactment of this subsection" and substituting "June 8, 1960". 38 USC 712.

(24) Section 718 (a) and (b) is amended by striking out "on or after the date of enactment of this sentence" and substituting "after July 26, 1962" and "after July 26, 1962,", respectively. 38 USC 718.

(25) Section 725 is amended— 38 USC 725.

(A) by striking out "per centum" wherever it appears and substituting "percent"; and

6 STAT. 1307

(B) in subsection (a), by striking out "within one year after the effective date of this section" and substituting "before May 2, 1966".

(26) Sections 743 and 744 are amended by striking out "per centum" wherever it appears and substituting "percent". 38 USC 743, 744.

(27) Section 748 is amended by striking out "permium" and substituting "premium". 38 USC 748.

(28) Section 760(b) is amended by striking out "per centum" and substituting "percent". 38 USC 760.

(29) Section 766(a) is amended by striking out "per centum" and substituting "percent". 38 USC 766.

(30) Section 768(a)(5) is amended by striking out "this amendment" and substituting "the amendment made by section 5(a) of the Veterans' Insurance Act of 1974 (Public Law 93-289, 88 Stat. 166)". 38 USC 768.

(31) Section 770(g) is amended by inserting "(26 U.S.C. 6331 et seq.)" after "the Internal Revenue Code of 1954". 38 USC 770.

(32) Section 784 is amended— 38 USC 784.

(A) in subsection (b), by striking out "said claim: *Provided,* That in any case in which" and substituting "the claim. However, if"; and

(B) in subsection (c), by striking out "district: *Provided,* That" and "herein" and substituting "district. However," and "in this section", respectively.

(33) Section 802(a) is amended by striking out "per centum" wherever it appears and substituting "percent". 38 USC 802.

38 USC 1003. (34) Section 1003(c) is amended by striking out "Act" and substituting "chapter".

(35) The analysis of part III is amended—

(A) by amending item 31 to read as follows:

"31. Training and Rehabilitation for Veterans with Service-Connected Disabilities .... 1500";

(B) by amending item 34 to read as follows:

"34. Veterans' Educational Assistance .... 1651".

(36) Item 1625 in the analysis of chapter 32 is amended to read as follows:

"1625. Discharge or release under conditions which would bar the use of benefits.".

38 USC 1642. Report to Congress. (37) The text of section 1642 is amended to read as follows: "The Administrator and the Secretary shall submit a joint report each year to the Committees on Veterans' Affairs of the Senate and House of Representatives detailing the operations of the program provided for in this chapter during the preceding year. The report shall be submitted by January 15 of each year.".

38 USC 1652. (38) Section 1652(b) is amended by striking out "402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a))" and substituting "section 7(i)(1) of the Small Business Act (15 U.S.C. 636(i)(1))".

38 USC 1662. (39) Section 1662 is amended—

(A) in subsection (a)(2)(B), by striking out "the date of enactment of this paragraph" and substituting "November 23, 1977,"; and

96 STAT. 1308

(B) in subsection (c)—

(i) by striking out "the date for which an educational assistance allowance is first payable under this chapter" and substituting "June 1, 1966"; and

(ii) by striking out "the date of enactment of this sentence" wherever it appears and substituting "August 31, 1967," and "August 31, 1967", respectively.

38 USC 1673. (40) Section 1673(d) is amended by striking out "per centum" wherever it appears and substituting "percent".

38 USC 1682A. (41) Section 1682A(b)(8) is amended by striking out "within five years after the date of enactment of this section" and substituting "before November 24, 1982".

38 USC 1685. (42) Section 1685(a) is amended by inserting "(29 U.S.C. 206(a))" after "the Fair Labor Standards Act of 1938" the first time it appears.

38 USC 1691. (43) Section 1691 is amended—

(A) in subsection (a), by inserting "of this title" after "section 1671"; and

(B) in subsection (b)(2), by inserting "of this title" after "section 1682(a)".

38 USC 1712. (44) Section 1712 is amended—

(A) in subsection (a), by inserting "of this title" after "section 1701(a)(1)(A)" and by inserting ":" after "last occurs";

(B) in subsection (b), by striking out "of this chapter" and substituting "of this title"; and

(C) in subsection (e), by striking out "the date of enactment of this subsection" and substituting "December 24, 1970".

38 USC 1720. (45) Section 1720 is amended—

(A) in subsection (a), by inserting "of this title" after "section 1701(a)(1)(A)"; and

(B) in subsection (b), by striking out "of this chapter" and substituting "of this title".

38 USC 1763. (46) Section 1763 is amended by striking out "of this chapter" and substituting "of this title".

(47) Section 1765(a) is amended by inserting "of this title" after "section 1766". 38 USC 1765.

(48) Item 1780 in the analysis of chapter 36 is amended to read as follows:

"1780. Payment of educational assistance or subsistence allowances.".

(49) Section 1770(b) is amended by striking out "the date of enactment of this chapter" and "section 1778" and substituting "March 3, 1966" and "section 1779", respectively. 38 USC 1770.

(50) Section 1772 is amended— 38 USC 1772.

(A) by inserting "of this title" after "34 and 35" wherever it appears; and

(B) in subsection (c)(1), by striking out "section 50a of title 29" and substituting "section 2 of the Act of August 16, 1937 (popularly known as the 'National Apprenticeship Act') (29 U.S.C. 50a),".

(51) Sections 1773 and 1774(a) are amended by inserting "of this title" after "34 and 35" wherever it appears. 38 USC 1773, 1774.

(52) Section 1780 is amended— 38 USC 1780.

(A) in subsection (a), by striking out "1504" and substituting "1508";

(B) in subsection (a)(5), by striking out "the 6 months" and substituting "than 6 months"; and

(C) in subsection (a)(A)–(C), by inserting "of this subsection" after "clause (2)" wherever it appears.

(53) Section 1781 is amended by striking out "the Government Employees' Training Act" and substituting "chapter 41 of title 5". 38 USC 1781.

(54) Section 1783(a) is amended by inserting "of this title" after "34 or 35". 38 USC 1783.

(55) Section 1784(c) is amended by striking out "per centum" and substituting "percent". 38 USC 1784.

(56) Section 1786(c) is amended by striking out "per centum" wherever it appears and substituting "percent". 38 USC 1786.

(57) Section 1787(a) is amended— 38 USC 1787.

(A) by striking out "section 50a of title 29" and substituting "section 2 of the Act of August 16, 1937 (popularly known as the 'National Apprenticeship Act') (29 U.S.C. 50a)"; and

(B) by inserting "of this title" after "34 and 35".

(58) Section 1788(a)(6) is amended by inserting "of this subsection" after "or (4)". 38 USC 1788.

(59) Section 1790 is amended— 38 USC 1790.

(A) in subsection (a), by striking out "after the effective date of section 1780 of this title" and "or 35, of" and substituting "after October 24, 1972" and "or 35 of", respectively; and

(B) in subsection (b), by striking out "35," and substituting "35 of this title,".

(60) Section 1798(b)(2)(B)(iii) is amended by striking out ", as amended" and substituting "(20 U.S.C. 1070 et seq.)". 38 USC 1798.

(61) Sections 1799(e), 1802(f), and 1803(a)(1) are amended by striking out "per centum" wherever it appears and substituting "percent". 38 USC 1799.

(62) Section 1801(b)(3) is amended by striking out "spouse shall be deemed" and "spouse is no longer listed" and substituting "member shall be deemed" and "member is no longer listed", respectively. 38 USC 1801.

(63) Section 1803 is amended— 38 USC 1803.

(A) in subsection (a)(2), by striking out "prior to the date of enactment of the Veterans' Housing Act of 1970" and substituting "before October 23, 1970,";

(B) in subsection (c)(1), by inserting "(12 U.S.C. 1709(b))" after "the National Housing Act"; and

(C) in subsection (d)(3), by striking out "the effective date of this amendment" and substituting "June 6, 1969".

38 USC 1804. (64) Section 1804(e) is amended—

(A) by inserting "(12 U.S.C. 1749aa et seq.)" after "the National Housing Act"; and

(B) by striking out "the date of the enactment of the Housing and Urban Development Act of 1965" and substituting "August 10, 1965".

38 USC 1811. (65) Section 1811 is amended—

(A) in subsection (c)(2), by striking out "sections 1000-1029 of title 7 or under sections 1471-1483 of title 42" and substituting "title III of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.)";

(B) in subsection (d)(2)(B), by striking out "the date of the enactment of the Veterans' Housing Benefits Act of 1978" and substituting "October 18, 1978,"; and

(C) in subsection (j), by striking out "per centum" wherever it appears and substituting "percent".

38 USC 1818, 1819. (66) Sections 1818(b) and 1819(l) are amended by striking out "the date of enactment of the Veterans' Housing Act of 1970" and substituting "October 23, 1970," and "October 23, 1970", respectively.

38 USC 1820. (67) Section 1820(f) is amended by inserting "(42 U.S.C. 5121 et seq.)" after "the Disaster Relief Act of 1974".

38 USC 1823. (68) Section 1823(b) is amended by striking out "the date of enactment of this sentence" and substituting "February 29, 1964".

38 USC 1904. (69) Section 1904(b) is amended—

(A) by striking out "Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare" and substituting "Health and Human Services and the Secretary of Education"; and

(B) by striking out "section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), and section 204(b)(2) of such Act" and substituting "section 204(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(2))".

38 USC 2003. (70) Section 2003 is amended by striking out "chapter 51 of" and substituting "chapter 51 and".

38 USC 2022. (71) Section 2022(a) is amended by striking out "section 2024" and substituting "2024 of this title".

38 USC 2023. (72) Section 2023 is amended—

(A) by striking out "United States Civil Service Commission" and "Commission" (except when referring to the Postal Rate Commission) wherever they appear and substituting "Director of the Office of Personnel Management" and "Director", respectively;

(B) in subsection (a), by striking out "whenever it finds" and substituting "when the Director finds";

(C) in subsection (a)(2), by striking out the period and substituting a semicolon; and

(D) in subsections (b) and (c), by inserting "of this title" after "section 2021(a)".

38 USC 3020. (73) Section 3020(a) is amended by striking out "Post Office Department" and substituting "United States Postal Service".

38 USC 3101. (74) Section 3101(c) is amended by inserting "of this section" after "subsection (a)" and by striking out "(relating to seizure of property for collection of taxes)" and substituting "(26 U.S.C. 6331 et seq.)".

38 USC 3103.

(75) Section 3103(e)(2)(B) is amended by striking out "within one year after the date of enactment of this paragraph", "on or prior to the date of enactment of this paragraph", and "such enactment date" and substituting "before October 9, 1978,", "before October 9, 1977,", and "October 8, 1977", respectively.

96 STAT. 1311

38 USC 3112.

(76) Section 3112 is amended—

(A) in subsections (a) and (b)(1), by inserting "(42 U.S.C. 401 et seq.)" after "title II of the Social Security Act" the first time it appears in each subsection;

(B) by inserting "(42 U.S.C. 415(i))" after "section 215(i) of such Act" wherever it appears;

(C) in subsection (b)(1), by striking out "subsection (h), of section 415 of such title" and substituting "subsection (g), of section 415 of this title"; and

(D) in subsection (c)(1), by inserting "(42 U.S.C. 415(i)(2)(D))" after "section 215(i)(2)(D) of the Social Security Act".

38 USC 3202.

(77) Section 3202(d) is amended by striking out "the date of enactment of this sentence" and substituting "August 7, 1959,".

38 USC 3504.

(78) Section 3504(a) is amended by striking out "be guilty" and substituting "to be guilty".

38 USC 3505.

(79)(A) Section 3505(a) is amended by striking out "the date of enactment of this section" and substituting "September 1, 1959,".

(B) Section 3505(b) is amended to read as follows:

"(b) The offenses referred to in subsection (a) of this section are those offenses for which punishment is prescribed in—

"(1) sections 894, 904, and 906 of title 10 (articles 94, 104, and 106 of the Uniform Code of Military Justice);

"(2) sections 792, 793, 794, 798, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chapter 105 of title 18;

18 USC 2151 *et seq.*

"(3) sections 222, 223, 224, 225, and 226 of the Atomic Energy Act of 1954 (42 U.S.C. 2272, 2273, 2274, 2275, and 2276); and

"(4) section 4 of the Internal Security Act of 1950 (50 U.S.C. 783).".

38 USC 4101.

(80)(A) Section 4101(c)(2) is amended—

(i) by striking out "Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare" and substituting "Health and Human Services and the Secretary of Education"; and

(ii) by striking out "section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), section 202(b)(2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers), and section 405 of such Act (relating to the secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities)" and substituting "section 204(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(2)) (relating to the establishment and support of Rehabilitation Engineering Research Centers)".

(B) Section 4101(d) is repealed.

38 USC 4105.

(81) Section 4105(c) is amended by striking out "the effective date of this subsection" and substituting "January 1, 1978,".

38 USC 4107.

(82) Section 4107(e) is amended by striking out "per centum" wherever it appears and substituting "percent".

96 STAT. 1312

38 USC 4108.

(83) Section 4108(a)(6) is amended by striking out "the effective date of this subsection" wherever it appears and substituting "September 1, 1973".

38 USC 4109.

(84) Section 4109(a) is amended by inserting "subchapter III of" before "chapter".

38 USC 4114.

(85) Section 4114 is amended—

(A) in subsection (b)(3)(C), by inserting "(26 U.S.C. 3101 et seq.)" after "the Internal Revenue Code of 1954"; and

(B) in subsection (f), by striking out "the effective date of this subsection" and substituting "January 1, 1978,".

38 USC 4118.

(86)(A) The last sentence of section 4118(a)(3) is amended to read as follows: "Not later than one year after making any such recruitment and retention determination and each year thereafter, the Chief Medical Director shall make a redetermination in accordance with such regulations.".

(B) Section 4118(e)(4) is amended—

(i) in clause (A), by striking out "on or before the effective date of this section", "the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975", and "the effective date of this section" and substituting "before October 13, 1975,", "October 22, 1975,", and "October 12, 1975", respectively;

(ii) in clause (B), by striking out "the effective date of this section" and "the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975" and substituting "October 12, 1975," and "October 22, 1975,", respectively; and

(iii) in clause (C), by striking out "the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975" and substituting "October 22, 1975".

38 USC 4134.

(87) Section 4134(a) is amended—

(A) by striking out "Health, Education, and Welfare" and substituting "Health and Human Services"; and

(B) by striking out "the Director of the Office of Drug Abuse Policy (or any other successor authority)" and substituting "the President (or the delegate of the President)".

38 USC 4202.

(88) Section 4202 is amended—

(A) in clause (5), by striking out "without regard to" and all that follows through the semicolon and substituting "without regard to the provisions of title 5 governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5. Those employees are subject to the provisions of title 5 relating to a preference eligible described in section 2108(3) of title 5, subchapter I of chapter 81 of title 5, and subchapter III of chapter 83 of title 5;"; and

5 USC 5101 *et seq.*, 5331.

5 USC 8101, 8331.

(B) in clause (11), by striking out "sections 521 and 543 of title 5" and substituting "section 1 of the Act of January 31, 1925 (7 U.S.C. 2217), and section 1 (1st proviso under heading 'OFFICE OF THE SECRETARY') of the Act of May 11, 1922 (7 U.S.C. 2240)".

38 USC 4207.

(89) Section 4207 is amended by striking out "the Accounting and Auditing Act of 1950" and substituting "section 3523 of title 31".

38 USC 4208.

(90) Section 4208 is amended by striking out "herein provided" and substituting "provided in this chapter".

96 STAT. 1313

38 USC 5022.

(91)(A) Section 5022(a) is amended by striking out "section 321" and all that follows through "(40 U.S.C. 303b)" and substituting "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)".

(B) Section 5022(c) is amended by inserting "(41 U.S.C. 254)" after "section 304 of that Act".

38 USC 5035.

(92) Sections 5035(a)(1), (4), (b)(2), (d)(1), and 5036 are amended by striking out "per centum" wherever it appears and substituting "percent".

38 USC 5056.

(93) Section 5056 is amended by inserting "(42 U.S.C. 300t et seq.)" after "part F of title XVI of the Public Health Service Act".

(94)(A) Section 5070(a) is amended—

38 USC 5070.

(i) by striking out "Health, Education, and Welfare" and substituting "Health and Human Services"; and

(ii) by striking out "section 309 and" and inserting "(42 U.S.C. 292 et seq.)" after "the Public Health Service Act".

(B) Section 5070(e) is amended—

(i) in the first sentence, by striking out "including equipment therein)" and substituting "(including equipment therein)"; and

(ii) in the last sentence, by striking out "section 321" and all that follows through "(40 U.S.C. 303b)" and substituting "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)".

(95)(A) The following sections are amended by striking out "Health, Education, and Welfare" wherever it appears and substituting "Health and Human Services": 101(25)(E), 422 (a) and (b), 612(j), 616, 774, 2014(c), 3001(a), 3005, 5053(d)(1), and 5056.

38 USC 101, 422, 612, 616, 774, 2014, 3001, 3005, 5053, 5056.

(B) Section 5073(b)(1)(D) is amended by striking out "Commissioner of Education of the Department of Health, Education, and Welfare" and substituting "Secretary of Education".

38 USC 5073.

LEGISLATIVE PURPOSE AND CONSTRUCTION

SEC. 5. (a) Sections 1-4 of this Act restate, without substantive change, laws enacted before December 2, 1981, that were replaced by those sections. Those sections may not be construed as making a substantive change in the laws replaced. Laws enacted after December 1, 1981, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

10 USC 101 note.

(b) A reference to a law replaced by sections 1-4 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) An order, rule, or regulation in effect under a law replaced by sections 1-4 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) An action taken or an offense committed under a law replaced by sections 1-4 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline of the provision.

(f) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in any of its

96 STAT. 1314

applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

REPEALS

SEC. 6. (a) The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

10 USC 101 note.

(b) The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Statutes at Large

	Date	Chapter or Public Law	Section	Statutes at Large	
				Volume	Page
	1965				
10 USC 135 note, 7291 note.	June 11	89-37	302, 303, 305	79	128
10 USC 3036 note.	Oct. 27	89-298	219	79	1089
	1966				
	Nov. 2	89-718	8(a)	80	1117
	1967				
10 USC 2304 note.	Mar. 16	90-5	304	81	6
10 USC 5148 note.	Dec. 8	90-179	11	81	549
	1968				
10 USC 2303 note.	Sept. 20	90-500	404	82	851
	1969				
50 USC 1436.	Nov. 19	91-121	410	83	210
	1970				
10 USC 2304 note.	Oct. 7	91-441	507	84	913
	1971				
10 USC 1071 note.	Sept. 28	92-129	501	85	361
	1974				
37 USC 707 note.	May 24	93-289	11(b)	88	173
10 USC 138 note, 2451 note.	Aug. 5	93-365	302(c), 502	88	402, 404
	1975				
10 USC 133 note, 2451 note.	Oct. 7	94-106	812-814	89	540
	1976				
37 USC 406 note.	Feb. 9	94-212	747	90	176
50 USC 1436.	Apr. 21	94-273	4(4), 5(6), 14	90	377, 378
10 USC 2451 note.	July 14	94-361	802, 803	90	930
14 USC note prec. 211, 656 note.	Sept. 10	94-406	5, 6	90	1236
	1977				
14 USC 141 note.	July 1	95-61	8	91	260
10 USC 133 note, 2203 note.	July 30	95-79	812 (last sentence), 814	91	336, 337
37 USC 801 note.	Aug. 17	95-105	509(a)-(c)	91	859
10 USC 2304 note.	Sept. 21	95-111	836	91	906
	1978				
10 USC 7291 note.	Oct. 20	95-485	810(a), (b)	92	1623
	1979				
10 USC 131 note, 2388 note.	Nov. 9	96-107	808, 815	93	814, 817
10 USC 2208 note.	Dec. 21	96-154	767	93	1163
	1980				
14 USC 656 note.	Oct. 3	96-376	12	94	1511
	1981				
10 USC 2304 note.	June 5	97-12	100 (last par. under heading "General Provisions").	95	29
10 USC 2304 note.	Dec. 29	97-114	770	95	1590
	1982				
10 USC 133 note, 2451 note, 4334 note.	Sept. 8	97-252	1104, 1121, 1133(a)	96	739, 754, 761

Approved October 12, 1982.

LEGISLATIVE HISTORY—H.R. 4623:

HOUSE REPORT No. 97-388 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 128 (1982):
July 19, considered and passed House.
Sept. 24, considered and passed Senate, amended.
Sept. 28, House agreed to Senate amendments.

Public Law 97-321
97th Congress

96 STAT. 1549

An Act

To authorize certain construction at military installations for fiscal year 1983, and for other purposes.

Oct. 15, 1982
[S. 2586]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Construction Authorization Act, 1983".

Military Construction Authorization Act, 1983.

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 101. The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $25,120,000.
Fort Campbell, Kentucky, $10,650,000.
Fort Carson, Colorado, $11,900,000.
Fort Devens, Massachusetts, $3,200,000.
Fort Drum, New York, $1,550,000.
Fort Hood, Texas, $21,750,000.
Fort Irwin, California, $21,590,000.
Fort Lewis, Washington, $21,700,000.
Fort McPherson, Georgia, $41,000,000.
Fort Meade, Maryland, $2,500,000.
Fort Ord, California, $8,900,000.
Fort Polk, Louisiana, $16,840,000.
Camp Roberts, California, $2,050,000.
Fort Sam Houston, Texas, $22,000,000.
Fort Stewart, Georgia, $23,000,000.
Fort Wainwright, Alaska, $3,020,000.
Yakima Firing Center, Washington, $2,950,000.

UNITED STATES ARMY WESTERN COMMAND

Schofield Barracks, Hawaii, $2,930,000.
Aliamanu, Hawaii, $4,100,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Benning, Georgia, $26,250,000.
Fort Bliss, Texas, $21,300,000.
Fort Eustis, Virginia, $6,400,000.
Fort Gordon, Georgia, $9,200,000.
Fort Knox, Kentucky, $8,400,000. 96 STAT. 1550
Fort Leavenworth, Kansas, $17,800,000.
Fort Leonard Wood, Missouri, $11,000,000.
Fort McClellan, Alabama, $7,500,000.
Fort Rucker, Alabama, $17,750,000.
Fort Story, Virginia, $13,800,000.

UNITED STATES ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, $27,500,000.
Pine Bluff Arsenal, Arkansas, $19,650,000.
Red River Army Depot, Texas, $39,000,000.
Tooele Army Depot, Utah, $4,150,000.
White Sands Missile Range, New Mexico, $5,500,000.

AMMUNITION FACILITIES

Indiana Army Ammunition Plant, Indiana, $2,910,000.
Iowa Army Ammunition Plant, Iowa, $430,000.
Kansas Army Ammunition Plant, Kansas, $7,200,000.
Longhorn Army Ammunition Plant, Texas, $230,000.
Louisiana Army Ammunition Plant, Louisiana, $3,410,000.
Milan Army Ammunition Plant, Tennessee, $5,500,000.
Radford Army Ammunition Plant, Virginia, $2,400,000.
Sunflower Army Ammunition Plant, Kansas, $3,000,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $2,600,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $1,700,000.
Fitzsimons Army Medical Center, Colorado, $3,600,000.
Walter Reed Army Medical Center, Washington, District of Columbia, $9,800,000.

BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Classified Locations, $20,000,000.

Outside the United States

EIGHTH UNITED STATES ARMY

Korea, $57,850,000.

UNITED STATES ARMY FORCES COMMAND

Panama, $6,800,000.
Egypt, $50,400,000.

UNITED STATES ARMY, EUROPE

Germany, $240,440,000.
96 STAT. 1551 Turkey, $7,050,000.

UNITED STATES ARMY WESTERN COMMAND

Johnston Island, $1,050,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Germany, $3,950,000.

CONTRACTING FOR CERTAIN PROJECTS

SEC. 102. (a) The following projects authorized in section 101 may be carried out only as provided in subsection (b):

Insulation of Buildings in the amount of $1,550,000 at Fort Drum, New York.

Division Headquarters in the amount of $13,800,000 at Fort Hood, Texas.

Headquarters Facility in the amount of $41,000,000 at Fort McPherson, Georgia.

Health Clinic in the amount of $1,050,000 at Fort Benning, Georgia.

Barracks in the amount of $9,700,000 at Fort Benning, Georgia.

Post Office in the amount of $270,000 at Fort Benning, Georgia.

Training Facility in the amount of $9,200,000 at Fort Gordon, Georgia.

Barracks in the amount of $18,100,000 at Aberdeen Proving Ground, Maryland.

Barracks in the amount of $20,000,000 at Fort Sam Houston, Texas.

Dining Facility Modernization in the amount of $310,000 at Fort Sam Houston, Texas.

Air Conditioning in the amount of $2,000,000 at Fort Sam Houston, Texas.

Community Center in the amount of $4,100,000 at Aliamanu, Hawaii.

(b) A contract for a project listed in subsection (a) may be entered into only if the funds to be obligated for the contract are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 101 other than those listed in subsection (a), (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Army in previous military construction authorization Acts.

Report to congressional committees.

(c) Before the Secretary of the Army may advertise for bids, or may negotiate, for a contract described in subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract are available in accordance with subsection (b) and identifying the source of the funds. Such a report may not be submitted before June 1, 1983, or after June 30, 1983.

MINOR CONSTRUCTION

Ante, p. 155.

96 STAT. 1552

SEC. 103. The Secretary of the Army may carry out minor construction projects under the authority of section 2805 of title 10, United States Code, and construction projects in amounts of $1,000,000 or less under the authority of this section, in the total amount of $53,780,000.

FAMILY HOUSING

SEC. 104. (a) The Secretary of the Army may construct family housing (including land acquisition) and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Fort Irwin, California, one hundred and fourteen units, $8,208,000.

Fort Lewis, Washington, one hundred and fifteen units, $8,962,000.

(b) Section 601(c) of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1373), is amended by striking out "four hundred and fifty-four units" in the item relating to Fort Irwin, California, and inserting in lieu thereof "four hundred and eighty-four units".

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Ante, p. 159.

SEC. 105. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed $115,760,000, of which $43,800,000 is available only for energy conservation projects.

(b) Within the amount specified in subsection (a), the Secretary of the Army may, notwithstanding the maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Aberdeen Proving Ground, Maryland, one hundred and sixty units, $6,080,000.

Fort Hamilton, New York, one hundred and eight units, $4,800,000.

(c) Section 505 of the Military Construction Authorization Act, 1976 (Public Law 94-107; 89 Stat. 561), is amended by striking out "$195,000" in the item relating to Fort McNair, Washington, District of Columbia, and inserting in lieu thereof "$223,000".

LIMITATION ON LEASING OF HOUSING IN FOREIGN COUNTRIES

SEC. 106. Section 605(a)(2) of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1374), is amended by striking out "$113,717,000" and inserting in lieu thereof "$118,017,000".

LIMITS ON PROJECTS IN SUPPORT OF THE MASTER RESTATIONING PLAN

Agreement, submittal to Congress.

SEC. 107. (a) None of the funds appropriated pursuant to authorizations of appropriations in this Act may be obligated or expended for projects in the Federal Republic of Germany in support of the master restationing plan until (1) there is a formal agreement between the governments of the United States and the Federal Republic of Germany on the cost sharing arrangements that will apply to all projects in support of such master restationing plan, (2) the Secretary of Defense has submitted a copy of the agreement to Congress, and (3) a period of 30 days of continuous session of Congress has expired following the date of such submittal. (b) For the purposes of subsection (a), the continuity of a session of Congress is broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the 30-day period.

96 STAT. 1553

TITLE II—NAVY

AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 201. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Beaufort, South Carolina, $4,650,000.

Marine Corps Base, Camp Lejeune, North Carolina, $28,550,000.

Marine Corps Base, Camp Pendleton, California, $33,965,000.

Marine Corps Air Station, Cherry Point, North Carolina, $31,800,000.

Marine Corps Air Station, El Toro, California, $7,200,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $1,450,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $1,550,000.

Marine Corps Development and Education Command, Quantico, Virginia, $23,250,000.

Marine Corps Recruit Depot, San Diego, California, $27,100,000.

Marine Corps Air Station, Tustin, California, $7,350,000.

OFFICE OF NAVAL RESEARCH

Naval Research Laboratory, Washington, District of Columbia, $1,800,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $16,900,000.

Naval Submarine Support Base, Kings Bay, Kingsland, Georgia, $147,750,000.

Naval Support Activity, San Francisco, California, $1,400,000.

COMMANDER IN CHIEF, UNITED STATES ATLANTIC FLEET

Naval Air Station, Cecil Field, Florida, $9,300,000.

Naval Station, Charleston, South Carolina, $12,250,000.

Naval Amphibious Base, Little Creek, Virginia, $1,850,000.

Naval Station, Mayport, Florida, $36,100,000.

Naval Submarine Base, New London, Groton, Connecticut, $5,900,000.

Commander Oceanographic System Atlantic, Norfolk, Virginia, $3,100,000.

Atlantic Fleet Headquarters Support Activity, Norfolk, Virginia, $2,085,000.

Naval Air Station, Norfolk, Virginia, $2,150,000.

Naval Air Station, Oceana, Virginia, $6,200,000.

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Facility, Adak, Alaska, $1,900,000.

Naval Air Station, Alameda, California, $3,650,000.

Naval Air Station, Lemoore, California, $10,700,000.

Naval Air Station, Moffett Field, California, $11,800,000.

Naval Air Station, North Island, California, $31,070,000.

Naval Station, Pearl Harbor, Hawaii, $14,400,000.

Naval Station, San Diego, California, $27,300,000.

Shore Intermediate Maintenance Activity, San Diego, California, $14,100,000.

Shore Intermediate Maintenance Activity, Pearl Harbor, Hawaii, $7,000,000.

Naval Air Station, Whidbey Island, Washington, $1,200,000.

NAVAL EDUCATION AND TRAINING COMMAND

Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $1,700,000.

Naval Air Station, Corpus Christi, Texas, $2,800,000.

Naval Training Center, Great Lakes, Illinois, $1,850,000.

Naval Air Station, Memphis, Tennessee, $8,400,000.

Naval Education and Training Center, Newport, Rhode Island, $1,100,000.

Fleet Training Center, Norfolk, Virginia, $5,400,000.

Naval Training Center, Orlando, Florida, $5,500,000.

Naval Air Station, Pensacola, Florida, $5,400,000.

Naval Technical Training Center, Pensacola, Florida, $4,450,000.

Fleet Anti-Submarine Warfare Training Center Pacific, San Diego, California, $3,950,000.

Naval Air Station, Whiting Field, Florida, $7,650,000.

BUREAU OF MEDICINE AND SURGERY

Naval Regional Medical Center, Oakland, California, $9,700,000.

Naval Regional Medical Center, Camp Lejeune, North Carolina, $2,800,000.

NAVAL MATERIAL COMMAND

Naval Weapons Station, Charleston, South Carolina, $1,140,000.

Naval Air Rework Facility, Cherry Point, North Carolina, $5,550,000.

Naval Weapons Center, China Lake, California, $8,700,000.

Naval Surface Weapons Center, Dahlgren, Virginia, $10,800,000, all of which must be used for the Applied Research Center, Wallops Island, Virginia.

Navy Public Works Center, Great Lakes, Illinois, $3,400,000.

Mare Island Naval Shipyard, Vallejo, California, $9,150,000.

Naval Underwater Systems Center, Newport, Rhode Island, $6,500,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $160,000,000.

Navy Public Works Center, Norfolk, Virginia, $16,030,000.

Naval Air Rework Facility, North Island, California, $18,500,000.

96 STAT. 1555

Aviation Supply Office, Philadelphia, Pennsylvania, $1,400,000.

Naval Ship System Engineering Station, Philadelphia, Pennsylvania, $1,500,000.

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $17,500,000.

Naval Ship Weapon System Engineering Station, Port Hueneme, California, $7,800,000.

Naval Supply Center, San Diego, California, $4,430,000.

Naval Mine Engineering Facility, Yorktown, Virginia, $3,250,000.

Navy Public Works Center, San Francisco, California, $9,800,000.

Portsmouth Naval Shipyard, Kittery, Maine, $6,600,000.

Naval Air Development Center, Warminster, Pennsylvania, $1,400,000.

Naval Surface Weapons Center, White Oak, Maryland, $1,700,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station Eastern Pacific, Honolulu, Hawaii, $6,300,000.

Naval Communication Area Master Station Atlantic, Norfolk, Virginia, $1,850,000.

Outside the United States

UNITED STATES MARINE CORPS

Marine Corps Base, Camp Butler, Okinawa, Japan, $2,000,000.

Marine Corps Air Station, Iwakuni, Japan, $1,350,000.

COMMANDER IN CHIEF, UNITED STATES ATLANTIC FLEET

Naval Facility, Keflavik, Iceland, $1,400,000.

Naval Station, Keflavik, Iceland, $8,800,000.

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Air Facility, Atsugi, Japan, $1,700,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $10,400,000.

Naval Support Facility, Diego Garcia, Indian Ocean, $53,395,000.

Naval Magazine, Guam, Mariana Islands, $24,000,000.

Naval Activities, Kenya, $8,300,000.

Naval Activities, Somalia, $30,000,000.

COMMANDER IN CHIEF, NAVAL FORCES, EUROPE

Naval Air Station, Sigonella, Italy, $31,900,000.

NAVAL MATERIAL COMMAND

Navy Public Works Center, Subic Bay, Republic of the Philippines, $2,050,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Western Pacific, Guam, $1,750,000.

Naval Communication Area Master Station, Mediterranean, Naples, Italy, $2,500,000.

96 STAT. 1556

Naval Communication Station, Thurso, Scotland, $1,400,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Edzell, Scotland, $9,390,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various Locations, $3,000,000.

CONTRACTING FOR CERTAIN PROJECTS

SEC. 202. (a) The following projects authorized in section 201 may be carried out only as provided in subsection (b):

Maintenance Hanger in the amount of $12,600,000 at the Naval Station, Mayport, Florida.

Maintenance Facility in the amount of $7,700,000 at the Naval Station, Mayport, Florida.

Land Acquisition in the amount of $6,200,000 at the Naval Air Station, Oceana, Virginia.

Dining Facility in the amount of $820,000 at the Naval Air Station, Meridian, Mississippi.

Airfield Pavement in the amount of $7,650,000 at the Naval Air Station, Whiting Field, Florida.

Electrical Distribution System Addition in the amount of $3,500,000 at Mare Island Naval Shipyard, Vallejo, California.

Compressed Breathing Air Distribution System in the amount of $3,400,000 at Mare Island Naval Shipyard, Vallejo, California.

Administrative Office Modernization in the amount of $1,000,000 at the Aviation Supply Office, Philadelphia, Pennsylvania.

Electrical Distribution in the amount of $1,500,000 at the Naval Ship Systems Engineering Station, Philadelphia, Pennsylvania.

Engineering Management Building in the amount of $17,500,000 at the Philadelphia Naval Shipyard, Philadelphia, Pennsylvania.

Fire Protection System in the amount of $1,000,000 at the Philadelphia Naval Shipyard, Philadelphia, Pennsylvania.

Steam Plant Improvement in the amount of $900,000 at the Portsmouth Naval Shipyard, Kittery, Maine.

Tool Shop Modernization in the amount of $4,400,000 at the Portsmouth Naval Shipyard, Kittery, Maine.

Ammunition Wharf in the amount of $24,000,000 at the Naval Magazine, Guam, Mariana Islands.

(b) A contract for a project listed in subsection (a) may be entered into only if the funds to be obligated for the contract are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 201 other than those listed in subsection (a), (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Navy in previous military construction authorization Acts.

(c) Before the Secretary of the Navy may advertise for bids, or may negotiate, for a contract described in subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract are available in accordance with subsection (b) and identifying the source of the funds. Such a report may not be submitted before June 1, 1983, or after June 30, 1983.

96 STAT. 1557

MINOR CONSTRUCTION

SEC. 203. The Secretary of the Navy may carry out minor construction projects under the authority of section 2805 of title 10, United States Code, and construction projects in amounts of $1,000,000 or less under the authority of this section, in the total amount of $61,068,000.

Ante, p. 155.

FAMILY HOUSING

SEC. 204. (a) The Secretary of the Navy may construct family housing (including land acquisition) and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Marine Corps Base, Camp Pendleton, California, one hundred and four units, $8,200,000.

Marine Corps Mountain Warfare Training Center, Bridgeport, California, seventy-seven units, $8,470,000.

Naval Station, Long Beach, California, two hundred units, $16,200,000.

Naval Air Training Center, Patuxent River, Maryland, two hundred and fifty units, $19,500,000.

Naval Station, Guantanamo Bay, Cuba, one hundred units, $11,000,000.

(b) The Secretary of the Navy may purchase 91 acres of land at a cost not to exceed $1,000,000 in support of a future project to construct family housing units at the Naval Station, Mayport, Florida.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Ante, p. 159.

SEC. 205. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $30,533,000, of which $7,574,000 is available only for energy conservation projects.

(b) Within the amount specified in subsection (a), the Secretary of the Navy may, notwithstanding the maximum amount per unit prescribed in section 2825(b) of title 10, United States Code, carry out a project to improve an existing military family housing unit at the Naval Station, Guantanamo Bay, Cuba, in the amount of $75,000.

HOUSING UNITS ACQUIRED FROM PUBLIC HEALTH SERVICE

SEC. 206. The Secretary of the Navy may use for military family housing purposes the seven housing units comprising a portion of the United States Public Health Service Facility, Norfolk, Virginia, to be acquired by the Secretary of the Navy by transfer from the Secretary of Health and Human Services pursuant to section 987 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). 95 Stat. 603.

96 STAT. 1558

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 301. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $5,845,000.
Kelly Air Force Base, Texas, $12,000,000.
McClellan Air Force Base, California, $9,000,000.
Robins Air Force Base, Georgia, $4,700,000.
Tinker Air Force Base, Oklahoma, $10,650,000.
Wright-Patterson Air Force Base, Ohio, $32,186,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $6,600,000.
Edwards Air Force Base, California, $12,100,000.
Eglin Air Force Base, Florida, $22,600,000.
Fort MacArthur, California, $1,900,000.
Laurence G. Hanscom Air Force Base, Massachusetts, $9,100,000.
Cape Canaveral, Florida, $9,100,000.
Moffett Naval Air Station, California, $1,900,000.
Sunnyvale Air Force Station, California, $11,700,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $22,260,000.
Columbus Air Force Base, Mississippi, $1,150,000.
Goodfellow Air Force Base, Texas, $15,300,000.
Keesler Air Force Base, Mississippi, $9,000,000.
Lackland Air Force Base, Texas, $6,100,000.
Laughlin Air Force Base, Texas, $5,770,000.
Lowry Air Force Base, Colorado, $13,050,000.
Maxwell Air Force Base, Alabama, $15,150,000.
Randolph Air Force Base, Texas, $3,900,000.
Reese Air Force Base, Texas, $3,750,000.
Sheppard Air Force Base, Texas, $5,500,000.
Vance Air Force Base, Oklahoma, $8,000,000.
Williams Air Force Base, Arizona, $8,700,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, $6,580,000.
Elmendorf Air Force Base, Alaska, $4,800,000.
Galena Airport, Alaska, $2,050,000.
Shemya Air Force Base, Alaska, $1,200,000.
Various Locations, Alaska, $43,600,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, $3,160,000. 96 STAT. 1559
Andrews Air Force Base, Maryland, $13,200,000.
Charleston Air Force Base, South Carolina, $1,550,000.
Dover Air Force Base, Delaware, $2,500,000.
Kirtland Air Force Base, New Mexico, $3,570,000.
Little Rock Air Force Base, Arkansas, $3,000,000.
McChord Air Force Base, Washington, $3,700,000.
McGuire Air Force Base, New Jersey, $16,000,000.
Norton Air Force Base, California, $1,300,000.
Pope Air Force Base, North Carolina, $4,400,000.
Scott Air Force Base, Illinois, $4,850,000.
Travis Air Force Base, California, $2,400,000.

NATIONAL MILITARY COMMAND CENTER

Pentagon Building, Virginia, $3,300,000.

NORTH AMERICAN AEROSPACE DEFENSE COMMAND

NORAD Cheyene Mountain Complex, Colorado, $1,900,000.

STRATEGIC AIR COMMAND

Beale Air Force Base, California, $2,595,000.
Blytheville Air Force Base, Arkansas, $8,733,000.
Carswell Air Force Base, Texas, $54,500,000.
Dyess Air Force Base, Texas, $1,650,000.
Ellsworth Air Force Base, South Dakota, $1,350,000.
Francis E. Warren Air Force Base, Wyoming, $4,150,000.
Fairchild Air Force Base, Washington, $3,740,000.

Griffiss Air Force Base, New York, $56,450,000.
Grissom Air Force Base, Indiana, $3,400,000.
K. I. Sawyer Air Force Base, Michigan, $4,450,000.
Loring Air Force Base, Maine, $38,420,000.
Malmstrom Air Force Base, Montana, $55,000,000.
March Air Force Base, California, $1,550,000.
McConnell Air Force Base, Kansas, $3,000,000.
Offutt Air Force Base, Nebraska, $13,255,000.
Peterson Air Force Base, Colorado, $67,700,000.
Powell, Wyoming, $1,250,000.
Vandenberg Air Force Base, California, $79,759,000.
Various Locations, Continental United States, $1,900,000.
Whiteman Air Force Base, Missouri, $7,800,000.
Wurtsmith Air Force Base, Michigan, $1,800,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, $5,450,000.
Cannon Air Force Base, New Mexico, $1,800,000.
Davis-Monthan Air Force Base, Arizona, $11,950,000.
George Air Force Base, California, $1,400,000.
Gila Bend Air Force Auxiliary Field, Arizona, $1,700,000.
Holloman Air Force Base, New Mexico, $2,800,000.
Homestead Air Force Base, Florida, $1,500,000.
Langley Air Force Base, Virginia, $15,550,000.
MacDill Air Force Base, Florida, $20,700,000.
Moody Air Force Base, Georgia, $6,550,000.
96 STAT. 1560
Mountain Home Air Force Base, Idaho, $1,700,000.
Nellis Air Force Base, Nevada, $19,900,000.
Seymour-Johnson Air Force Base, North Carolina, $3,620,000.
Shaw Air Force Base, South Carolina, $1,150,000.
Tyndall Air Force Base, Florida, $11,540,000.
Various Locations, Maine, $1,200,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado, $3,000,000.

MX CONSTRUCTION

Various Locations, Continental United States, $40,000,000.

AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, $1,100,000.
Otis Air National Guard Base, Massachusetts, $3,440,000.

AIR FORCE RESERVE

Westover Air Force Reserve Base, Massachusetts, $2,700,000.

OUTSIDE THE UNITED STATES

MILITARY AIRLIFT COMMAND

Rhein-Main Air Base, Germany, $7,270,000.

PACIFIC AIR FORCES

Camp Long, Korea, $1,750,000.
Clark Air Base, Republic of the Philippines, $14,380,000.
Diego Garcia Air Base, Indian Ocean, $4,550,000.
Kadena Air Base, Japan, $15,950,000.
Kunsan Air Base, Korea, $36,490,000.
Kwang-Ju Air Base, Korea, $2,450,000.
Misawa Air Base, Japan, $6,600,000.
Osan Air Base, Korea, $44,000,000.

San Miguel, Republic of the Philippines, $1,750,000.
Yaedake Radio Relay Station, Japan, $1,300,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $2,440,000.

TACTICAL AIR COMMAND

Keflavik Naval Station, Iceland, $3,600,000.
Various Locations, Worldwide, $21,000,000.

UNITED STATES AIR FORCES IN EUROPE

Egypt, Various Locations, $121,700,000.
Germany, Various Locations, $12,038,000.
Aviano Air Base, Italy, $7,200,000.
Oman, Various Locations, $60,350,000.
Incirlik Air Base, Turkey, $7,290,000.
96 STAT. 1561
Torrejon Air Base, Spain, $4,000,000.
Various Locations, United Kingdom, $55,910,000.
Various Locations, $116,630,000.

CONTRACTING FOR CERTAIN PROJECTS

SEC. 302. (a) The following projects authorized in section 301 may be carried out only as provided in subsection (b):

Management Facility in the amount of $11,000,000 at Eglin Air Force Base, Florida.

Barracks in the amount of $10,800,000 at Chanute Air Force Base, Illinois.

Barracks in the amount of $8,000,000 at Vance Air Force Base, Oklahoma.

Maintenance Facilities in the amount of $500,000 at Vance Air Force Base, Oklahoma.

Operations Facilities in the amount of $900,000 at Vance Air Force Base, Oklahoma.

Barracks in the amount of $2,100,000 at Altus Air Force Base, Oklahoma.

Barracks in the amount of $3,600,000 at Blytheville Air Force Base, Arkansas.

Maintenance Shop in the amount of $1,533,000 at Blytheville Air Force Base, Arkansas.

Maintenance Shop in the amount of $7,400,000 at Griffis Air Force Base, New York.

Barracks in the amount of $3,400,000 at Grissom Air Force Base, Indiana.

Barracks in the amount of $5,100,000 at Malstrom Air Force Base, Montana.

Barracks in the amount of $7,800,000 at Whiteman Air Force Base, Missouri.

Barracks in the amount of $4,000,000 at Moody Air Force Base, Georgia.

Petroleum Facility in the amount of $5,240,000 at Tyndall Air Force Base, Florida.

(b) A contract for a project listed in subsection (a) may be entered into only if the funds to be obligated for the contract are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 301 other than those listed in subsection (a), (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Air Force in previous military construction authorization Acts.

Report to congressional committees.

(c) Before the Secretary of the Air Force may advertise for bids, or may negotiate, for a contract described in subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract are available in accordance with subsection (b) and identifying the source of the funds. Such a report may not be submitted before June 1, 1983, or after June 30, 1983.

MINOR CONSTRUCTION

Ante, p. 155.

96 STAT. 1562

SEC. 303. The Secretary of the Air Force may carry out minor construction projects under the authority of section 2805 of title 10, United States Code, and construction projects in amounts of $1,000,000 or less under the authority of this section, in the total amount of $98,421,000.

FAMILY HOUSING

SEC. 304. The Secretary of the Air Force may construct family housing (including land acquisition) and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Fort MacArthur, California, two hundred units, $18,000,000.
Powell, Wyoming, fifty units, $3,465,000.
Incirlik Air Base, Turkey, two hundred units, $18,000,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Ante, p. 159.

SEC. 305. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed $76,500,000, of which $17,000,000 is available only for energy conservation projects.

(b) Within the amount specified in subsection (a), the Secretary of the Air Force may, notwithstanding the maximum amount per unit prescribed in section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Loring Air Force Base, Maine, four hundred units, $13,080,000.
F. E. Warren Air Force Base, Wyoming, one hundred and sixty-two units, $5,783,300.
Kirtland Air Force Base, New Mexico, one hundred and twenty-five units, $4,123,700.
Holloman Air Force Base, New Mexico, one hundred and forty-two units, $4,253,600.
Ramstein Air Base, Germany, one hundred and twenty units, $7,630,000.
RAF Lakenheath, United Kingdom, thirty-six units, $1,569,700.
RAF Upper Heyford, United Kingdom, eighteen units, $934,900.

DEFICIENCY AUTHORIZATION FOR PRIOR YEAR PROJECT

SEC. 306. (a) Section 301 of the Military Construction Authorization Act, 1977 (Public Law 94-431), is amended by striking out "$519,010,000" in the item relating to the Arnold Engineering Development Center, Tennessee, and inserting in lieu thereof "$561,010,000".

(b) Section 602(3) of such Act is amended by striking out "$759,759,000" and "$816,409,000" and inserting in lieu thereof "$801,759,000" and "$858,409,000", respectively.

CONVERSION OF FACILITY AT WRIGHT-PATTERSON AIR FORCE BASE, OHIO

SEC. 307. The Secretary of the Air Force may carry out a project to convert, rehabilitate, or alter an existing facility located at Wright-Patterson Air Force Base, Ohio, for use by personnel engaged in logistics system support and management of the foreign military sales program of the Air Force. In carrying out such project the Secretary may use not more than $395,000 derived from amounts received for administrative services under the foreign military sales program.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

DEFENSE MAPPING AGENCY

Aerospace Center, St. Louis, Missouri, $24,141,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $75,500,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Activity, Fort Belvoir, Virginia, $2,100,000.
Defense Foreign Language Institute, Monterey, California, $31,000,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Guam, $43,900,000.
Defense Personnel Support Center, Kaiserslautern, Germany, $5,100,000.
Various Locations, Korea, $29,000,000.

NATIONAL SECURITY AGENCY

Classified Locations, $8,557,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Bamberg, Germany, $3,470,000.
Kaiserslautern Air Base, Germany, $7,967,000.
Karlsruhe, Germany, $7,380,000.
Mainz, Germany, $2,830,000.
Nuernberg, Germany, $2,820,000.
Ramstein Air Base, Germany, $1,460,000.
Wuerzburg, Germany, $3,920,000.
Zweibruecken Air Base, Germany, $1,780,000.
Yokota Air Base, Japan, $5,660,000.
RAF Woodbridge, United Kingdom, $1,200,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Locations, $13,000,000.

96 STAT. 1564

MINOR CONSTRUCTION

SEC. 402. The Secretary of Defense may carry out minor construction projects under the authority of section 2805 of title 10, United States Code, and construction projects in amounts of $1,000,000 or less under the authority of this section, in the total amount of $13,460,000.

Ante, p. 155.

FAMILY HOUSING

SEC. 403. The Secretary of Defense may construct four family housing units for the National Security Agency at classified locations overseas in the total amount of $560,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Ante, p. 159.

SEC. 404. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve existing military family housing units in an amount not to exceed $33,000.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

Ante, p. 156.

SEC. 501. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in the amount appropriated pursuant to the authorization of appropriations in section 604(6).

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 601. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1982, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,924,544,000 as follows:

(1) For projects authorized by section 101 that are to be carried out inside the United States, $498,428,000.

(2) For projects authorized by section 101 that are to be carried out outside the United States, $336,299,000.

(3) For minor construction projects under section 2805 of title 10, United States Code, and section 103 of this Act, $49,209,000.

(4) For military family housing functions—

Ante, p. 160.

(A) for construction and acquisition of military family housing, including minor construction, improvements to existing military family housing units, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, $132,930,000;

96 STAT. 1565

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $905,678,000, of which not more than $1,763,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $77,707,000 may be obligated or expended for the leasing of military family housing units in foreign countries; and

Ante, p. 163.

(C) for homeowners assistance under the authority of the Secretary of Defense described in section 2832 of title 10, United States Code, including acquisition of properties, $2,000,000.

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 602. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1982, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,811,325,000 as follows:

(1) For projects authorized by section 201 that are to be carried out inside the United States, $824,204,000.

(2) For projects authorized by section 201 that are to be carried out outside the United States, $176,902,000.

(3) For minor construction projects under section 2805 of title 10, United States Code, and section 203 of this Act, $55,877,000. *Ante*, p. 155.

(4) For military family housing functions—

(A) for construction and acquisition of military family housing, including minor construction, improvements to existing military family housing units, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, $94,903,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $659,439,000, of which not more than $1,492,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $19,988,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 603. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1982, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,397,132,000 as follows:

(1) For projects authorized by section 301 that are to be carried out inside the United States, $879,564,000.

96 STAT. 1566

(2) For projects authorized by section 301 that are to be carried out outside the United States, $502,013,000.

(3) For minor construction projects under section 2805 of title 10, United States Code, and section 303 of this Act, $90,055,000. *Ante*, p. 155.

(4) For military family housing functions—

(A) for construction and acquisition of military family housing, including minor construction, improvements to existing military family housing units, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, $115,965,000; and *Ante*, p. 160.

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $809,535,000, of which not more than $2,300,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $51,423,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 604. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1982, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $282,714,000 as follows:

(1) For projects authorized by section 401 that are to be carried out inside the United States, $121,458,000.

(2) For projects authorized by section 401 that are to be carried out outside the United States, $126,310,000.

(3) For minor construction projects under section 2805 of title 10, United States Code, and under section 402 of this Act, $12,316,000.

(4) For military family housing functions—

(A) for construction and acquisition of military family housing, including minor construction, improvements to existing military family housing units, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, $593,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $17,279,000, of which not more than $14,366,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

Ante, p. 155.

(5) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $4,758,000.

96 STAT. 1567

Ante, p. 156.

(6) For contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the United States share of the cost of construction projects for the North Atlantic Treaty Organization Infrastructure program, $375,000,000.

TITLE TOTAL LIMITATION ON COST VARIATIONS

Ante, p. 164.

SEC. 605. Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under each of titles I, II, III, and IV of this Act may not exceed the total amount authorized under sections 601, 602, 603, and 604, respectively, to be appropriated for the military department concerned or the Secretary of Defense, as the case may be.

EXPIRATION OF AUTHORIZATIONS; EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

SEC. 606. (a)(1) Except as provided in paragraph (2), all authorizations contained in titles I, II, III, and IV for military construction projects, land acquisition projects, and family housing projects, and all authorizations of appropriations for such projects contained in sections 601 through 604, expire on October 1, 1984, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction and land acquisition projects, and authorizations of appropriations for such projects, for which appropriated funds have been obligated before October 1, 1984, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later, for construction contracts or land acquisition.

(b) As of October 1, 1983, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1984, whichever is later, all authorizations for military construction projects, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of installations and facilities, and all authorizations for appropriations for such projects, that are contained in titles I, II, III, IV, V, and VI of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1359), and all such authorizations contained in Acts approved before December 23, 1981, and not superseded or otherwise modified by a later authorization, are repealed except—

(1) authorizations for military construction projects (and for appropriations for such projects) that are set forth in those Acts in the titles that contain the general provisions; and

(2) authorizations for military construction projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part, before October 1, 1983, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1984, whichever is later (and authorizations for appropriations for such projects or payments).

(c) Notwithstanding the provisions of subsection (b) and section 705 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1377), authorizations for the following projects authorized in section 101 or 103 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 94 Stat. 1749), shall remain in effect until October 1, 1983, or the date of enactment of the Military Construction Authorization Act for fiscal year 1984, whichever is later: 96 STAT. 1568

(1) Temperature Control/Heat Recovery Construction in the amount of $2,300,000 at Baumholder, Germany.

(2) Temperature Control/Heat Recovery Construction in the amount of $2,270,000 at Hanau, Germany.

(3) Temperature Control/Heat Recovery Construction in the amount of $2,500,000 at Giessen, Germany.

(4) Energy Monitor and Control System in the amount of $840,000 at Karlsruhe, Germany.

(5) Troop Medical Clinic in the amount of $4,700,000 at Fort Ord, California.

(6) Electromagnetic Test Facility in the amount of $4,650,000 at Fort Huachuca, Arizona.

(7) Minor Construction Projects in the amount of $2,800,000 at specified locations.

(d) Notwithstanding the provisions of subsection (b) and section 705 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1377), authorizations for the following projects authorized in section 201 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 94 Stat. 1752), shall remain in effect until October 1, 1983, or the date of enactment of the Military Construction Authorization Act for fiscal year 1984, whichever is later:

(1) Nautilus Memorial in the amount of $1,930,000 at the Naval Submarine Base, New London, Connecticut.

(2) Unaccompanied Enlisted Personnel Housing Modernization in the amount of $4,700,000 at the Fleet Combat Training Center, Atlantic, Dam Neck, Virginia.

(3) Land Acquisition in the amount of $330,000 at the Naval Air Station, Fallon, Nevada.

(4) Dual Purpose Passenger Terminal in the amount of $20,000,000 at the Naval Station, Keflavik, Iceland.

(5) Facility Energy Improvements in the amount of $1,450,000 at the Naval Air Rework Facility, Alameda, California.

(e) Notwithstanding the provisions of subsection (b) and section 705 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1377), authorizations for the following projects authorized in section 201 of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 567), and extended in section 605(c) of the Military Construction Authorization Act, 1981 (Public Law 96-418; 94 Stat. 1772), shall remain in effect until October 1, 1983, or the date of enactment of the Military Construction Authorization Act for fiscal year 1984, whichever is later:

(1) Energy Monitoring and Control System in the amount of $765,000 at the Naval Air Station, Jacksonville, Florida.

(2) Municipal Sewer Connection Construction in the amount of $2,500,000 at the Naval Education and Training Center, Newport, Rhode Island.

(f) Notwithstanding the provisions of subsection (b) and section 705 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1377), authorizations for the following projects

96 STAT. 1569

authorized in section 301 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 94 Stat. 1756), shall remain in effect until October 1, 1983, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1984, whichever is later:

(1) Various Rapid Deployment Force Facilities, in the amount of $20,000,000 at Lajes Air Base, Portugal.

(2) Energy Showcase Initiatives in the amount of $1,600,000 at McClellan Air Force Base, California.

(3) Space Transportation System Solid Rocket Disassembly Complex in the amount of $16,700,000 at Port Hueneme Naval Installation, California.

DEFICIENCY AUTHORIZATION FOR PRIOR YEAR PROJECT

SEC. 607. (a) Section 201 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1365), is amended by striking out the following item under the headings "OUTSIDE THE UNITED STATES" and "CHIEF OF NAVAL OPERATIONS":

"Defense Installations, Mariana Islands, $32,000,000.".

(b) Section 401 of such Act (95 Stat. 1370) is amended by inserting below "Classified Activity, Classified Location, $2,000,000.", under the headings "OUTSIDE THE UNITED STATES" and "OFFICE OF THE SECRETARY OF DEFENSE", the following new item:

"Defense Installations, Mariana Islands, $35,000,000.".

(c) Section 702 of such Act (95 Stat. 1375) is amended—

(1) by striking out "$236,445,000" and "$1,240,033,000" in clause (2) and inserting in lieu thereof "$204,445,000" and "$1,208,033,000", respectively; and

(2) by striking out "$282,815,000" in clause (4) and inserting in lieu thereof "$317,815,000".

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

10 USC 2231 *et seq.*

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Guard and Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $44.111,000; and

(B) for the Army Reserve, $28,500,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $21,900,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $116,500,000; and

(B) for the Air Force Reserve, $29,000,000.

USE OF RENEWABLE FORMS OF ENERGY

10 USC 2381 *et seq.*

SEC. 801. (a)(1) Chapter 141 of title 10, United States Code, is amended by adding after section 2394, as added by section 6(a)(1) of the Military Construction Codification Act (Public Law 97-214; 96 Stat. 171), the following new section:

96 STAT. 1570

10 USC 2394a.

"§ 2394a. Procurement of energy systems powered by renewable forms of energy

"(a) In procuring energy systems the Secretary of a military department shall procure systems that use solar energy or other renewable forms of energy whenever the Secretary determines that such procurement is possible and will be cost effective, reliable, and otherwise suited to supplying the energy needs of the military department under his jurisdiction.

Solar energy uses, study.

"(b)(1) The Secretary of Defense shall from time to time study uses for solar energy and other renewable forms of energy to determine what uses of such forms of energy may be cost effective and reliable in supplying the energy needs of the Department of Defense. The Secretary of Defense, based upon the results of such studies, shall from time to time issue policy guidelines to be followed by the Secretaries of the military departments in carrying out subsection (a) and section 2857 of this title.

Ante, p. 166.

Report to congressional committees.

"(2) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives not less often than every two years a report on the studies conducted pursuant to paragraph (1). Each such report shall include any findings of the Secretary with respect to the use of solar energy and other renewable forms of energy in supplying the energy needs of the Department of Defense and any recommendations of the Secretary for changes in law that may be appropriate in light of such studies.

"(c)(1) For the purposes of this section, an energy system using solar energy or other renewable forms of energy shall be considered to be cost effective if the difference between (A) the original investment cost of the energy system using such a form of energy, and (B) the original investment cost of the energy system not using such a form of energy can be recovered over the expected life of the system.

"(2) A determination under paragraph (1) of whether a cost-differential can be recovered over the expected life of a system shall be made using accepted life-cycle costing procedures and shall include—

"(A) the use of all capital expenses and all operating and maintenance expenses associated with the energy system using solar energy or other renewable forms of energy, and not using such a form of energy, over the expected life of the system or during a period of 25 years, whichever is shorter;

"(B) the use of fossil fuel costs (and a rate of cost growth for fossil fuel costs) as determined by the Secretary of Defense; and

"(C) the use of a discount rate of 7 percent per year for all expenses of the energy system.

"(3) For the purpose of any life-cycle cost analysis under this subsection, the original investment cost of the energy system using solar energy or other renewable forms of energy shall be reduced by 10 percent to reflect an allowance for an investment cost credit.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2394, as added by section 6(a)(2) of the Military Construction Codification Act (Public Law 97-214; 96 Stat. 172), the following new item:

"2394a. Procurement of energy systems using renewable forms of energy.".

96 STAT. 1571

10 USC 2394a.

(3) The first report under section 2394a(b)(2) of title 10, United States Code, as added by paragraph (1), shall be submitted not later than two years after the date of the enactment of this Act.

Ante, p. 166.

(b)(1) Section 2857 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out "solar energy systems" and inserting in lieu thereof "energy systems using solar energy or other renewable forms of energy"; and

(ii) by striking out "solar energy would" and inserting in lieu thereof "such form of energy would";

(B) in subsection (b)—

(i) by striking out "solar energy systems" in paragraphs (1) and (2) and inserting in lieu thereof "energy systems using solar energy or other renewable forms of energy"; and

(ii) by striking out "a solar energy has" in paragraph (1) and inserting in lieu thereof "such form of energy has";

(C) in subsection (c)(1)—

(i) by striking out "a solar energy system" the first place it appears and inserting in lieu thereof "an energy system using solar energy or other renewable forms of energy"; and

(ii) by striking out "a solar energy system" the second and third places it appears and inserting in lieu thereof "such a system";

(D) in subsection (c)(2)(A), by striking out "a solar energy system" and inserting in lieu thereof "an energy system using solar energy or other renewable forms of energy";

(E) in subsection (c)(3), by striking out "solar energy system" and inserting in lieu thereof "energy system using solar energy or other renewable forms of energy"; and

(F) in subsection (d), by striking out "solar heating equipment, solar cooling equipment, or both solar heating and solar cooling equipment, or with a passive solar energy system" and inserting in lieu thereof "heating equipment, cooling equipment, or both heating and cooling equipment using solar energy or other renewable forms of energy or with a passive energy system using solar energy or other renewable forms of energy".

(2) The heading of such section is amended to read as follows:

"§ 2857. Use of renewable forms of energy in new facilities".

(3) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2857. Use of renewable forms of energy in new facilities.".

RESTRICTION ON CONSTRUCTION OF SPECIAL CONTINGENCY FACILITIES IN CERTAIN COUNTRIES

SEC. 802. (a) Subject to subsections (b) and (c), none of the funds appropriated pursuant to this Act for the construction of any contingency facility to support the national security interests of the United States in Egypt, Kenya, Oman, or Somalia, on the island of Diego Garcia, or at Lajes Field (Portugal) may be obligated or expended for the construction of such facility unless each contract entered into for the construction of such facility requires that all construction materials (other than cement, cement products, aggregates, and concrete components other than steel) to be used in carrying out the contract will be materials produced, manufactured, or refined in the United States or the host nation.

96 STAT. 1572

(b) The provisions of subsection (a) shall not apply (1) if the application of such provisions would violate a formal agreement between the United States and the country that exercises sovereignty over the land on which a facility referred to in such subsection is to be constructed, or (2) in the case of a contract for $5,000,000 or less.

(c) The project manager of a facility referred to in subsection (a) may authorize, in the construction of such facility, a limited use of materials not produced, manufactured, or refined in the United

States if the manager determines that the use of such materials is necessary for the orderly and timely construction of such facility. However, the total amount expended for materials not produced, manufactured, or refined in the United States under a contract for the construction of a facility referred to in subsection (a) may not exceed the applicable limit specified in the following table:

If the contract amount is—		The percent of the contract amount that may be used to procure materials not produced, manufactured, or refined in the United States may not exceed—
More than—	But not more than—	
$5,000,000	$25,000,000	5
25,000,000	50,000,000	3
50,000,000	100,000,000	2
100,000,000		1

AUTHORIZATION TO USE MONEYS RECEIVED FROM GRAZING AND AGRICULTURAL LEASES

SEC. 803. Section 2667(d) of title 10, United States Code, is amended—

(1) by striking out "Money" and inserting in lieu thereof "(1) Except as provided in paragraph (2), money"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Money rentals received by the United States directly from a lease under this section for agricultural or grazing purposes of lands under the control of the Secretary of a military department (other than lands acquired by the United States for flood control or navigation purposes or any related purpose, including the development of hydroelectric power) may be retained and spent by the Secretary concerned in such amounts as the Secretary considers necessary to cover the administrative expenses of leasing for such purposes and to cover the financing of multiple-land use management programs at any installation under the jurisdiction of the Secretary.".

OBLIGATIONS FOR COMMISSARY STORE FACILITY CONSTRUCTION

SEC. 804. Section 2685 of title 10, United States Code, is amended by adding at the end thereof the following new subsection: 96 STAT. 1573

"(c) The Secretary of a military department, with the approval of the Secretary of Defense and the Director of the Office of Management and Budget, may obligate anticipated proceeds from the adjustments or surcharges authorized by subsection (a) for any use specified in subsection (b), without regard to fiscal year limitations, if the Secretary of the military department determines that such obligation is necessary to carry out any use of such adjustments or surcharges specified in subsection (b).".

CLARIFICATION OF CONSTRUCTION AUTHORITY ON LAND HELD IN OTHER THAN A FEE SIMPLE INTEREST; TECHNICAL AMENDMENTS

SEC. 805. (a)(1) Section 2852(b) of title 10, United States Code, is amended to read as follows: *Ante*, p. 164.

"(b) Authority to carry out a military construction project or a military family housing project may be exercised on land not owned by the United States—

"(1) before title to the land on which the project is to be carried out is approved under section 355 of the Revised Statutes (40 U.S.C. 255); and

"(2) even though the land will be held in other than a fee simple interest in a case in which the Secretary of the military department concerned determines that the interest to be acquired in the land is sufficient for the purposes of the project.".

Ante, p. 169. (2) Section 2239(b) of such title is amended to read as follows:

10 USC 2233. "(b) Authority provided by law to place permanent or temporary improvements on land under section 2233 of this title may be exercised on land not owned by the United States—

"(1) before title to the land on which the improvement is located (or is to be located) is approved under section 355 of the Revised Statutes (40 U.S.C. 255); and

"(2) even though the land will be held in other than a fee simple interest in a case in which the Secretary of the military department concerned determines that the interest to be acquired in the land is sufficient for the purposes of the project.".

Ante, p. 156. (b)(1) The heading of section 2806 of such title is amended to read as follows:

"§ 2806. Contributions for North Atlantic Treaty Organization Infrastructure".

Ante, p. 161. (2) The second sentence of section 2828(e)(1) of such title is amended by inserting "the" after "may be waived by".

Ante, p. 171. (3) Section 2394 of such title is amended—

(A) by striking out "subsection (c)" in subsection (a) and inserting in lieu thereof "subsection (b)"; and

(B) by redesignating subsection (d) as subsection (c).

(4) The item relating to section 2689 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2689. Development of geothermal energy on military lands.".

LAND CONVEYANCE, BELL, CALIFORNIA

SEC. 806. (a) The Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the City of Bell, California (hereinafter in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of land aggregating 7.2 acres, more or less, and more particularly described on a map entitled "Outgrant to California Army National Guard, Bell, California, drawing numbered 247-K-31.1", dated December 14, 1977, and on file in the Office of the District Engineer, United States Army Engineer District, Los Angeles, California, together with any improvements located on that parcel of land.

Buildings and improvements. (b)(1) In consideration for the conveyance authorized by subsection (a), the City, pursuant to an agreement to be entered into between the City and the Secretary, shall provide to the United States, to the extent of the fair market value (as determined by the Secretary) of the land conveyed by the Secretary under subsection (a), the buildings and other improvements described in paragraph (2), which buildings and improvements shall be the property of the United States.

(2) The buildings and improvements to be provided to the United States are the following:

(A) A National Guard armory.

(B) An organizational maintenance shop.

(C) Modernization of the Government-owned building located in the City designated in Department of the Army records as Building 332.

(3) The design and construction of the National Guard armory and the organizational maintenance shop and the modernization of the building described in paragraph (2)(C) shall be in conformance with plans and specifications approved by the Secretary.

Payment. (c) The City shall pay to the United States, as further consideration for the conveyance authorized by subsection (a), an amount equal to the amount by which the fair market value (as determined by the Secretary) of the property to be conveyed by the Secretary under subsection (a) exceeds the sum of the actual costs (as determined by the Secretary) of the buildings and improvements provided to the United States under subsection (b).

Surveys.

(d) The exact acreage and legal descriptions of any property to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the City.

(e) The Secretary may require such additional terms and conditions in carrying out this section as the Secretary considers appropriate to protect the interests of the United States.

Expiration of Secretary's authority.

(f) The authority of the Secretary under this section expires at the end of the three-year period beginning on the date of the enactment of this Act.

MODIFICATION OF REVERSIONARY INTEREST IN FORMER NAVY LAND AT SAN DIEGO, CALIFORNIA

SEC. 807. The Secretary of the Navy shall, subject to the same conditions as set forth in the first section of Public Law 87-662 (76 Stat. 546), execute such documents as may be necessary in order to provide that a parcel of not more than 30 acres of the property conveyed (subject to a reversionary interest) to the regents of the University of California pursuant to Public Law 87-662 (76 Stat. 546) may, in addition to the use for educational purposes authorized pursuant to section 3 of such Public Law, be used for industrial scientific or technological research purposes, subject to the condition that if at any time the Secretary of the Navy determines that such parcel is not held for such purposes title to such parcel shall immediately revert to the United States. In the event of any such reversion, title to all improvements made on such parcel during the occupancy of such parcel shall vest in the United States without compensation for such improvements.

96 STAT. 1575

LAND CONVEYANCES, EGLIN AIR FORCE BASE, FLORIDA

SEC. 808. (a) Notwithstanding the restoration provisions of the Second Deficiency Appropriation Act, 1940 (54 Stat. 628, 655), the Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") may take appropriate action to quiet title to tracts of land at or adjoining Eglin Air Force Base, Florida, in order to resolve encroachments, resulting from a reliance on inaccurate surveys, by the United States onto private property at or adjacent to such base and by private parties onto property owned by the United States.

(b) In carrying out subsection (a), the Secretary (1) may disclaim on behalf of the United States any intent by the United States to acquire by prescription any property at or in the vicinity of Eglin Air Force Base, (2) may dispose of tracts of land owned by the United States, and (3) may acquire tracts of land by purchase, by donation, or by exchange for tracts of land owned by the United States at or adjacent to Eglin Air Force Base.

(c) Any conveyance by the Secretary under this section may be made, at the discretion of the Secretary, without consideration or by exchange for tracts of land adjoining Eglin Air Force Base in possession of private parties who mistakenly believed that they had acquired title to such tracts.

LAND CONVEYANCE, CLARKE COUNTY, GEORGIA

SEC. 809. (a) The Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Clarke County, Georgia, Board of Education all right, title, and interest of the United States in and to a tract of land consisting of approximately 3.88 acres and located in the City of Athens, Georgia, together with any improvements located on the tract of land.

(b) In consideration for the conveyance authorized by subsection (a), the Clarke County, Georgia, Board of Education shall convey to the United States all right, title, and interest of the board in and to a tract of land consisting of approximately 12.5 acres and delineated as the site of the Lyons School on a plat entitled "Plat of land deeded to the Clarke County Board of Education by Clarke County, Ga.", dated December 21, 1953, and annexed to the deed from the Commissioner of roads and revenues of Clarke County, Georgia, to the Clarke County Board of Education, dated January 9, 1954, and recorded in deed book 139, page 368, in the Office of the Clerk of the Superior Court of Clarke County, Georgia, together with any improvements located on the tract of land.

Fair market value.

(c)(1) If the fair market value (as determined by the Secretary) of the property to be conveyed by the United States to the Clarke County, Georgia, Board of Education under subsection (a) exceeds the fair market value (as determined by the Secretary) of the property to be conveyed by the board to the United States under subsection (b), the board shall pay to the United States the amount of the difference.

96 STAT. 1576

(2) If the fair market value (as determined by the Secretary) of the property to be conveyed by the Clarke County, Georgia, Board of Education to the United States under subsection (b), exceeds the fair market value (as determined by the Secretary) of the property to be conveyed by the United States to the board under subsection (a), the United States shall pay to the board the amount of the difference, but not more than $300,000.

Payment authority.

(3) The authority to make a payment under paragraph (2) shall take effect on October 1, 1982, and is subject to the availability of appropriations for that purpose.

Surveys.

(d)(1) The exact acreages and legal descriptions of any property acquired or conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Board of Education of Clarke County, Georgia.

(2) The Secretary may require such additional terms and conditions with respect to the acquisition and conveyance authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND CONVEYANCE, HOUSTON COUNTY, GEORGIA

SEC. 810. (a) The Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") is authorized to convey to the City of Warner Robins, Georgia, and the Board of Commissioners of Houston County, Georgia, all right, title, and interest of the United States in and to a portion (as determined by the Secretary) of tracts of land consisting of a total of approximately 70 acres, together with any improvements located on the land.

(b) In consideration for the conveyance authorized by subsection (a), the City of Warner Robins, Georgia, and the Board of Commissioners of Houston County, Georgia, shall convey to the United States all right, title, and interest of the City and the board in and to four tracts of land consisting of a total of approximately 400 acres and located contiguous to Robins Air Force Base, Georgia, together with any improvements located on the tracts of land.

Payment.

(c) The City of Warner Robins, Georgia, and the Board of Commissioners of Houston County, Georgia, shall pay to the United States an amount equal to the amount by which the fair market value (as determined by the Secretary) of the property to be conveyed by the United States to the City and the board under subsection (a) exceeds the fair market value (as determined by the Secretary) of the property to be conveyed by the City and the board to the United States under subsection (b).

(d)(1) The exact acreages and legal descriptions of any property acquired or conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the City of Warner Robins, Georgia, and the Board of Commissioners of Houston County, Georgia.

Surveys.

(2) The Secretary may require such additional terms and conditions with respect to the acquisition and conveyance authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND CONVEYANCE, COOK COUNTY, ILLINOIS

SEC. 811. (a) The Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the State of Illinois all right, title, and interest of the United States in and to approximately ten acres of land comprising a portion of the National Guard Maintenance Center located in Cook County, Illinois, and presently under license to the State of Illinois for National Guard use. The land authorized to be conveyed is more particularly described as follows: Beginning at a point four hundred feet north of the southwest corner of section 23; thence east of a line parallel to the south line of the southwest quarter of section 23, a distance of four hundred and eighty-two feet (plus or minus) to the existing chain link fence; thence north along the chain link fence eight hundred and forty feet (plus or minus) to the south line of the Illinois Central Railroad property; thence northwesterly and west along the same south property line of the Illinois Central Railroad to the west line of the southwest quarter of section 23; thence south along the west line of the southwest quarter of section 23, nine hundred and twenty feet (plus or minus) to the point of beginning, all lying in the southwest quarter of section 23, township 39 north, range 12 east of the third principal meridian.

Fair market value.

(b) In consideration for the conveyance authorized by subsection (a), the State of Illinois shall pay to the United States an amount equal to the appraised fair market value of the land to be conveyed (as determined by the Secretary), less any credit allowed under subsection (c). In addition, such conveyance shall be made subject to such terms, conditions, restrictions, and reservations as the Secretary determines to be necessary to protect the interests of the United States, including the interest of the United States in connection with the continued use by the United States of any property adjacent to or nearby the property conveyed.

(c) In determining the amount to be paid as consideration for the land to be conveyed, the Secretary may give appropriate credit for costs previously incurred by the State of Illinois in improving that land incident to its use under license from the Secretary.

Report to congressional committees.

(d) After the determination by the Secretary of the amount to be paid by the State of Illinois as consideration for the land to be conveyed (including the determination of any credit to be allowed under subsection (c)), and before the conveyance is made, the Secretary shall submit a report to the Committees on Armed Services of the Senate and House of Representatives setting forth the facts and circumstances leading to such determination. Such report shall include a detailed statement of the nature, extent, and amount of the costs previously incurred by the State for which the Secretary proposes to allow credit under subsection (c).

(e) The cost of any survey in connection with the conveyance of such property shall be borne by the State of Illinois.

Expiration of Secretary's authority.

(f) The authority of the Secretary under this section expires at the end of the two-year period beginning on the date of the enactment of this Act.

LAND EXCHANGE, KANSAS CITY, MISSOURI

SEC. 812. (a) The Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Kansas City Corporation for Industrial Development of Kansas City, Missouri (hereinafter in this section referred to as the "Corporation"), 96 STAT. 1578 all right, title, and interest of the United States in and to a parcel of land, aggregating one and two-tenths acres, more or less, together with improvements thereon, situated in Jackson County, Kansas City, Missouri, and presently used by the United States for Army Reserve purposes and known as the Sergeant Charles R. Long Army Reserve Training Center.

(b) In consideration for the conveyance by the Secretary under subsection (a), the Corporation shall—

(1) convey to the United States all right, title, and interest in and to a parcel of land, aggregating four and one-half acres, more or less, together with improvements thereon, known as the Carlisle School;

(2) repair and rehabilitate the Carlisle School in accordance with specifications approved by the Secretary; and

(3) provide to the United States the cost, as determined by the Secretary, of relocating Federal Government activities from the Sergeant Charles R. Long Army Reserve Training Center to the Carlisle School.

Fair market value.

(c) If the sum of the fair market value (as determined by the Secretary) of the property conveyed to the United States under subsection (b)(1) and the cost of the repair and rehabilitation under subsection (b)(2) is less than the fair market value (as determined by the Secretary) of the property of the United States conveyed under subsection (a), the Corporation shall pay to the United States the amount of the difference. Any such payment shall be deposited into the Treasury as miscellaneous receipts.

(d) If the Corporation offers to provide to the United States another facility as consideration for the conveyance under subsection (a) in lieu of conveying the Carlisle School, and the Secretary determines that such facility is equal to or better than the Carlisle School from a functional, rehabilitative, economic, or other aspect, the Secretary may accept such alternative facility as consideration for the conveyance under subsection (a) in lieu of accepting the Carlisle School under subsection (b). Before accepting such facility, the Secretary shall submit a report of the facts concerning the proposed transaction to the Committees on Armed Services of the Senate and House of Representatives as required by section 2662 of title 10, United States Code.

Surveys.

(e) The exact acreages and legal descriptions of the properties to be conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the Corporation.

(f) The Secretary may require such additional terms and conditions in connection with the conveyances authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND EXCHANGE, FORT LEWIS, WASHINGTON

SEC. 813. (a) The Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Weyerhaeuser Corporation, Tacoma, Washington, all right, title, and interest of the United States in and to five parcels of land totaling approximately 300 acres located along the western boundary of the Fort Lewis Military Reservation, Pierce County, Washington, together with the improvements on such land. Such conveyance shall include the following easements on behalf of the United States: 96 STAT. 1579

(1) A training easement over tract 1-US.

(2) An access easement over tract 4-US.

(b) In consideration for the conveyance authorized by subsection (a), the Weyerhaeuser Corporation—

(1) shall convey, or cause to be conveyed, to the United States all right, title, and interest in and to two parcels of land totaling approximately 290 acres, together with the improvements on such parcels, which are acceptable to the Secretary and the value of which (as determined by the Secretary) is not less than the value of the land conveyed under subsection (a); and

(2) shall pay all costs for the installation of fencing necessitated by the conveyances made pursuant to subsection (a) and this subsection (as determined by the Secretary).

(c) The Secretary may not execute the conveyance authorized by subsection (a) unless the conveyance of the property referred to in subsection (b) is made to the United States without the reservation for the benefit of the Weyerhaeuser Corporation of any easement other than two easements over roads in tract 1-W.

(d) The exact acreages and legal descriptions of the lands to be conveyed under subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Weyerhaeuser Corporation. Surveys.

(e) The Secretary may enter into an agreement with the appropriate officials of Pierce County, Washington, under which (1) the existing reversionary interest of Pierce County in the lands to be conveyed by the United States under subsection (a) is extinguished, and (2) the conveyance to the United States under subsection (b) is made subject to a similar reversionary interest in favor of Pierce County in the lands conveyed under such subsection.

(f) The Secretary may require such additional terms and conditions in connection with the conveyances authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

ACTIVITIES TO ALLOW CONSOLIDATION OF CERTAIN FUNCTIONS AT WASHINGTON NAVY YARD, WASHINGTON, DISTRICT OF COLUMBIA

SEC. 814. (a) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") may spend funds appropriated to the Department of the Navy for military construction for fiscal years beginning after September 30, 1982, in an amount not to exceed $5,000,000 for projects at the Washington Navy Yard, Washington, District of Columbia, as follows:

(1) Alteration, conversion, and modernization of building numbered 210 at the Washington Navy Yard for use as administrative office space.

(2) Alterations of buildings numbered 142 and 198 for use as public works facilities in support of building numbered 210.

(3) Systems, utilities, and site improvements in support of the projects described in clauses (1) and (2).

(b)(1) The Secretary may dispose of the property owned by the United States at 8621 Georgia Avenue, Silver Spring, Maryland, sometimes known as the Wolfe Building. The disposal of such property shall be made at not less than the fair market value of the property (as determined by the Secretary). The Secretary may use the proceeds from such disposal to reimburse the appropriations account from which funds are spent for the projects authorized by subsection (a). 96 STAT. 1580

(2) The authority of the Secretary under paragraph (1) includes authority to dispose of the property described in such paragraph by sale to private parties or transfer to any Federal, State, or local government agency for cash, on credit, and upon such other terms and conditions as the Secretary determines to be in the public interest.

(c) Any proceeds from the disposal authorized by subsection (b) in excess of the amount necessary for reimbursement under subsection (a), as determined by the Secretary, shall be available to the Secretary for military construction projects authorized for the Navy for fiscal year 1984 and for later fiscal years.

TECHNICAL AMENDMENT OF PRIOR AUTHORITY FOR LAND CONVEYANCE, SOUTH CHARLESTON, WEST VIRGINIA

SEC. 815. Section 915 of the Military Construction Authorization Act, 1982 (Public Law 97-99, 95 Stat. 1388), is amended—

(1) in subsection (a) by inserting "or the State of West Virginia" after "South Charleston, West Virginia" the first place it appears; and

(2) in subsection (b)(1)(A) by inserting a comma and "or such other alternate sites which may be acceptable to the Secretary" after "South Charleston, West Virginia".

Approved October 15, 1982.

LEGISLATIVE HISTORY—S. 2586 (H.R. 6214):

HOUSE REPORTS: No. 97–525 accompanying H.R. 6214 (Comm. on Armed Services), No. 97–880 (Comm. of Conference).
SENATE REPORT No. 97-443 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  June 30, considered and passed Senate.
  Aug. 9, 11, H.R. 6214, considered and passed House; S. 2586, amended, passed in lieu.
  Sept. 28, Senate agreed to conference report.
  Sept. 29 House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 42 (1982):
  Oct. 15, Presidential statement.

---

96 STAT. 1635

Public Law 97-339
97th Congress

An Act

Oct. 15, 1982
[H.R. 3467]

To authorize appropriations under the Arms Control and Disarmament Act, and for other purposes.

Arms Control and Disarmament Amendments Act of 1982.
22 USC 2551 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Arms Control and Disarmament Amendments Act of 1982".

SEC. 2. (a) Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended to read as follows:

"SEC. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1982, $18,268,000,

"(2) for the fiscal year 1983, $19,893,852, and

"(3) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

Amounts appropriated under this subsection are authorized to remain available until expended.".

22 USC 2585.

SEC. 3. Section 45(a) of the Arms Control and Disarmament Act (22 U.S.C. 2535(a)) is amended by inserting the following new sentence after the second sentence thereof: "In the case of persons detailed from other Government agencies, the Director may accept the results of full-field background security and loyalty investigations conducted by the Department of Defense or the Department of State as the basis for the determination required by this subsection that the person is not a security risk or of doubtful loyalty.".

SEC. 4. Section 31(c) of the Arms Control and Disarmament Act (22 U.S.C. 2571) is amended by inserting "and of all aspects of antisatellite activities" immediately before the semicolon.

96 STAT. 1636

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 3467 (S. 1193):

HOUSE REPORT No. 97-55 (Comm. on Foreign Affairs).
SENATE REPORT No. 97-430 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD:
Vol. 127 (1981): June 8, considered and passed House.
Vol. 128 (1982): Oct. 1, considered and passed Senate, amended; House agreed to Senate amendment.

DISTRICT OF COLUMBIA ACTS

Public Law 97-186
97th Congress

An Act

May 25, 1982
[S. 1611]

To amend Public Law 90-553, to authorize the transfer, conveyance, lease and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes.

District of Columbia property use for an international center.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act approved October 8, 1968 (Public Law 90-553, 82 Stat. 958), is amended—

(1) in the first sentence by striking out "sell or lease" and inserting in lieu thereof: "develop in coordination with the Administrator of General Services for, or to sell, exchange, or lease";

(2) by striking out "Van Ness Street, Reno Road, and Tilden Street" and inserting in lieu thereof: "Yuma Street, 36th Street, Reno Road, and Tilden Street, except that portion of lot 802 in square 1964, the jurisdiction over which was transferred to the District of Columbia for use as an educational facility"; and

(3) by striking out "he" and inserting "the Secretary".

SEC. 2. Section 2 of such Act of October 8, 1968 (Public Law 90-553), is amended to read as follows:

"SEC. 2. Upon the request of any foreign government or international organization and with funds provided by such government or organization in advance, the Administrator of General Services is authorized to design, construct, and equip a headquarters building or legation building or related facilities on property conveyed pursuant to the first section of this Act.".

SEC. 3. Section 3 of such Act of October 8, 1968 (Public Law 90-553), is deleted, and sections 4 to 6 of such Act, inclusive, are renumbered as sections 3 to 5, including references thereto. The first sentence of renumbered section 3 is amended to read as follows "The Act of June 20, 1938 (D.C. Code, secs. 5-413 to 5-428), shall not apply to buildings constructed on property transferred or conveyed pursuant to this Act including section 3 of this Act as in effect January 1, 1980.".

SEC. 4. Section 4 of such Act of October 8, 1968 (Public Law 90-553), as renumbered by this Act is amended by—

(1) inserting "demolition or removal of existing structures, site preparation, and the" immediately after "The";

(2) striking out "and" immediately before "(d)";

(3) inserting "(e) other utilities, and (f) related improvements necessary to accomplish the purposes of this Act," immediately after "the fire alarm system,"; and

(4) inserting "or contiguous to" after "within".

SEC. 5. Section 5 of such Act of October 8, 1968 (Public Law 90-553), as renumbered by this Act is amended by—

96 STAT. 102

(1) inserting ", exchange," after "sale" in the first sentence, and by inserting ", exchanges," after "sales" in the second sentence thereof; and

Maintenance, security and survey funding.

(2) adding at the end thereof the following: "The Secretary may retain therefrom a reserve for maintenance and security of those public improvements authorized by this Act which have not been conveyed to a government or international organization under the first section of this Act, and for surveys and plans related to development of additional areas within the Nation's Capital for chancery and diplomatic purposes. Amounts in the reserve will be available only to the extent and in such amounts as provided in advance in appropriations Acts.".

International Center Act, designation.

SEC. 6. The Act of October 8, 1968 (Public Law 90-553), is further amended by adding at the end thereof the following new section:

"SEC. 6. This Act may be cited as the 'International Center Act'.".

Approved May 25, 1982.

LEGISLATIVE HISTORY—S. 1611 (H.R. 4716):

HOUSE REPORT No. 97-324 accompanying H.R. 4716 (Comm. on Public Works and Transportation).
SENATE REPORT No. 97-281 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Apr. 29, considered and passed Senate.
May 13, considered and passed House, in lieu of H.R. 4716.

---

96 STAT. 1614

Public Law 97-328
97th Congress

An Act

Oct. 15, 1982
[H.R. 6276]

To amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of revenue bonds to finance college and university programs which provide student educational loans.

District of Columbia Self-Government and Governmental Reorganization Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 490(a)(1) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-334) is amended by inserting "college and university programs which provide loans for the payment of educational expenses for or on behalf of students," after "college and university facilities,".

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 6276:

HOUSE REPORT No. 97-634 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Aug. 9, considered and passed House.
Oct. 1, considered and passed Senate.

Public Law 97-334
97th Congress

96 STAT. 1626

An Act

To amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

Oct. 15, 1982
[S. 2457]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 2501d) is amended by striking out "and for the fiscal year ending September 30, 1982, and for each fiscal year ending after September 30, 1982, the sum of $336,600,000" in the first sentence and inserting in lieu thereof "for the fiscal year ending September 30, 1982, the sum of $336,600,000; and for the fiscal year ending September 30, 1983, and for each fiscal year ending after September 30, 1983, the sum of $361,000,000".**

District of Columbia Self-Government and Governmental Reorganization Act, amendment.
D.C. Code 47-2501d.

Approved October 15, 1982.

LEGISLATIVE HISTORY—S. 2457 (H.R. 5595):

HOUSE REPORT No. 97-512 and pt II both accompanying H.R. 5595 (Comm. on the District of Columbia).
SENATE REPORT No. 97-471 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 21, considered and passed Senate.
Aug. 12, H.R. 5595 considered and passed House; S. 2457, amended, passed in lieu.
Oct. 1, Senate and House agreed to conference report.

Public Law 97-203
97th Congress

96 STAT. 129

An Act

June 24, 1982
[H.R. 5659]

To authorize the Smithsonian Institution to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street Southwest, in the city of Washington.

National Museum of African Art and Eastern art center, authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the Board of Regents of the Smithsonian Institution is authorized to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street Southwest, in the city of Washington.**

20 USC 50 note.
Appropriation authorization.
20 USC 50 note.

SEC. 2. Effective October 1, 1982, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $36,500,000 to carry out the purposes of this Act. Except for funds obligated or expended for planning, administration, and management expenses, and architectural or other consulting services, no funds appropriated pursuant to this section shall be obligated or expended until such time as there is available to such Board, from private donations or from other non-Federal sources, a sum which, when combined with the funds so appropriated, is sufficient to carry out the purposes of this Act.

Transfer of funds.
20 USC 50 note.

SEC. 3. Any portion of the sums appropriated to carry out the purposes of this Act may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes.

Approved June 24, 1982.

LEGISLATIVE HISTORY—H.R. 5659 (S. 2102):

HOUSE REPORT No. 97-534 (Comm. on Public Works and Transportation).
SENATE REPORT No. 97-433 accompanying S. 2102 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 3, considered and passed House.
June 9, considered and passed Senate.

96 STAT. 1400

Public Law 97-301
97th Congress

An Act

Oct. 13, 1982
[S. 2852]

To require a separate family contribution schedule for Pell Grants for academic years 1983-1984 and 1984-1985, to establish restrictions upon the contents of such schedule, and for other purposes.

Student Financial Assistance Technical Amendments Act of 1982.
20 USC 1001 note.
20 USC 1070a note.
20 USC 1070a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Student Financial Assistance Technical Amendments Act of 1982".

MAXIMUM PELL GRANT

SEC. 2. Notwithstanding section 411(a)(2) of the Higher Education Act of 1965, the maximum Pell Grant a student may receive for academic year 1983-1984 under such Act shall be $1,800 or 50 percent of the cost of attendance (as defined under section 3 of this Act for academic year 1982-1983) at the institution at which the student is in attendance.

COST OF ATTENDANCE

20 USC 1070a note.

SEC. 3. Notwithstanding any other provision of law, the cost of attendance criteria used for calculating eligibility for and the amount of Pell Grants for academic years 1983-1984 and 1984-1985 shall be the same as those criteria in effect for academic year 1982-1983.

SEPARATION OF PELL GRANT FAMILY CONTRIBUTION SCHEDULE FROM CAMPUS-BASED PROGRAMS

20 USC 1089 note.
20 USC 1070b; 42 USC 2751; 20 USC 1088.

SEC. 4. The Secretary of Education shall establish or approve separate systems of need analysis for academic year 1983-1984 and for academic year 1984-1985 for the programs authorized under subpart 2 of part A, part C, and part E of title IV of the Higher Education Act of 1965.

PELL GRANT FAMILY CONTRIBUTION SCHEDULE FOR ACADEMIC YEAR 1983-1984

20 USC 1070a note.
20 USC 1070a.

SEC. 5. (a) Except as provided in subsections (b) and (c), the family contribution schedule for academic year 1982-1983 for Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 shall be the family contribution schedule for such grants for the academic year 1983-1984.

(b) Each of the amounts allowed as an offset for family size for dependent and independent students in the family contribution schedule for academic year 1983-1984 shall be computed by increasing the comparable amount (for the same family size) in the family contribution schedule for academic year 1982-1983 by 7.3 percent, and rounding the result to the nearest $100.

96 STAT. 1401

(c) For purposes of subsection (a), the family contribution schedule for academic year 1982-1983 shall be modified by the Secretary of Education for use for academic year 1983-1984—

(1) to reflect the most recent and relevant data, and

20 USC 1089.

(2) to comply with section 482(b)(3) of the Higher Education Act of 1965 with respect to the treatment of payments under title 38 of the United States Code.

Publication in Federal Register.
20 USC 1070a note.

(d) The modified family contribution schedule under this section shall be published in the Federal Register not later than 15 days after the date of enactment of this Act.

PELL GRANT FAMILY CONTRIBUTION SCHEDULE FOR ACADEMIC YEAR 1984-1985

SEC. 6. (a)(1) Except as provided in subsection (b), the family contribution schedule for academic year 1984-1985 for Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 shall be established by the Secretary of Education, if the Secretary publishes a proposed schedule in the Federal Register by April 1, 1983, and submits it to the President of the Senate and the Speaker of the House of Representatives on the date of such publication.

20 USC 1070a.

Submittal to President of Senate and Speaker of the House of Representatives.

(2) The proposed schedule shall be subject to public comment for 30 days. The Secretary shall publish and submit to the President of the Senate and the Speaker of the House of Representatives a final family contribution schedule not later than May 15, 1983, for the academic year 1984-1985.

(3) If the Secretary does not so publish and submit such schedule as required by paragraphs (1) and (2), the family contribution schedule in effect for academic year 1983-1984 shall be the family contribution schedule for academic year 1984-1985, except as provided in subsections (c) and (d) of this section.

Publication in Federal Register.

(b) If the Secretary publishes and submits the final family contribution schedule as required by subsection (a) such schedule shall take effect unless, on or before June 15, 1983, either House of Congress adopts a resolution of disapproval of such schedule. In such event, the Secretary shall publish a new proposed family contribution schedule in the Federal Register and submit it to the President of the Senate and the Speaker of the House of Representatives not later than 15 days after the date of the adoption of such resolution of disapproval. Such new schedule shall take into consideration such recommendations as may be made in either House of Congress in connection with such resolution. Such new schedule shall be effective (for academic year 1984-1985) on July 1, 1983, unless, prior to that date, either House of Congress adopts a resolution of disapproval of such new schedule. If the new schedule is also disapproved, the family contribution schedule in effect for academic year 1983-1984 shall be the family contribution for academic year 1984-1985, except as provided in subsections (c) and (d) of this section.

Effective date.

(c)(1) Each of the amounts allowed as an offset for family size for dependent and independent students in the family contribution schedule for academic year 1984-1985 shall be computed by increasing (or decreasing) the comparable amount (for the same family size) in the family contribution schedule for academic year 1983-1984 (as set by section 5(b) of this Act) by a percentage equal to the percentage increase (or decrease) in the Consumer Price Index for Wage Earners and Clerical Workers published by the Department of Labor, and rounding the result to the nearest $100.

96 STAT. 1402

(2) For purposes of paragraph (1) of this subsection, the percentage increase (or decrease) in the Consumer Price Index for Wage Earners and Clerical Workers is the change, expressed as a percent, between the arithmetic mean of such Index for the period from October 1, 1981, through September 30, 1982, and the arithmetic mean of such Index for the period from October 1, 1982, through September 30, 1983.

Publication in Federal Register.

(3) The Secretary of Education shall publish in the Federal Register the changes in amounts allowed as an offset for family size as a consequence of the requirements of this subsection immediately after publication by the Secretary of Labor of the Consumer Price Index for September 1983.

(d) If, under subsection (a) or (b), the family contribution schedule for academic year 1983-1984 is required to be the family contribution schedule for academic year 1984-1985, the family contribution schedule for academic year 1983-1984 shall be modified by the Secretary of Education for use for academic year 1984-1985 to reflect the most recent and relevant data.

Publication in Federal Register.

(e) The modified family contribution schedule under this section shall be published in the Federal Register not later than July 15, 1983.

VETERANS ELIGIBILITY FOR PELL GRANTS FOR ACADEMIC YEAR 1982–1983

20 USC 1070a note.
Ante, p. 845.
95 Stat. 1197, 1198.

SEC. 7. Notwithstanding any other provisions of law, such sums as may be necessary not to exceed $30,000,000 of the amount appropriated by Public Law 97-257 for Pell Grants shall be available for the purpose of restoring eligibility for Pell Grants to individuals adversely affected by the modification, pursuant to paragraphs (4) and (5) of section 124 of Public Law 97-92, of the family contribution schedule with respect to the treatment of payments under title 38, United States Code, to such individuals. For the purposes of determining eligibility and amount of Pell Grant awards under this section, only one-third of the benefits received under such title 38 shall be considered as student financial assistance. The Secretary of Education shall take such steps as may be necessary to notify such individuals of restored eligibility and to make appropriate allocations of the reserved sum.

LINEAR REDUCTION OF PELL GRANTS

20 USC 1070a.

SEC. 8. (a) Section 411(b)(3)(B) of the Higher Education Act of 1965 is amended to read as follows:

"(B)(i) If, for any period of any fiscal year, the funds appropriated for payments under this subpart are insufficient to satisfy fully all entitlements, as calculated under subsection (a)(2)(B)(i), the amount paid with respect to each entitlement shall be—

"(I) the full amount for any student whose expected family contribution is $200 or less, or

"(II) a percentage of that entitlement, as determined in accordance with a schedule of reductions established by the Secretary for this purpose, for any student whose expected family contribution is more than $200.

"(ii) Any schedule established by the Secretary for the purpose of division (i) of this subparagraph shall contain a single linear reduction formula in which the percentage reduction increases uniformly as the entitlement decreases, and shall provide that if an entitlement is reduced to less than $100, no payment shall be made.".

20 USC 1070a note.
20 USC 1070a.

(b) The amendment made by subsection (a) of this section shall be effective with respect to the computation of Pell Grants under section 411 of the Higher Education Act of 1965 for academic year 1983–1984 and for succeeding academic years.

GUARANTEED STUDENT LOAN FAMILY CONTRIBUTION SCHEDULE FOR THE PERIOD JULY 1, 1983, THROUGH JUNE 30, 1984

20 USC 1078 note.
20 USC 1071.

SEC. 9. (a) Except as provided in subsections (b) and (c), the family contribution schedule for the period of instruction from July 1, 1983, through June 30, 1984, for loans made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 shall be the family contribution schedule for such loans for the period of instruction from July 1, 1982, through June 30, 1983.

(b) For purposes of subsection (a), the family contribution schedule for the period of instruction from July 1, 1982, through June 30, 1983, shall be modified by the Secretary of Education for use for the period of instruction from July 1, 1983, through June 30, 1984, to reflect the most recent and relevant data.

(c) The modified family contribution schedule under this section shall be submitted not later than April 1, 1983, and shall otherwise be subject to the provisions of section 482(a) of the Higher Education Act of 1965.

20 USC 1089.

SUPPLEMENTAL EDUCATION OPPORTUNITY GRANT APPORTIONMENT FOR FISCAL YEARS 1983, 1984, AND 1985

20 USC 1070b-3 note.
20 USC 1070b-3.
20 USC 1070b.

SEC. 10. Notwithstanding section 413D(a) of the Higher Education Act of 1965, if in fiscal year 1983, fiscal year 1984, or fiscal year 1985 the sums appropriated pursuant to section 413A(b) of the Higher Education Act of 1965 are less than the sums appropriated pursuant to such section for the fiscal year 1981, the Secretary shall apportion the sums appropriated pursuant to section 413A(b) of the Higher Education Act of 1965 for such fiscal year among the States so that each State's apportionment bears the same ratio to the total amount appropriated as that State's apportionment in fiscal year 1981 bears to the total amount appropriated pursuant to section 413A(b) for the fiscal year 1981.

COLLEGE WORK-STUDY ALLOTMENT FOR FISCAL YEARS 1983, 1984, AND 1985

42 USC 2752 note.
42 USC 2752.
42 USC 2751.

SEC. 11. Notwithstanding subsections (a), (b), (c), and (e) of section 442 of the Higher Education Act of 1965, if in fiscal year 1983, fiscal year 1984, or fiscal year 1985 the sums appropriated pursuant to section 441(b) of the Higher Education Act of 1965 are less than the sums appropriated pursuant to such section for the fiscal year 1981, the Secretary shall allot the sums appropriated pursuant to section 441(b) of the Higher Education Act of 1965 for such fiscal year among the States so that each State's allotment bears the same ratio to the total amount appropriated as that State's allotment in fiscal year 1981 bears to the total amount appropriated pursuant to section 441(b) for the fiscal year 1981.

96 STAT. 1404

42 USC 2751.

NATIONAL DIRECT STUDENT LOAN APPORTIONMENT FOR FISCAL YEARS 1983, 1984, AND 1985

20 USC 1087bb note.
20 USC 1087bb.
20 USC 1087aa.

SEC. 12. Notwithstanding subsections (a) and (b) of section 462 of the Higher Education Act of 1965, if in fiscal year 1983, fiscal year 1984, or fiscal year 1985 the sums appropriated pursuant to section 461(b)(1) of the Higher Education Act of 1965 are less than the sums appropriated pursuant to such section for the fiscal year 1981, the Secretary shall apportion the sums appropriated pursuant to section 461(b)(1) of the Higher Education Act of 1965 for such fiscal year among the States so that each State's apportionment bears the same ratio to the total amount appropriated as that State's apportionment in fiscal year 1981 bears to the total amount appropriated pursuant to section 461(b)(1) for the fiscal year 1981.

LOAN REPAYMENT DISCLOSURE

20 USC 1083a.

SEC. 13. (a)(1) Section 433A of the Higher Education Act of 1965 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

"(b) Each eligible lender shall enter into an agreement with the Secretary under which the eligible lender will, prior to the start of the repayment period of the student borrower on loans made, insured, or guaranteed under this part, disclose to the student borrower the information required under this subsection. The disclosures required by this subsection shall include—

"(1) the itemization of and the total of amounts financed, calculated by adding all amounts borrowed by the student borrower under this part, and subtracting all charges, including any origination fee or insurance premium, paid by the student borrower;

"(2) the dollar cost to the student borrower of the amount borrowed;

"(3) the dollar amount of total scheduled payments, calculated by adding the amounts in clauses (1) and (2); and

"(4) the repayment schedule of the student borrower, including the number, amounts, and frequency of payments.

"(c) The loan information required by this section shall be made available in a conspicuous form either in the note or other written evidence of the loan or in another written form signed by the borrower.".

(2) The second sentence of such section is amended—

(A) by striking out "section" and inserting in lieu thereof "subsection"; and

(B) by redesignating clauses (5) through (7) as clauses (6) through (8), respectively, and by inserting after clause (4) the following new clause:

"(5) the amount of any other charges, including the origination fee, and the rate of the insurance premium charged to the student by the lender;".

20 USC 1087cc-1

(b)(1) Section 463A of the Higher Education Act of 1965 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsections:

96 STAT. 1405

20 USC 1087cc

"(b) Each institution of higher education, in order to carry out the provisions of section 463(a)(8), shall, prior to the start of the repayment period of the student borrower on loans made under this part, disclose to the student borrower the information required under this subsection. The disclosures required by this subsection shall include—

"(1) the itemization of and the total of amounts financed, calculated by adding all amounts borrowed by the student borrower under this part, and subtracting all charges, including any origination fee or insurance premium, paid by the student borrower;

"(2) the dollar cost to the student borrower of the amount borrowed;

"(3) the dollar amount of total scheduled payments, calculated by adding the amounts in clauses (1) and (2); and

"(4) the repayment schedule of the student borrower, including the number, amounts, and frequency of payments.

"(c) The loan information required by this section shall be made available in a conspicuous form either in the note or other written evidence of the loan or in another written form signed by the borrower.".

(2)(A) The first sentence of such section is amended by striking out "section 463(a)(7)" and inserting in lieu thereof "section 463(a)(8)".

(B) The second sentence of such section is amended—

(A) by striking out "section" and inserting in lieu thereof "subsection"; and

(B) by redesignating clauses (5) through (7) as clauses (6) through (8), respectively, and by inserting after clause (4) the following new clause:

"(5) the amount of any other charges, including the origination fee, and the rate of the insurance premium charged to the student by the lender;".

STUDENT LOAN MARKETING ASSOCIATION

95 Stat. 1610.

SEC. 14. (a) The last sentence of section 439(l) of the Higher Education Act of 1965 is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

Termination.
20 USC 1087-2.

(b) Section 439(o) is amended by adding at the end thereof the following new paragraph:

"(5) The authority of the Association to make loans under this section shall terminate on August 1, 1983.".

HIGHER EDUCATION SURVEY DATA

20 USC 1221e-1 note.

SEC. 15. The National Center for Education Statistics shall collect and publish for academic years 1982 through 1985, tuition and fees data, and room and board charges for institutions of higher education included in the Higher Education General Information Survey. The surveys required by this section shall be consistent with prior surveys of data described in this section. The results of such surveys shall be stated so as to display such data by congressional district.

Approved October 13, 1982.

LEGISLATIVE HISTORY—S. 2852 (H.R. 7048):

HOUSE REPORTS: No. 97-814 accompanying H.R. 7048 (Comm. on Education and Labor), No. 97-887 (Comm. of Conference).
SENATE REPORTS: No. 97-538 (Comm. on Labor and Human Resources), No. 97-589 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 16, considered and passed Senate.
Sept. 20, 22, H.R. 7048 considered and passed House; S. 2852, amended, passed in lieu.
Sept. 27, Senate agreed to conference report.
Sept. 29, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 41 (1982):
Oct. 14, Presidential statement.

FOREIGN OPERATIONS AND STATE ACTS

Public Law 97-208
97th Congress

96 STAT. 138

An Act

To authorize humanitarian assistance for the people of Lebanon.

June 30, 1982
[H.R. 6631]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

Lebanon, humanitarian assistance.

22 USC 2292p.

"Sec. 495J. Lebanon Emergency Relief, Rehabilitation, and Reconstruction Assistance.—(a) The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering and resettlement needs of the innocent victims of recent strife in Lebanon. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for the relief, rehabilitation, and reconstruction needs of such victims. Assistance provided under this section shall emphasize the provision of food, medicine, clothing, shelter, and water supply systems, and similar efforts to ameliorate the suffering of the people in Lebanon.

Appropriation authorization.

"(b) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $50,000,000 to carry out this section. Amounts appropriated under this subsection are authorized to remain available until expended.

"(c) Assistance under this section shall be furnished in accordance with the policies and general authorities contained in section 491.".

22 USC 2292.

Approved June 30, 1982.

LEGISLATIVE HISTORY—H.R. 6631:

HOUSE REPORT No. 97-622 (Comm. on Foreign Affairs.)
CONGRESSIONAL RECORD, Vol. 128 (1982):
  June 23, considered and passed House.
  June 24, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 26 (1982):
  June 30, Presidential statement.

96 STAT. 273

Public Law 97-241
97th Congress

An Act

Aug. 24, 1982
[S. 1193]

To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of State, the International Communication Agency, and the Board for International Broadcasting, appropriation authorizations.

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

Department of State Authorization Act, Fiscal Years 1982 and 1983.

SEC. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 102. There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", $1,245,637,000 for the fiscal year 1982 and $1,248,059,000 for the fiscal year 1983.

(2) For "International Organizations and Conferences", $503,462,000 for the fiscal year 1982 and $514,436,000 for the fiscal year 1983.

(3) For "International Commissions", $19,808,000 for the fiscal year 1982 and $22,432,000 for the fiscal year 1983.

(4) For "Migration and Refugee Assistance", $504,100,000 for the fiscal year 1982 and $460,000,000 for the fiscal year 1983.

REOPENING CERTAIN UNITED STATES CONSULATES

SEC. 103. (a) Notwithstanding any other provision of law, $400,000 of the funds available for the fiscal year 1982 for "Salaries and Expenses" of the Department of State are hereby reprogramed for, and shall be used by the Department for, the expenses of operating and maintaining the consulates specified in subsection (c) of this section.

22 USC 2656 note.

(b) None of the funds made available under this or any other Act for "Administration of Foreign Affairs" may be used for the establishment or operation of any United States consulate that did not exist on the date of enactment of this Act (other than the consulates specified in subsection (c)) until all the United States consulates specified in subsection (c) have been reopened as required by section 108 of the Department of State Authorization Act, Fiscal Years 1980 and 1981.

22 USC 2656 note.
22 USC 2656 note.

(c) The consulates referred to in subsections (a) and (b) of this section are the consulates in the following locations: Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.

96 STAT. 274

RESTRICTIONS RELATING TO PALESTINIAN RIGHTS UNITS AND PROJECTS PROVIDING POLITICAL BENEFITS TO THE PALESTINE LIBERATION ORGANIZATION

SEC. 104. (a) Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity); and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity); and

(3) 25 percent of the amount budgeted for that year for projects whose primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(b) Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of any specialized agency of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less 25 percent of the amount budgeted by such agency for that year for projects whose primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

Budget review
22 USC 287e
note

Report to
Congress

(c) The President shall annually review the budgets of the United Nations and its specialized agencies to determine which projects have the primary purpose of providing political benefit to the Palestine Liberation Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contribution is withheld and the amount withheld.

(d) Subsections (a)(3) and (b) shall not be construed as limiting United States contributions to the United Nations, or its specialized agencies, for projects whose primary purpose is to provide humanitarian, educational, developmental, and other nonpolitical benefits to the Palestinian people.

PAYMENT OF ASSESSED CONTRIBUTIONS FOR CERTAIN INTERNATIONAL ORGANIZATIONS

SEC. 105. (a) Funds authorized to be appropriated for the fiscal year 1982 by paragraph (2) of section 102 of this Act shall be used for payment of the entire amount payable for the United States contribution for the calendar year 1982 to the Organization of American States, to the Pan American Health Organization, and to the Inter-American Institute for Cooperation on Agriculture.

96 STAT. 275

(b) Funds authorized to be appropriated for the fiscal year 1983 by paragraph (2) of section 102 of this Act shall be used for payment of the entire amount payable for the United States contribution for the calendar year 1983 to the Organization of American States, to the Pan American Health Organization, and to the Inter-American Institute for Cooperation on Agriculture.

"United States
contribution."

(c) For purposes of this section, the term "United States contribution" means the United States assessed contribution to the budget of the Organization of American States, the Pan American Health Organization, or the Inter-American Institute for Cooperation on Agriculture, as the case may be, plus amounts required to be paid by the United States or minus amounts credited to the United States (as appropriate) under that organization's tax equalization program.

INTERNATIONAL COMMITTEE OF THE RED CROSS

SEC. 106. Of the amounts authorized to be appropriated by paragraph (4) of section 102 of this Act, $1,500,000 shall be available for the fiscal year 1982 and $1,500,000 shall be available for the fiscal year 1983 only for the International Committee of the Red Cross to support the activities of the protection and assistance program for "political" detainees.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

SEC. 107. Of the amounts authorized to be appropriated by paragraph (4) of section 102 of this Act, $12,500,000 for the fiscal year 1982 and $16,875,000 for the fiscal year 1983 shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics, from Communist countries in Eastern Europe, and from other countries.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

SEC. 108. (a) The Congress finds that—

(1) a free press is vital to the functioning of free governments;

(2) Article 19 of the Universal Declaration of Human Rights provides for the right to freedom of expression and to "seek, receive, and impart information and ideas through any media and regardless of frontiers";

(3) the Constitution of the United Nations Educational, Scientific and Cultural Organization provides for the promotion of "the free flow of ideas by word and image";

(4) the signatories of the Final Act of the Conference on Security and Cooperation in Europe (Helsinki, 1975) pledged themselves "to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their profession in another participating State"; and

(5) government censorship, domination, or suppression of a free press is a danger to free men and women everywhere.

(b) Therefore, it is the sense of the Congress that the United Nations Educational, Scientific and Cultural Organization should cease efforts to attempt to regulate news content and to formulate rules and regulations for the operation of the world press.

96 STAT. 276

(c) The Congress opposes efforts by some countries to control access to and dissemination of news.

Report to Congress.

(d) The President shall evaluate and, not later than six months after the date of enactment of this Act, shall report to the Congress his assessment of—

(1) the extent to which United States financial contributions to the United Nations Educational, Scientific and Cultural Organization, and the extent to which the programs and activities of that Organization, serve the national interests of the United States;

(2) the programs and activities of the United Nations Educational, Scientific and Cultural Organization, especially its programs and activities in the communications sector; and

(3) the quality of United States participation in the United Nations Educational, Scientific and Cultural Organization, including the quality of United States diplomatic efforts with respect to that Organization, the quality of United States representation in the Secretariat of that Organization, and the quality of recruitment of United States citizens to be employed by that Organization.

Such report should include the President's recommendations regarding any improvements which should be made in the quality and substance of United States representation in the United Nations Educational, Scientific and Cultural Organization.

RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

22 USC 287r note.
Ante, p. 273.

SEC. 109. (a) None of the funds authorized to be appropriated by paragraph (2) of section 102 of this Act or by any other Act for "International Organizations and Conferences" may be used for payment by the United States of its contribution toward the assessed budget of the United Nations Educational, Scientific and Cultural Organization if that organization implements any policy or procedure the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or among countries, or to impose mandatory codes of journalistic practice or ethics.

Report to Congress.

(b) Not later than February 1 of each year, the Secretary of State shall report to the Congress with respect to whether the United Nations Educational, Scientific and Cultural Organization has taken any action described in subsection (a) of this section.

BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

SEC. 110. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State $3,700,000 for the fiscal year 1982 and $3,700,000 for the fiscal year 1983 for payment of the United States share of expenses of the science and technology agreements between the United States and Yugoslavia and between the United States and Poland.

ASIA FOUNDATION

SEC. 111. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State $4,500,000 for the fiscal year 1982 and $4,500,000 for the fiscal year 1983 for the Asia Foundation in furtherance of that organization's purposes as described in its charter. Amounts appropriated under this section shall be made available to the Asia Foundation by the Secretary of State in accordance with the terms and conditions of a grant agreement to be negotiated between the Secretary and the Foundation.

BUYING POWER MAINTENANCE

SEC. 112. (a) Section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)) is amended to read as follows:

"(b)(1) In order to maintain the levels of program activity for the Department of State provided for each fiscal year by the annual authorizing legislation, there are authorized to be appropriated for the Department of State such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the earlier of—

"(A) the calendar year which ended during the fiscal year preceding such fiscal year, or

"(B) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted.

Buying Power Maintenance account.

"(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

"(3) In order to eliminate substantial gains to the approved levels of overseas operations for the Department of State, the Secretary of State shall transfer to the Buying Power Maintenance account such amounts in any appropriation account under the heading 'Administration of Foreign Affairs' as the Secretary determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

Transfer of funds.

"(4) In order to offset adverse fluctuations in foreign currency exchange rates or overseas wage and price changes, the Secretary of State may transfer from the Buying Power Maintenance account to any appropriation account under the heading 'Administration of Foreign Affairs' such amounts as the Secretary determines are necessary to maintain the approved level of operations under that appropriation account.

"(5) Funds transferred by the Secretary of State from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Secretary from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

96 STAT. 278

"(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.".

(b) Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) by inserting ", or overseas wage and price changes," immediately after "foreign currency exchange rates"; and

(2) by striking out "preceding fiscal year" and inserting in lieu thereof "earlier of (1) the calendar year which ended during the fiscal year preceding such fiscal year, or (2) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted".

22 USC 2877.

(c) Section 8(a)(2) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2287(a)(2)) is amended—

(1) in the first sentence, by inserting ", or overseas wage and price changes," immediately after "foreign currency exchange rates";

(2) in the first sentence, by striking out "preceding fiscal year" and inserting in lieu thereof "earlier of (A) the calendar year which ended during the fiscal year preceding such fiscal year, or (B) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted"; and

(3) in the second sentence, by inserting "or such changes" immediately after "such fluctuations".

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

SEC. 113. Paragraph (1) of the first section of the joint resolution entitled "Joint Resolution to provide for membership of the United States in the Pan American Institute of Geography and History; and to authorize the President to extend an invitation for the next general assembly of the institute to meet in the United States in 1935, and to provide an appropriation for expenses thereof", approved August 2, 1935 (22 U.S.C. 273), is amended by striking out ", not to exceed $200,000 annually,".

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

SEC. 114. Section 2 of the joint resolution entitled "Joint Resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor", approved December 30, 1963 (22 U.S.C. 269g-1), is amended by striking out ", except that" and all that follows through "that year".

PAN AMERICAN RAILWAY CONGRESS

SEC. 115. Section 2(a) of the joint resolution entitled "Joint Resolution providing for participation by the Government of the United

States in the Pan American Railway Congress, and authorizing an appropriation therefor", approved June 28, 1948 (22 U.S.C. 280k), is amended by striking out "Not more than $15,000 annually" and inserting in lieu thereof "Such sums as may be necessary".

96 STAT. 279

PASSPORT FEES AND PERIOD OF VALIDITY

SEC. 116. (a) The first sentence of section 1 under the heading "FEES FOR PASSPORTS AND VISÈS" of the Act of June 4, 1920 (22 U.S.C. 214), is amended to read as follows: "There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for each passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport.".

(b)(1) Section 2 of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 217a), is amended to read as follows:

"SEC. 2. A passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation.".

(2) The amendment made by this subsection applies with respect to passports issued after the date of enactment of this Act.

Effective date.
22 USC 217a note.

DOCUMENTATION OF CITIZENSHIP

SEC. 117. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section 33 immediately after section 32 and by redesignating existing section 33 as section 34:

22 USC 2651 note.

"SEC. 33. The following documents shall have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization jurisdiction:

22 USC 2705.

"(1) A passport, during its period of validity (if such period is the maximum period authorized by law), issued by the Secretary of State to a citizen of the United States.

"(2) The report, designated as a 'Report of Birth Abroad of a Citizen of the United States', issued by a consular officer to document a citizen born abroad.".

UNITED STATES REPRESENTATIVE TO INTERNATIONAL ORGANIZATIONS IN VIENNA

SEC. 118. Section 2 of the United Nations Participation Act of 1945 (22 U.S.C. 287) is amended by adding at the end thereof the following new subsection:

"(h) The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the Vienna office of the United Nations with appropriate rank and status, who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such individual shall, at the direction of the Secretary of State, represent the United States at the Vienna office of the United Nations and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State from time to time may direct.".

96 STAT. 280

LIVING QUARTERS FOR THE STAFF OF THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS

SEC. 119. Section 8 of the United Nations Participation Act of 1945 (22 U.S.C. 287e) is amended—

(1) by striking out "representative of the United States to the United Nations referred to in paragraph (a) of section 2 hereof"

and inserting in lieu thereof "representatives provided for in section 2 of this Act and of their appropriate staffs"; and

(2) by adding at the end thereof the following: "Any payments made by United States Government personnel for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State for such lease or rental or to the appropriation, fund, or account currently available for such purpose.".

PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES DELEGATIONS TO INTERNATIONAL TELECOMMUNICATIONS MEETINGS AND CONFERENCES

18 USC 203 note.

SEC. 120. (a) Sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a private sector representative on the United States delegation to an international telecommunications meeting or conference who is specifically designated to speak on behalf of or otherwise represent the interests of the United States at such meeting or conference with respect to a particular matter, if the Secretary of State (or the Secretary's designee) certifies that no Government employee on the delegation is as well qualified to represent United States interests with respect to such matter and that such designation serves the national interest. All such representatives shall have on file with the Department of State the financial disclosure report required for special Government employees.

"International telecommunications meeting or conference."

(b) As used in this section, the term "international telecommunications meeting or conference" means the conferences of the International Telecommunications Union, meetings of its International Consultative Committees for Radio and for Telephone and Telegraph, and such other international telecommunications meetings or conferences as the Secretary of State may designate.

PROCUREMENT CONTRACTS

SEC. 121. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section immediately after section 13:

22 USC 2679a.

"SEC. 14. (a) Any contract for the procurement of property or services, or both, for the Department of State or the Foreign Service which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of 5 years when—

"(1) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

"(2) the Secretary of State determines that—

"(A) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

96 STAT. 281

"(B) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(C) such a method of contracting will not inhibit small business participation.

Cancellation.

"(b) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.".

COMPENSATION FOR DISABILITY OR DEATH

SEC. 122. The State Department Basic Authorities Act of 1956 is amended by inserting the following new section immediately after section 15:

22 USC 2680a

"SEC. 16. The first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the 'Defense Base Act') shall not apply with respect to such contracts as the Secretary of State may determine which are contracts with persons employed to perform work for the Department of State or the Foreign Service on an intermittent basis for not more than 90 days in a calendar year.".

DUTIES OF A CHIEF OF MISSION

SEC. 123. Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended by adding at the end thereof the following new subsection:

"(c) Each chief of mission to a foreign country shall have as a principal duty the promotion of United States goods and services for export to such country.".

BASIC SALARY RATES FOR THE SENIOR FOREIGN SERVICE

SEC. 124. Section 402(a) of the Foreign Service Act of 1980 (22 U.S.C. 3962(a)) is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) by inserting immediately after the first sentence the following new sentence: "The President shall also prescribe one or more basic salary rates for each class."; and

(3) by adding at the end thereof the following new paragraph:

"(2) The Secretary shall determine which of the basic salary rates prescribed by the President under paragraph (1) for any salary class shall be paid to each member of the Senior Foreign Service who is appointed to that class. The Secretary may adjust the basic salary rate of a member of the Senior Foreign Service not more than once during any 12-month period.".

AMENDMENTS CORRECTING PRINTING ERRORS

SEC. 125. The Foreign Service Act of 1980 is amended—

(1) in section 704(b)(2) (22 U.S.C. 4024(b)(2)) by striking out "411" and inserting in lieu thereof "412"; and

96 STAT. 282

(2) in section 814(a)(3) (22 U.S.C. 4054(a)(3)) by striking out "on" the second place it appears in the first sentence and inserting in lieu thereof "or".

SCIENTIFIC EXCHANGE ACTIVITIES WITH THE SOVIET UNION

Report to Congress.

SEC. 126. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report with respect to the individual exchange activities conducted pursuant to the 11 agreements for cooperation in specialized fields which were entered into by the United States and the Union of Soviet Socialist Republics between 1972 and 1974. This report shall include—

(1) an assessment of the risk of the transfer to the Soviet Union of militarily significant technology through research, exchanges, and other activities conducted pursuant to those agreements; and

(2) a detailed description on the exchanges and other activities conducted pursuant to those agreements during fiscal year 1981 and fiscal year 1982, including—

(A) the areas of cooperation,

(B) the specific research and projects involved,

(C) the man-hours spent in short-term (less than 60 days) and long-term exchanges,

(D) the level of United States and Soviet funding in each such fiscal year, and

(E) an assessment of the equality or inequality in value of the information exchanged.

(b) The Secretary of State shall prepare the report required by subsection (a) in consultation and cooperation with the heads of the other agencies involved in the exchange and other cooperative activities conducted pursuant to the agreements described in that subsection.

List of Soviet nationals, submittal to Congress.
22 USC 2458 note.

(c) Not later than July 1 of each year, the Secretary of State shall submit to the Congress a list of the Soviet nationals participating during the upcoming academic year in the United States-Union of Soviet Socialist Republics graduate student/young faculty exchange or in the United States-Union of Soviet Socialist Republics senior scholar exchange, their topics of study, and where they are to study. This report shall also include a determination by the Secretary of State, in consultation with the heads of the other agencies involved in these exchange programs, that these exchange programs will not jeopardize United States national security interests.

Foreign Missions Act.

TITLE II—FOREIGN MISSIONS

SHORT TITLE

22 USC 4301 note.

SEC. 201. This title may be cited as the "Foreign Missions Act".

REGULATION OF FOREIGN MISSIONS

22 USC 2662.

SEC. 202. (a) The State Department Basic Authorities Act of 1956 is amended by striking out "That the Secretary" in the first section and inserting in lieu thereof the following:

96 STAT. 283

"TITLE I—BASIC AUTHORITIES GENERALLY

"SECTION 1. The Secretary".

(b) That Act is further amended by adding at the end thereof the following:

"TITLE II—AUTHORITIES RELATING TO THE REGULATION OF FOREIGN MISSIONS

"DECLARATION OF FINDINGS AND POLICY

22 USC 4301.

"SEC. 201. (a) The Congress finds that the operation in the United States of foreign missions and public international organizations and the official missions to such organizations, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.

"(b) The Congress declares that it is the policy of the United States to support the secure and efficient operation of United States missions abroad, to facilitate the secure and efficient operation in the United States of foreign missions and public international organizations and the official missions to such organizations, and to assist in obtaining appropriate benefits, privileges, and immunities for those missions and organizations and to require their observance of corresponding obligations in accordance with international law.

"(c) The treatment to be accorded to a foreign mission in the United States shall be determined by the Secretary after due consideration of the benefits, privileges, and immunities provided to missions of the United States in the country or territory represented by that foreign mission.

"DEFINITIONS

22 USC 4302.

"SEC. 202. (a) For purposes of this title—

"(1) 'benefit' (with respect to a foreign mission) means any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of—

"(A) real property by purchase, lease, exchange, construction, or otherwise,

"(B) public services, including services relating to customs, importation, and utilities, and the processing of applications or requests relating to public services,

"(C) supplies, maintenance, and transportation,

"(D) locally engaged staff on a temporary or regular basis,

"(E) travel and related services, and

"(F) protective services,

and includes such other benefits as the Secretary may designate;

"(2) 'chancery' means the principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), and includes the site and any building on such site which is used for such purposes;

"(3) 'Director' means the Director of the Office of Foreign Missions established pursuant to section 203(a);

"(4) 'foreign mission' means any official mission to the United States involving diplomatic, consular, or other governmental activities of—

"(A) a foreign government, or

96 STAT. 284

Post, p. 289.

"(B) an organization (other than an international organization, as defined in section 209(b) of this title) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States,

including any real property of such a mission and including the personnel of such a mission;

"(5) 'real property' includes any right, title, or interest in or to, or the beneficial use of, any real property in the United States, including any office or other building;

"(6) 'Secretary' means the Secretary of State;

"(7) 'sending State' means the foreign government, territory, or political entity represented by a foreign mission; and

"(8) 'United States' means, when used in a geographic sense, the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

"(b) Determinations with respect to the meaning and applicability of the terms used in subsection (a) shall be committed to the discretion of the Secretary.

"OFFICE OF FOREIGN MISSIONS

Establishment.
22 USC 4306.
Director, appointment.

"SEC. 203. (a) The Secretary shall establish an Office of Foreign Missions as an office within the Department of State. The Office shall be headed by a Director, appointed by the Secretary, who shall perform his or her functions under the supervision and direction of the Secretary. The Secretary may delegate this authority for supervision and direction of the Director only to the Deputy Secretary of State or an Under Secretary of State.

Functions.

"(b) The Secretary may authorize the Director to—

"(1) assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled;

"(2) provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204; and

"(3) perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.

"PROVISION OF BENEFITS

22 USC 4304.

"SEC. 204. (a) Upon the request of a foreign mission, benefits may be provided to or for that foreign mission by or through the Director on such terms and conditions as the Secretary may approve.

"(b) If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise—

"(1) to facilitate relations between the United States and a sending State,

"(2) to protect the interests of the United States,

"(3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad, or

"(4) to assist in resolving a dispute affecting United States interests and involving a foreign mission or sending State,

then the Secretary may require a foreign mission (A) to obtain benefits from or through the Director on such terms and conditions as the Secretary may approve, or (B) to comply with such terms and conditions as the Secretary may determine as a condition to the execution or performance in the United States of any contract or other agreement, the acquisition, retention, or use of any real property, or the application for or acceptance of any benefit (including any benefit from or authorized by any Federal, State, or municipal governmental authority, or any entity providing public services).

96 STAT. 285

"(c) Terms and conditions established by the Secretary under this section may include—

Surcharge or fee.

"(1) a requirement to pay to the Director a surcharge or fee, and

Waiver.

"(2) a waiver by a foreign mission (or any assignee of or person deriving rights from a foreign mission) of any recourse against any governmental authority, any entity providing public services, any employee or agent of such an authority or entity, or any other person, in connection with any action determined by the Secretary to be undertaken in furtherance of this title.

"(d) For purposes of effectuating a waiver of recourse which is required under this section, the Secretary may designate the Director or any other officer of the Department of State as the agent of a foreign mission (or of any assignee of or person deriving rights from a foreign mission). Any such waiver by an officer so designated shall for all purposes (including any court or administrative proceeding) be deemed to be a waiver by the foreign mission (or the assignee of or other person deriving rights from a foreign mission).

"(e) Nothing in this section shall be deemed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3, United States Code, or section 3056 of title 18, United States Code, at a level commensurate with protective requirements as determined by the United States Secret Service.

"PROPERTY OF FOREIGN MISSIONS

22 USC 4305.

"SEC. 205. (a)(1) The Secretary may require any foreign mission to notify the Director prior to any proposed acquisition, or any proposed sale or other disposition, of any real property by or on behalf of such mission. If such a notification is required, the foreign mission (or other party acting on behalf of the foreign mission) may initiate or execute any contract, proceeding, application, or other action required for the proposed action—

"(A) only after the expiration of the 60-day period beginning on the date of such notification (or after the expiration of such shorter period as the Secretary may specify in a given case); and

"(B) only if the mission is not notified by the Secretary within that period that the proposal has been disapproved; however, the Secretary may include in such a notification such terms and conditions as the Secretary may determine appropriate in order to remove the disapproval.

"(2) For purposes of this section, 'acquisition' includes any acquisition or alteration of, or addition to, any real property or any change in the purpose for which real property is used by a foreign mission.

"Acquisition."

"(b) The Secretary may require any foreign mission to divest itself of, or forgo the use of, any real property determined by the Secretary—

"(1) not to have been acquired in accordance with this section; or

"(2) to exceed limitations placed on real property available to a United States mission in the sending State.

"(c) If a foreign mission has ceased conducting diplomatic, consular, and other governmental activities in the United States and has not designated a protecting power or other agent approved by the Secretary to be responsible for the property of that foreign mission, the Secretary—

"(1) until the designation of a protecting power or other agent approved by the Secretary, may protect and preserve any property of that foreign mission; and

"(2) may authorize the Director to dispose of such property at such time as the Secretary may determine after the expiration of the one-year period beginning on the date that the foreign mission ceased those activities, and may remit to the sending State the net proceeds from such disposition.

"LOCATION OF FOREIGN MISSIONS IN THE DISTRICT OF COLUMBIA

"SEC. 206. (a) The location, replacement, or expansion of chanceries in the District of Columbia shall be subject to this section.

22 USC 4306.

"(b)(1) A chancery shall be permitted to locate as a matter of right in any area which is zoned commercial, industrial, waterfront, or mixed-use (CR).

"(2) A chancery shall also be permitted to locate—

"(A) in any area which is zoned medium-high or high density residential, and

"(B) in any other area, determined on the basis of existing uses, which includes office or institutional uses, including but not limited to any area zoned mixed-use diplomatic or special purpose,

subject to disapproval by the District of Columbia Board of Zoning Adjustment in accordance with this section.

"(3) In each of the areas described in paragraphs (1) and (2), the limitations and conditions applicable to chanceries shall not exceed those applicable to other office or institutional uses in that area.

"(c)(1) If a foreign mission wishes to locate a chancery in an area described in subsection (b)(2), or wishes to appeal an administrative decision relating to a chancery based in whole or in part upon any zoning map or regulation, it shall file an application with the Board of Zoning Adjustment which shall publish notice of that application in the District of Columbia Register.

Notice; publication in D.C. Register.

"(2) Regulations issued to carry out this section shall provide appropriate opportunities for participation by the public in proceedings concerning the location, replacement, or expansion of chanceries.

"(3) A final determination concerning the location, replacement, or expansion of a chancery shall be made not later than six months after the date of the filing of an application with respect to such location, replacement, or expansion. Such determination shall not be subject to the administrative proceedings of any other agency or official except as provided in this title.

"(d) Any determination concerning the location of a chancery under subsection (b)(2), or concerning an appeal of an administrative decision with respect to a chancery based in whole or in part upon any zoning regulation or map, shall be based solely on the following criteria: 96 STAT. 287

"(1) The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

"(2) Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this section; and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and Federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.

"(3) The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary, after consultation with Federal agencies authorized to perform protective services.

"(4) The extent to which the area is capable of being adequately protected, as determined by the Secretary, after consultation with Federal agencies authorized to perform protective services.

"(5) The municipal interest, as determined by the Mayor of the District of Columbia.

"(6) The Federal interest, as determined by the Secretary.

"(e)(1) Regulations, proceedings, and other actions of the National Capital Planning Commission, the Zoning Commission for the District of Columbia, and the Board of Zoning Adjustment affecting the location, replacement, or expansion of chanceries shall be consistent with this section (including the criteria set out in subsection (d)) and shall reflect the policy of this title.

"(2) Proposed actions of the Zoning Commission concerning implementation of this section shall be referred to the National Capital Planning Commission for review and comment.

"(f) Regulations issued to carry out this section shall provide for proceedings of a rule-making and not of an adjudicatory nature.

D.C. building codes, compliance

"(g) The Secretary shall require foreign missions to comply substantially with District of Columbia building and related codes in a manner determined by the Secretary to be not inconsistent with the international obligations of the United States.

"(h) Approval by the Board of Zoning Adjustment or the Zoning Commission or, except as provided in section 205, by any other agency or official is not required—

"(1) for the location, replacement, or expansion of a chancery to the extent that authority to proceed, or rights or interests, with respect to such location, replacement, or expansion were granted to or otherwise acquired by the foreign mission before the effective date of this section; or

"(2) for continuing use of a chancery by a foreign mission to the extent that the chancery was being used by a foreign mission on the effective date of this section.

"(i)(1) The President may designate the Secretary of Defense, the Secretary of the Interior, or the Administrator of General Services (or such alternate as such official may from time to time designate) to serve as a member of the Zoning Commission in lieu of the Director of the National Park Service whenever the President determines that the Zoning Commission is performing functions concerning the implementation of this section. 96 STAT. 288

"(2) Whenever the Board of Zoning Adjustment is performing functions regarding an application by a foreign mission with respect to the location, expansion, or replacement of a chancery—

"(A) the representative from the Zoning Commission shall be the Director of the National Park Service or if another person has been designated under paragraph (1) of this subsection, the person so designated; and

"(B) the representative from the National Capital Planning Commission shall be the Executive Director of that Commission.

"(j) Provisions of law (other than this title) applicable with respect to the location, replacement, or expansion of real property in the District of Columbia shall apply with respect to chanceries only to the extent that they are consistent with this section.

"PREEMPTION

22 USC 4307.

Ante, p. 283-285.

"SEC. 207. Notwithstanding any other law, no act of any Federal agency shall be effective to confer or deny any benefit with respect to any foreign mission contrary to this title. Nothing in section 202, 203, 204, or 205 may be construed to preempt any State or municipal law or governmental authority regarding zoning, land use, health, safety, or welfare, except that a denial by the Secretary involving a benefit for a foreign mission within the jurisdiction of a particular State or local government shall be controlling.

"GENERAL PROVISIONS

Regulations. 22 USC 4308.

"SEC. 208. (a) The Secretary may issue such regulations as the Secretary may determine necessary to carry out the policy of this title.

"(b) Compliance with any regulation, instruction, or direction issued by the Secretary under this title shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court or administrative proceeding for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this title, or any regulation, instruction, or direction issued by the Secretary under this title.

"(c) For purposes of administering this title—

"(1) the Secretary may accept details and assignments of employees of Federal agencies to the Office of Foreign Missions on a reimbursable or nonreimbursable basis (with any such reimbursements to be credited to the appropriations made available for the salaries and expenses of officers and employees of the employing agency); and

Experts and consultants.

"(2) the Secretary may, to the extent necessary to obtain services without delay, exercise his authority to employ experts and consultants under section 3109 of title 5, United States Code, without requiring compliance with such otherwise applicable requirements for that employment as the Secretary may determine, except that such employment shall be terminated after 60 days if by that time those requirements are not complied with.

Contracts and subcontracts for supplies or services.

"(d) Contracts and subcontracts for supplies or services, including personal services, made by or on behalf of the Director shall be made after advertising, in such manner and at such times as the Secretary shall determine to be adequate to ensure notice and opportunity for competition, except that advertisement shall not be required when (1) the Secretary determines that it is impracticable or will not permit timely performance to obtain bids by advertising, or (2) the aggregate amount involved in a purchase of supplies or procurement of services does not exceed $10,000. Such contracts and subcontracts may be entered into without regard to laws and regulations otherwise applicable to solicitation, negotiation, administration, and performance of government contracts. In awarding contracts, the Secretary may consider such factors as relative quality and availability of supplies or services and the compatibility of the supplies or services with implementation of this title.

96 STAT. 289

"(e) The head of any Federal agency may, for purposes of this title—

"(1) transfer or loan any property to, and perform administrative and technical support functions and services for the operations of, the Office of Foreign Missions (with reimbursements to agencies under this paragraph to be credited to the current applicable appropriation of the agency concerned); and

"(2) acquire and accept services from the Office of Foreign Missions, including (whenever the Secretary determines it to be in furtherance of the purposes of this title) acquisitions without regard to laws normally applicable to the acquisition of services by such agency.

"(f) Assets of or under the control of the Office of Foreign Missions, wherever situated, which are used by or held for the use of a foreign mission shall not be subject to attachment, execution, injunction, or similar process, whether intermediate or final.

"(g) Except as otherwise provided, any determination required under this title shall be committed to the discretion of the Secretary.

"(h)(1) In order to implement this title, the Secretary may transfer to the working capital fund established by section 13 of this Act such amounts available to the Department of State as may be necessary. 22 USC 2684.

"(2) All revenues, including proceeds from gifts and donations, received by the Director or the Secretary in carrying out this title may be credited to the working capital fund established by section 13 of this Act and shall be available for purposes of this title in accordance with that section.

"(3) Only amounts transferred or credited to the working capital fund established by section 13 of this Act may be used in carrying out the functions of the Secretary or the Director under this title.

"APPLICATION TO PUBLIC INTERNATIONAL ORGANIZATIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZATIONS

Ante, p. 286. 22 USC 4309. "SEC. 209. (a) The Secretary may make section 206, or any other provision of this title, applicable with respect to an international organization to the same extent that it is applicable with respect to a foreign mission if the Secretary determines that such application is necessary to carry out the policy set forth in section 201(b) and to further the objectives set forth in section 204(b). Ante, p. 283. Ante, p. 284.

"International organization." "(b) For purposes of this section, 'international organization' means—

"(1) a public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288—288f-2) or a public international organization created pursuant to a treaty or other international agreement as an instrument through or by which two or more foreign govern-

96 STAT. 290

ments engage in some aspect of their conduct of international affairs; and

"(2) an official mission (other than a United States mission) to such a public international organization,

including any real property of such an organization or mission and including the personnel of such an organization or mission.

"PRIVILEGES AND IMMUNITIES

22 USC 4310. "SEC. 210. Nothing in this title shall be construed to limit the authority of the United States to carry out its international obligations, or to supersede or limit immunities otherwise available by law. No act or omission by any foreign mission, public international organization, or official mission to such an organization, in compliance with this title shall be deemed to be an implied waiver of any immunity otherwise provided for by law.

"ENFORCEMENT

22 USC 4311. "SEC. 211. (a) It shall be unlawful for any person to make available any benefits to a foreign mission contrary to this title. The United States, acting on its own behalf or on behalf of a foreign mission, has standing to bring or intervene in an action to obtain compliance with this title, including any action for injunctive or other equitable relief.

"(b) Upon the request of any Federal agency, any State or local government agency, or any business or other person that proposes to enter into a contract or other transaction with a foreign mission, the Secretary shall advise whether the proposed transaction is prohibited by any regulation or determination of the Secretary under this title.

"PRESIDENTIAL GUIDELINES

"SEC. 212. The authorities granted to the Secretary pursuant to the provisions of this title shall be exercised in accordance with procedures and guidelines approved by the President. 22 USC 4312.

"SEVERABILITY

"SEC. 213. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to any other person or circumstance shall not be affected thereby.". 22 USC 4313.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 203. (a) Section 13 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684) is amended in the first sentence by striking out "and" following the semicolon at the end of clause (3), and by inserting immediately before the period at the end of the sentence the following: "; and (5) services and supplies to carry out title II of this Act".

(b)(1) Subparagraph (A) of section 2(1) of the Diplomatic Relations Act (22 U.S.C. 254a(1)(A)) is amended to read as follows:

> "(A) the head of a mission and those members of a mission who are members of the diplomatic staff or who, pursuant to law, are granted equivalent privileges and immunities,".

(2) Section 3(b) of such Act (22 U.S.C. 254b) is amended to read as follows:

"(b) With respect to a nonparty to the Vienna Convention, the mission, the members of the mission, their families, and diplomatic couriers shall enjoy the privileges and immunities specified in the Vienna Convention.".

(3) Section 4 of such Act (22 U.S.C. 254c) is amended—

(A) by inserting "the mission, the" immediately after "immunities for"; and

(B) by striking out "of any sending state".

(4) Section 1364 of title 28, United States Code, is amended by striking out "as defined in the Vienna Convention on Diplomatic Relations" and inserting in lieu thereof "within the meaning of section 2(3) of the Diplomatic Relations Act (22 U.S.C. 254a(3))".

(c) Section 6 of the Act of June 20, 1938 (D.C. Code, 1981 ed., sec. 5-418) is amended by striking out "(a)", and by striking out subsections (b), (c), (d), and (e).

EFFECTIVE DATE

SEC. 204. The amendments made by this title shall take effect on October 1, 1982. 22 USC 4301 note.

TITLE III—UNITED STATES INFORMATION AGENCY

United States Information Agency Authorization Act, Fiscal Years 1982 and 1983.

SHORT TITLE

SEC. 301. This title may be cited as the "United States Information Agency Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 302. There are authorized to be appropriated for the United States Information Agency, as so redesignated by section 303 of this Act, $494,034,000 for the fiscal year 1982 and $559,000,000 for the fiscal year 1983 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

22 USC 1431 note.
22 USC 2451 note.
5 USC app.

REDESIGNATION OF THE INTERNATIONAL COMMUNICATION AGENCY AS THE UNITED STATES INFORMATION AGENCY

22 USC 1461 note.
5 USC app.

SEC. 303. (a) The International Communication Agency, established by Reorganization Plan Numbered 2 of 1977, is hereby redesignated the United States Information Agency. The Director of the International Communication Agency or any other official of the International Communication Agency is hereby redesignated the Director or other official, as appropriate, of the United States Information Agency.

(b) Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the International Communication Agency or the Director or other official of the International Communication Agency shall be deemed to refer respectively to the United States Information Agency or the Director or other official of the United States Information Agency, as so redesignated by subsection (a).

96 STAT. 292

CHANGES IN ADMINISTRATIVE AUTHORITIES

SEC. 304. (a)(1) Title III of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1451-1453) is amended—

22 USC 1451.

(A) in section 301 by striking out "citizen of the United States" and inserting in lieu thereof "person"; and

22 USC 1452, 1453.

(B) in sections 302 and 303 by striking out "citizen of the United States" and inserting in lieu thereof "person in the employ or service of the Government of the United States".

(2) Such title is further amended—

(A) in section 301—

(i) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Director of the United States Information Agency", and

(ii) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Director"; and

(B) in section 303 by striking out "Secretary" and inserting in lieu thereof "Director of the United States Information Agency".

(3) Section 302 of such Act is amended—

(A) in the second sentence by striking out "section 901(3) of the Foreign Service Act of 1946 (60 Stat. 999)" and inserting in lieu thereof "section 905 of the Foreign Service Act of 1980"; and

(B) in the last sentence by striking out "section 1765 of the Revised Statutes" and inserting in lieu thereof "section 5536 of title 5, United States Code".

(b) Section 802 of such Act (22 U.S.C. 1472) is amended—

(1) by inserting "(a)" immediately after "SEC. 802."; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of 5 years when—

"(A) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

"(B) the Director of the United States Information Agency determines that—

"(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(iii) such method of contracting will not inhibit small business participation.

"(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisi- 96 STAT. 293 tion of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

"(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to telecommunication activities, newswire services, and the distribution of books and other publications in foreign countries.".

(c) Paragraph (16) of section 804 of such Act (22 U.S.C. 1474(16)) is amended by inserting "and security" immediately after "right-hand drive".

(d) Section 804 of such Act (22 U.S.C. 1474) is amended—

(1) by striking out "and" at the end of paragraph (18);

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; and"; and

(3) by adding at the end of the section the following new paragraph:

"(20) subject to the availability of appropriated funds, purchase motion picture, radio and television producers' liability insurance to cover errors and omissions or similar insurance coverage for the protection of interests in intellectual property.".

(e) Title VIII of such Act (22 U.S.C. 1471–1475b) is amended by adding at the end thereof the following new sections:

"ACTING ASSOCIATE DIRECTORS

"SEC. 808. If an Associate Director of the United States Information Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops. 22 USC 1475c.

"COMPENSATION FOR DISABILITY OR DEATH

"SEC. 809. A cultural exchange, international fair or exposition, or other exhibit or demonstration of United States economic accomplishments and cultural attainments, provided for under this Act or the Mutual Educational and Cultural Exchange Act of 1961 shall not be considered a 'public work' as that term is defined in the first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the 'Defense Base Act'). 22 USC 1475d.

"USE OF ENGLISH-TEACHING PROGRAM FEES

"SEC. 810. (a) Notwithstanding section 3617 of the Revised Statutes of the United States (31 U.S.C. 484) or any other law or limitation of authority, tuition fees or other payments received by or for the use of the International Communication Agency from or in 22 USC 1475e.

connection with English-teaching programs conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation to such extent as may be provided in advance in an appropriation Act.

Effective date

"(b) This section shall take effect on October 1, 1982.".

(f) Section 1011(h) of such Act (22 U.S.C. 1442(h)) is amended by adding at the end thereof the following new paragraph:

96 STAT. 294

"(4) Section 701(a) of this Act shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued interest thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on the date of enactment of this paragraph.".

INTERNATIONAL EXCHANGES AND NATIONAL SECURITY

SEC. 305. (a) The Congress finds that—

(1) United States Government sponsorship of international exchange-of-persons activities has, during the postwar era, contributed significantly to United States national security interests;

(2) during the 1970's, while United States programs declined dramatically, Soviet exchange-of-persons activities increased steadily in pace with the Soviet military buildup;

(3) as a consequence of these two trends, Soviet exchange-of-persons programs now far exceed those sponsored by the United States Government and thereby provide the Soviet Union an important means of extending its worldwide influence;

(4) the importance of competing effectively in this area is reflected in the efforts of major United States allies, whose programs also represent far greater emphasis on exchange-of-persons activities than is demonstrated by the current United States effort; and

(5) with the availability of increased resources, the United States exchange-of-persons program could be greatly strengthened, both qualitatively and quantitatively.

(b) It is therefore the sense of the Congress that—

(1) United States exchange-of-persons activities should be strengthened;

(2) the allocation of resources necessary to accomplish this improvement would constitute a highly cost-effective means of enhancing the United States national security; and

(3) because of the integral and continuing national security role of exchange-of-persons programs, such activities should be accorded a dependable source of long-term funding.

22 USC 2455 note.

(c) The amount obligated by the United States Information Agency each fiscal year for grants for exchange-of-persons activities shall be increased, through regular annual increases, so that by the fiscal year 1986 the amount obligated for such grants is at least double (in terms of constant dollars) the amount obligated for such grants for the fiscal year 1982.

22 USC 2455 note.

(d)(1) In furtherance of the purposes of subsection (c), the Congress directs that of the amount appropriated for the United States Information Agency for the fiscal year 1983—

(A) $84,256,000 shall be available only for grants for the Fulbright Academic Exchange Programs and the International Visitor Program; and

(B) $3,248,000 shall be available only for grants for the Humphrey Fellowship Program; and

(C) $8,906,000 shall be available only for grants to private, not-for-profit organizations engaging in exchange-of-persons programs;

subject to paragraphs (2) and (3) of this subsection.

(2) If the amount appropriated for the United States Information Agency for the fiscal year 1983 is less than the amount authorized for the fiscal year 1983, then the amounts specified in subpara-

graphs (A) through (C) of paragraph (1) shall each be deemed to be reduced to the amount which bears the same ratio to the specified amount as the amount appropriated bears to the amount authorized. For purposes of this paragraph—

"Amount appropriated." *Ante*, p. 291.

(A) the term "amount appropriated" means the amount appropriated under section 302 of this Act (less any rescissions), and does not include amounts appropriated under section 704 of the United States Information and Educational Exchange Act of 1948 (relating to nondiscretionary personnel costs and currency fluctuations) or under any other provision of law; and

22 USC 1477b.

(B) the term "amount authorized" means the amount authorized to be appropriated by section 302 of this Act, less an amount equal to any amount which was withheld from appropriation (or was rescinded) in order to reduce the amount available for a particular program or activity.

(3) The Director of the United States Information Agency may authorize up to 5 percent of the amount earmarked under subparagraph (A), (B), or (C) of paragraph (1) to be used for a purpose other than the exchange-of-persons activities specified in that subparagraph. Not less than 15 days prior to any such authorization, the Director shall submit to the Committee on Foreign Affairs of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a justification for authorizing the use of earmarked funds for a purpose other than the specified exchange-of-persons activities.

DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN UNITED STATES INFORMATION AGENCY FILMS

SEC. 306. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

Master copies, availability to GSA.

(1) the Director of the United States Information Agency shall make available to the Administrator of General Services a master copy of each of the films listed in subsection (b) of this section; and

Reimbursement; film deposit in National Archives.

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

(b) The films to be made available pursuant to this section are the following: "Reflections: Samuel Eliott Morison"; "And Now Miguel"; and "In their Own Words".

TITLE IV—BOARD FOR INTERNATIONAL BROADCASTING

Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983. 22 USC 2871 note.

SHORT TITLE

SEC. 401. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983".

96 STAT. 296

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 402. Subparagraph (A) of section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)(A)) is amended to read as follows:

"(A) $86,519,000 for the fiscal year 1982 and $98,317,000 for the fiscal year 1983; and".

MEMBERSHIP OF THE RFE/RL BOARD AND THE BOARD FOR INTERNATIONAL BROADCASTING

SEC. 403. (a) The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871-2879) is amended by adding at the end thereof the following new section:

"MERGER OF THE BOARD FOR INTERNATIONAL BROADCASTING AND THE RFE/RL BOARD

22 USC 2880.

"SEC. 11. (a) Effective 60 days after the date of enactment of this section, no grant may be made under this Act to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

"(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Board for International Broadcasting and of no other members, except that the member of the Board for International Broadcasting who is an ex officio member of that Board because of his or her position as chief operating executive of RFE/RL, Incorporated, may participate in the activities of the Board of Directors but may not vote in the determinations of the Board of Directors; and

Functions.

"(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it deems necessary to carry out the purposes of this Act.

"(b) Compliance with the requirement of paragraph (1) of subsection (a) shall not be construed to make RFE/RL, Incorporated, a Federal agency or instrumentality.".

(b)(1) Section 3(b)(1) of such Act (22 U.S.C. 2872(b)(1)) is amended to read as follows:

"(b)(1) COMPOSITION OF BOARD.—The Board shall consist of ten members, one of whom shall be an ex officio member. The President shall appoint, by and with the advice and consent of the Senate, nine voting members, one of whom the President shall designate as chairman. Not more than five of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of RFE/RL, Incorporated, shall be an ex officio member of the Board and may participate in the activities of the Board, but may not vote in the determinations of the Board.".

(2) Sections 3(b) (3) and (4) of that Act (22 U.S.C. 2872(b) (3) and (4)) are amended to read as follows:

"(3) TERM OF OFFICE OF PRESIDENTIALLY APPOINTED MEMBERS.—The term of office of each member of the Board appointed by the President shall be three years, except that the terms of office of the individuals initially appointed as the four additional voting members of the Board who are provided for by the Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983, shall be one, two, or three years (as designated by the President at the time of their appointment) so that the terms of one-third of the voting members of the Board expire each year. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his or her successor has been appointed and qualified.

Ante, p. 295.

96 STAT. 297

"(4) TERM OF OFFICE OF THE EX OFFICIO MEMBER.—The ex officio member of the Board shall serve on the Board during his or her term of service as chief operating executive of RFE/RL, Incorporated.".

RADIO BROADCASTING TO CUBA

"Radio Marti."

SEC. 404. Any program of the United States Government involving radio broadcasts directed principally to Cuba, for which funds are authorized to be appropriated by this Act or any other Act, shall be designated as "Radio Marti".

TITLE V—MISCELLANEOUS PROVISIONS

INTER-AMERICAN FOUNDATION

SEC. 501. (a) Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended in the first sentence by striking out "$25,000,000 for each of the fiscal years 1979 and 1980" and inserting in lieu thereof "$12,000,000 for the fiscal year 1982 and $12,800,000 for the fiscal year 1983".

(b) Section 401(h) of that Act (22 U.S.C. 290f(h)) is amended by striking out "actual and necessary expenses not in excess of $50 per day, and for transportation expenses" and inserting in lieu thereof "travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code".

(c) Section 401 of that Act is further amended by adding at the end thereof the following new subsection:

"(u) When, with the permission of the Foundation, funds made available to a grantee under this section are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purposes for which the grant was made. This subsection applies with respect to both interest earned before and interest earned after the enactment of this subsection.".

REPORT ON COSTS FOR REFUGEES AND CUBAN AND HAITIAN ENTRANTS

SEC. 502. (a) Not later than 60 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a full and complete report on the total cost of Federal, State, and local efforts to assist refugees and Cuban and Haitian entrants within the United States or abroad for each of the fiscal years 1981 and 1982. Such report shall include and set forth for each such fiscal year—

(1) the costs of assistance for resettlement of refugees and Cuban and Haitian entrants within the United States or abroad;

(2) the costs of United States contributions to foreign governments, international organizations, or other agencies which are attributable to assistance for refugees and Cuban and Haitian entrants;

96 STAT. 298

(3) the costs of Federal, State, and local efforts other than those described in paragraphs (1) and (2) to assist and provide services for refugees and Cuban and Haitian entrants;

(4) administrative and operating expenses of Federal, State, and local governments that are attributable to programs of assistance or services described in paragraphs (1), (2), and (3); and

(5) administrative and operating expenses incurred by the United States because of the entry of such aliens into the United States.

(b) For purposes of this section—

"Refugees."
8 USC 1101.

(1) the term "refugees" is used within the meaning of paragraph (42) of section 101(a) of the Immigration and Nationality Act; and

"Cubans and Haitian entrants."
8 USC 1182.

(2) the term "Cubans and Haitian entrants" means Cuban and Haitians paroled into the United States, pursuant to section 212(d)(5) of the Immigration and Nationality Act, during 1980 who have not been given or denied refugee status under that Act.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

SEC. 503. (a) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking out "and not to exceed 5 per centum annually of the principal of the Fund" and inserting in lieu thereof ", any amount of the contributions deposited in the Fund from nonappropriated sources pursuant to paragraph (2) or (3) of this section, and not to exceed 5 percent annually of the principal of the total amount appropriated to the Fund".

(b) Section 7(e) of such Act (22 U.S.C. 2906(e)) is amended by inserting after "amounts received" the following: "(including amounts earned as interest on, and proceeds from the sale or redemption of, obligations purchased with amounts received)".

INTERNATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES

SEC. 504. The Congress expresses its strong support for the promotion by the United States of sound infant feeding practices, and continues to be concerned with the sole negative vote cast by the United States against the International Code of Marketing of Breastmilk Substitutes. The Congress urges the President, in light of congressional concern and of new indications of international support for general implementation of the Code, to review the United States position on the Code prior to the 25th World Health Assembly meeting. The Congress also urges United States infant formula manufacturers to continue to re-examine their own position regarding the Code.

REPEAL OF OBSOLETE PROVISIONS

SEC. 505. (a) The following provisions of law are repealed:

22 USC 287c note.

(1) Section 408 of the Act entitled "An Act to authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting", approved August 15, 1979.

22 USC 4195 note, 2680 note, 2656d; 92 Stat. 984; 22 USC 2656 note, 2656d note; 92 Stat. 988, 989, 22 USC 2151 note, 1731 note, 2370 note, 2220a note.
91 Stat. 845; 22 USC 2384 note, 4021 note; 91 Stat. 857, 858, 862; 22 USC 2151 note.
22 USC 2871 note.
89 Stat. 756, 772
22 USC 2151 note.
22 USC 4195 note, 2680 note; 92 Stat. 984; 22 USC 1731 note, 2370 note.
91 Stat. 845; 22 USC 4021 note; 91 Stat. 857, 89 Stat. 772.
22 USC 2151 note.
91 Stat. 858.
89 Stat. 756.

(2) Sections 121(b), 122(b), 504(e), 601(b), 603(c), 608(c), 609(c), 610(c), 611(b), 613(b), 705(a), 709, and 711 of the Foreign Relations Authorization Act, Fiscal Year 1979.

(3) Sections 107(b), 109(a)(7), 414(b), 501, 503(b), 505(a), and 513 of the Foreign Relations Authorization Act, Fiscal Year 1978.

(4) Section 403 of the Foreign Relations Authorization Act, Fiscal Year 1977.

(5) Sections 102(b) and 503(b) of the Foreign Relations Authorization Act, Fiscal Year 1976.

(6) Section 15 of the State Department/USIA Authorization Act, Fiscal Year 1975.

(b)(1) Sections 121, 122, 601, 611, and 613 of the Foreign Relations Authorization Act, Fiscal Year 1979, sections 107, 414, and 503 of the Foreign Relations Authorization Act, Fiscal Year 1978, and section 503 of the Foreign Relations Authorization Act, Fiscal Year 1976, are each amended by striking out "(a)".

(2) Section 705 of the Foreign Relations Authorization Act, Fiscal Year 1979, and section 505 of the Foreign Relations Authorization Act, Fiscal Year 1978, are each amended by striking out "(b)".

(3) Section 102 of the Foreign Relations Authorization Act, Fiscal Year 1976, is amended by striking out "(a) Except as provided in subsection (b), no" and inserting in lieu thereof "No".

Approved August 24, 1982.

LEGISLATIVE HISTORY—S. 1193 (H.R. 3518) (3467):

HOUSE REPORTS: No. 97-102, Pt. 1 (Comm. on Foreign Affairs), Pt. 2 (Comm. on the District of Columbia), both accompanying H.R. 3518; No. 97-55 accompanying H.R. 3467 (Comm. on Armed Services).
SENATE REPORTS: No. 97-71 (Comm. on Foreign Relations) and No. 97-430 accompanying H.R. 3467 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD:
Vol. 127 (1981): June 8, H.R. 3467 considered and passed House.
June 17, 18, considered and passed Senate.
Oct. 29, considered and passed House, amended.
Vol. 128 (1982): Aug. 9, Senate agreed to conference report.
Aug. 11, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 18, No. 34 (1982): Aug. 24, Presidential statement.

GENERAL GOVERNMENT ACTS

Public Law 97-177
97th Congress

An Act

To require the Federal Government to pay interest on overdue payments, and for other purposes.

May 21, 1982
[S. 1131]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Prompt Payment Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Prompt Payment Act".

31 USC 1801 note.

INTEREST PENALTIES ON LATE PAYMENTS

31 USC 1801.

SEC. 2. (a)(1) In accordance with regulations prescribed by the Director of the Office of Management and Budget, each Federal agency which acquires property or services from a business concern but which does not make payment for each such complete delivered item of property or service by the required payment date shall pay an interest penalty to such business concern in accordance with this section on the amount of the payment which is due.

(2) Such regulations—

(A) shall specify that the required payment date shall be—

(i) the date on which payment is due under the terms of the contract for the provision of such property or service; or

(ii) thirty days after receipt of a proper invoice for the amount of the payment due, if a specific date on which payment is due is not established by contract;

(B)(i) in the case of any acquisition of meat or of a meat food product, as defined in section 2(a)(3) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(3)), shall specify a required payment date which is not later than seven days after the date of delivery of such meat or meat food product; and

(ii) in the case of any acquisition of a perishable agricultural commodity, as defined in section 1(4) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(4)), shall specify a required payment date consistent with requirements imposed pursuant to such Act;

(C) shall specify separate required payment dates for contracts under which property or services are provided in a series of partial executions or deliveries, to the extent that such contract provides for separate payment for such partial execution or delivery; and

(D) shall require that, within fifteen days after the date on which any invoice is received, Federal agencies notify the business concern of any defect or impropriety in such invoice which would prevent the running of the time period specified in subparagraph (A)(ii).

(b)(1) Interest penalties on amounts due to a business concern under this Act shall be paid to the business concern for the period

96 STAT. 86

beginning on the day after the required payment date and ending on the date on which payment of the amount due is made, except that no interest penalty shall be paid if payment for the complete delivered item of property or service concerned is made on or before (A) the third day after the required payment date, in the case of meat or a meat food product described in subsection (a)(2)(B)(i); (B) the fifth day after the required payment date, in the case of an agricultural commodity described in subsection (a)(2)(B)(ii); or (C) the fifteenth day after the required payment date, in the case of any other item. Interest shall be computed at the rate determined by the Secretary of the Treasury for interest payments under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611). The Secretary of the Treasury shall publish each such rate in the Federal Register.

Interest rate computation.

Publication in Federal Register.

Unpaid interest penalty.

(2) Any amount of an interest penalty which remains unpaid at the end of any thirty-day period shall be added to the principle amount of the debt and thereafter interest penalties shall accrue on such added amount.

(c) This section does not authorize the appropriation of additional funds for the payment of interest penalties required by this section. A Federal agency shall pay any interest penalties required by this section out of funds made available for the administration or operation of the program for which the penalty was incurred.

Interest penalty payments.

(d)(1) Any recipient of a grant from a Federal agency may provide in a contract for acquisition of property or services from a business concern for the payment of interest penalties on amounts overdue under such contract, except that—

(A) in no case shall an obligation to pay such interest penalties be construed to be an obligation of the United States, and

(B) any payment of such interest penalties shall not be made from funds provided to the grant recipient by a Federal agency, nor shall any non-Federal funds expended for such interest penalties be counted toward any matching requirement applicable to that grant.

(2) Such interest penalty payments shall be made under such terms and conditions as agreed to by the grant recipient and the business concern, consistent with the grant recipient's usual business practices and applicable State and local law.

LIMITATION ON DISCOUNT PAYMENTS

31 USC 1802.

SEC. 3. (a) If a business concern offers a Federal agency a discount from the amount otherwise due under a contract for property or services in exchange for payment within a specified period of time, the Federal agency may make payment in an amount equal to the discounted price only if payment is made within such specified period of time.

(b) Each agency which violates subsection (a) shall pay an interest penalty on any amount which remains unpaid in violation of such subsection. Such interest penalty shall accrue on such unpaid amount in accordance with the regulations prescribed pursuant to section 2, except that the required payment date with respect to such unpaid amount shall be the last day of the specified period of time described in subsection (a).

96 STAT. 87

CLAIMS; RELATION TO OTHER LAW

31 USC 1803.

SEC. 4. (a)(1) Claims for interest penalties which a Federal agency has failed to pay in accordance with the requirements of section 2 or 3 of this Act may be filed under section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605).

(2) Interest penalties under this Act shall not continue to accrue (A) after the filing of a claim for such penalties under the Contract Disputes Act of 1978, or (B) for more than one year.

41 USC 601 note.

(3) Paragraph (2) shall not be construed to preclude the accrual of interest pursuant to section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) after interest penalties have ceased accruing under this Act, and interest pursuant to such section may accrue on both any unpaid contract payment and on the unpaid interest penalty required by this Act.

(b) Except as provided in section 3 with respect to disputes concerning discounts, this Act shall not be construed to require interest penalties on payments which are not made by the required payment date by reason of a dispute between a Federal agency and a business concern over the amount of that payment or other allegations concerning compliance with a contract. Claims concerning any such dispute, and any interest which may be payable with respect to the period while the dispute is being resolved, shall be subject to the Contract Disputes Act of 1978.

CONGRESSIONAL OVERSIGHT

Report, filing with OMB.
31 USC 1804.

SEC. 5. (a) Each Federal agency shall file with the Director of the Office of Management and Budget a detailed report on any interest penalty payments made under this Act during the preceding fiscal year.

Contents.

(b) Such report shall include the number, amounts, and frequency of interest penalty payments, and the reasons such payments were not avoided by prompt payment, and shall be delivered to the Director within sixty days after the conclusion of each fiscal year.

Federal agency compliance; submittal to congressional committees.

(c) The Director shall submit to the Committee on Governmental Affairs, the Committee on Appropriations, and the Committee on Small Business of the Senate and to the Committee on Government Operations, the Committee on Appropriations, and the Committee on Small Business of the House of Representatives within one hundred and twenty days after the conclusion of each fiscal year a report on Federal agency compliance with the requirements of this Act. Such report shall include a summary of the report submitted by each Federal agency under subsection (b) and an analysis of the progress made in reducing interest penalty payments by that agency from previous years.

DEFINITIONS

31 USC 1805.

SEC. 6. For the purposes of this Act—

(1) the term "Federal agency" has the same meaning as the term "agency" in section 551(1) of title 5, United States Code, but also includes any entity (A) which is operated exclusively as an instrumentality of such an agency for the purpose of administering one or more programs of that agency, and (B) which is so identified for this purpose by the head of such agency;

96 STAT. 88

(2) the term "business concern" means any person engaged in a trade or business and nonprofit entities operating as contractors;

(3) an invoice shall be considered a "proper invoice" when it contains or is accompanied by such substantiating documentation (A) as the Director of the Office of Management and Budget may require by regulation, and (B) as the Federal agency involved may require by regulation or contract;

(4) an invoice shall be deemed to have been received by an agency on the later of—

(A) the date on which the agency's designated payment office or finance center actually receives a proper invoice; or

(B) the date on which such agency accepts the property or service concerned;

(5) a payment shall be considered made on the date on which a check for such payment is dated; and

(6) a contract for the rental of real or personal property is a contract for the acquisition of that property.

EFFECTIVE DATE

31 USC 1801 note.

SEC. 7. (a) This Act applies to the acquisition of property or services on or after the beginning of the first calendar quarter which begins more than ninety days after the date of enactment of this Act.

31 USC 1801 note.

(b) The provisions of this Act requiring the promulgation of regulations shall be effective upon enactment, and such regulations shall be promulgated not later than ninety days after the date of enactment of this Act.

31 USC 1806.

(c) The provisions of this Act shall apply to the Tennessee Valley Authority, but any regulations promulgated under the authority of this Act shall not be applicable to the Tennessee Valley Authority, which shall be solely responsible for implementing the provisions of this Act with respect to its contracts.

Approved May 21, 1982.

LEGISLATIVE HISTORY—S. 1131 (H.R. 4709):

HOUSE REPORT No. 97-461 accompanying H.R. 4709 (Comm. on Government Operations).
SENATE REPORT No. 97-302 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Dec. 15, considered and passed Senate.
Vol. 128 (1982): Mar. 23, H.R. 4709 considered and passed House; proceedings vacated and S. 1131, amended, passed in lieu.
May 11, Senate concurred in House amendments.

---

96 STAT. 877

Public Law 97-258
97th Congress

An Act

Sept. 13, 1982
[H.R. 6128]

To revise, codify, and enact without substantive change certain general and permanent laws, related to money and finance, as title 31, United States Code, "Money and Finance".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Money and Finance.
Enactment as title 31, United States Code.
31 USC prec. 101 note.

TITLE 31, UNITED STATES CODE

SECTION 1. Certain general and permanent laws of the United States, related to money and finance, are revised, codified, and enacted as title 31, United States Code, "Money and Finance", as follows:

TITLE 31—MONEY AND FINANCE

SUBTITLE		Sec.
I.	GENERAL	101
II.	THE BUDGET PROCESS	1101
III.	FINANCIAL MANAGEMENT	3101
IV.	MONEY	5101
V.	GENERAL ASSISTANCE ADMINISTRATION	6101
VI.	MISCELLANEOUS	9101

SUBTITLE I—GENERAL

CHAPTER Sec.
1. DEFINITIONS 101
3. DEPARTMENT OF THE TREASURY 301
5. OFFICE OF MANAGEMENT AND BUDGET 501
7. GENERAL ACCOUNTING OFFICE 701

CHAPTER 1—DEFINITIONS

Sec.
101. Agency.
102. Executive agency.
103. United States.

§ 101. Agency

In this title, "agency" means a department, agency, or instrumentality of the United States Government.

§ 102. Executive agency

In this title, "executive agency" means a department, agency, or instrumentality in the executive branch of the United States Government.

§ 103. United States

In this title, "United States", when used in a geographic sense, means the States of the United States and the District of Columbia.

96 STAT. 878

CHAPTER 3—DEPARTMENT OF THE TREASURY

SUBCHAPTER I—ORGANIZATION

Sec.
301. Department of the Treasury.
302. Treasury of the United States.
303. Bureau of Engraving and Printing.
304. Bureau of the Mint.
305. Federal Financing Bank.
306. Fiscal Service.
307. Office of the Comptroller of the Currency.
308. United States Customs Service.
309. Continuing in office.

SUBCHAPTER II—ADMINISTRATIVE

321. General authority of the Secretary.
322. Working capital fund.
323. Investment of operating cash.
324. Disposing and extending the maturity of obligations.
325. International affairs authorization.
326. Availability of appropriations for certain expenses.
327. Advancements and reimbursements for services.
328. Accounts and payments of former disbursing officials.
329. Limitations on outside activities.
330. Practice before the Department.
331. Reports.

SUBCHAPTER I—ORGANIZATION

§ 301. Department of the Treasury

(a) The Department of the Treasury is an executive department of the United States Government at the seat of the Government.

(b) The head of the Department is the Secretary of the Treasury. The Secretary is appointed by the President, by and with the advice and consent of the Senate.

(c) The Department has a Deputy Secretary of the Treasury appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall carry out—

(1) duties and powers prescribed by the Secretary; and

(2) the duties and powers of the Secretary when the Secretary is absent or unable to serve or when the office of Secretary is vacant.

(d) The Department has an Under Secretary, an Under Secretary for Monetary Affairs, 2 Deputy Under Secretaries, and a Treasurer of the United States, appointed by the President, by and with the advice and consent of the Senate. The Department also has a Fiscal Assistant Secretary appointed by the Secretary. They shall carry out duties and powers prescribed by the Secretary. When appointing the Under Secretary, the President may designate the Under Secretary as Counselor. When appointing each Deputy Under Secretary, the President may designate the Deputy Under Secretary as an Assistant Secretary.

(e) The Department has 5 Assistant Secretaries appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretaries shall carry out duties and powers prescribed by the Secretary. The Assistant Secretaries appointed under this subsection are in addition to the Assistant Secretaries appointed under subsection (d) of this section.

(f)(1) The Department has a General Counsel appointed by the President, by and with the advice and consent of the Senate. The 96 STAT. 879 General Counsel is the chief law officer of the Department. Without regard to those provisions of title 5 governing appointment in the competitive service, the Secretary may appoint not more than 5 Assistant General Counsels. The Secretary may designate one of the Assistant General Counsels to act as the General Counsel when the General Counsel is absent or unable to serve or when the office of General Counsel is vacant. The General Counsel and Assistant General Counsels shall carry out duties and powers prescribed by the Secretary.

(2) The President may appoint, by and with the advice and consent of the Senate, an Assistant General Counsel who shall be the Chief Counsel for the Internal Revenue Service. The Chief Counsel is the chief law officer for the Service and shall carry out duties and powers prescribed by the Secretary.

(g) The Department shall have a seal.

§ 302. Treasury of the United States

The United States Government has a Treasury of the United States. The Treasury is in the Department of the Treasury.

§ 303. Bureau of Engraving and Printing

(a) The Bureau of Engraving and Printing is a bureau in the Department of the Treasury.

(b) The head of the Bureau is the Director of the Bureau of Engraving and Printing appointed by the Secretary of the Treasury. The Director—

(1) shall carry out duties and powers prescribed by the Secretary; and

(2) reports directly to the Secretary.

§ 304. Bureau of the Mint

(a) The Bureau of the Mint is a bureau in the Department of the Treasury.

(b)(1) The head of the Bureau is the Director of the Mint. The Director is appointed by the President, by and with the advice and consent of the Senate. The term of the Director is 5 years. The President may remove the Director from office. On removal, the President shall send a message to the Senate giving the reasons for removal.

(2) The Director shall carry out duties and powers prescribed by the Secretary of the Treasury.

§ 305. Federal Financing Bank

The Federal Financing Bank, established under section 4 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2283), is subject to the direction and supervision of the Secretary of the Treasury.

§ 306. Fiscal Service

(a) The Fiscal Service is a service in the Department of the Treasury.

(b) The head of the Fiscal Service is the Fiscal Assistant Secretary appointed under section 301(d) of this title.

(c) The Fiscal Service has a—

(1) Bureau of Government Financial Operations, having as its head a Commissioner of Government Financial Operations; and

(2) Bureau of the Public Debt, having as its head a Commissioner of the Public Debt.

(d) The Secretary of the Treasury may designate another officer of the Department to act as the Fiscal Assistant Secretary when the Fiscal Assistant Secretary is absent or unable to serve or when the office of Fiscal Assistant Secretary is vacant.

§ 307. Office of the Comptroller of the Currency

The Office of the Comptroller of the Currency, established under section 324 of the Revised Statutes (12 U.S.C. 1), is an office in the Department of the Treasury.

§ 308. United States Customs Service

The United States Customs Service, established under section 1 of the Act of March 3, 1927 (19 U.S.C. 2071), is a service in the Department of the Treasury.

§ 309. Continuing in office

When the term of office of an officer of the Department of the Treasury ends, the officer may continue to serve until a successor is appointed and qualified.

SUBCHAPTER II—ADMINISTRATIVE

§ 321. General authority of the Secretary

(a) The Secretary of the Treasury shall—

(1) prepare plans for improving and managing receipts of the United States Government and managing the public debt;

(2) carry out services related to finances that the Secretary is required to perform;

(3) issue warrants for money drawn on the Treasury consistent with appropriations;

(4) mint coins, engrave and print currency and security documents, and refine and assay bullion, and may strike medals;

Regulations.

(5) prescribe regulations that the Secretary considers best calculated to promote the public convenience and security, and to protect the Government and individuals from fraud and loss, that apply to anyone who may—

(A) receive for the Government, Treasury notes, United States notes, or other Government securities; or

(B) be engaged or employed in preparing and issuing those notes or securities;

(6) collect receipts;

(7) with a view to prosecuting persons, take steps to discover fraud and attempted fraud involving receipts and decide on ways to prevent and detect fraud; and

(8) maintain separate accounts of taxes received in each State, territory, and possession of the United States, and collection district, with each account listing—

(A) each kind of tax;

(B) the amount of each tax; and

(C) the money paid as pay and allowances to officers and employees of the Department collecting taxes in that State, territory, possession, or district.

(b) The Secretary may—

(1) prescribe regulations to carry out the duties and powers of the Secretary;

96 STAT. 881 (2) delegate duties and powers of the Secretary to another officer or employee of the Department of the Treasury;

(3) transfer within the Department the records, property, officers, employees, and unexpended balances of appropriations, allocations, and amounts of the Department that the Secretary considers necessary to carry out a delegation made under clause (2) of this subsection;

(4) detail, in addition to details authorized under another law, not more than 6 officers and employees of the Department at any one time to enforce the laws related to the Department, except that of those 6 officers and employees not more than 4 officers and employees—

(A) paid from the appropriations for the collection of customs may be so detailed;

(B) paid from the appropriations for internal revenue may be so detailed; and

(C) paid from the appropriations for suppressing counterfeiting and other crimes may be so detailed;

(5) authorize, at rates and under conditions prescribed by the Secretary, the private use of telephone lines controlled by the Department when the use does not interfere with Department business; and

(6) buy arms and ammunition required by officers and employees of the Department in carrying out their duties and powers.

(c) Duties and powers of officers and employees of the Department are vested in the Secretary except duties and powers—

5 USC 551. (1) vested by subchapter II of chapter 5 of title 5 in administrative law judges employed by the Secretary; and

(2) of the Comptroller of the Currency.

§ 322. Working capital fund

(a) The Department of the Treasury has a working capital fund. Amounts in the fund are available for expenses of operating and maintaining common administrative services of the Department that the Secretary of the Treasury, with the approval of the Director of the Office of Management and Budget, decides may be carried out more advantageously and more economically as central services. Amounts in the fund may total not more than $1,000,000 at any time.

(b) Amounts in the fund remain available until expended. Amounts may be appropriated to the fund.

(c) The fund consists of—

(1) amounts appropriated to the fund;

(2) to the extent transferred to the fund by the Secretary, the reasonable value of supply inventories, equipment, and other assets and inventories on order for providing services out of amounts in the fund, less related liabilities and unpaid obligations;

(3) amounts received from the sale or exchange of property; and

(4) payments received for loss or damage to property of the fund.

(d) The fund shall be reimbursed, or credited with advance payments, from amounts available to the Department or from other sources, for supplies and services at rates that will equal the expenses of operation, including accrual of annual leave and the depreciation of plant and equipment. Amounts the Secretary decides are in excess of the needs of the fund shall be deposited at the end of each fiscal year in the Treasury as miscellaneous receipts.

96 STAT. 882

§ 323. Investment of operating cash

(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. Investments may be made in obligations of—

(1) depositaries maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary; and

(2) the United States Government.

(b) Subsection (a) of this section does not—

(1) require the Secretary to invest a cash balance held in a particular account; or

(2) permit the Secretary to require the sale of obligations by a particular person, dealer, or financial institution.

(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

§ 324. Disposing and extending the maturity of obligations

(a) The Secretary of the Treasury may—

(1) dispose of obligations—

(A) acquired by the Secretary for the United States Government; or

(B) delivered by an executive agency; and

(2) make arrangements to extend the maturity of those obligations.

(b) The Secretary may dispose or extend the maturity of obligations under subsection (a) of this section in the way, in amounts, at prices (for cash, obligations, property, or a combination of cash, obligations, or property), and on conditions the Secretary considers advisable and in the public interest. However, the Secretary may not dispose of obligations of one issuer, held by the Secretary at one time, having on the date of disposal a total face or par value of more than $1,000,000 or, if no-par obligations, a stated or book value of more than $1,000,000.

(c) The authority under this section is in addition to authority under another law.

§ 325. International affairs authorization

(a) Under regulations prescribed by the Secretary of the Treasury, the Secretary may provide officers and employees of the Department of the Treasury carrying out international affairs duties and powers of the Department with allowances and benefits comparable to those provided under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.).

(b) The following amounts may be appropriated to the Secretary for the fiscal year ending September 30, 1982: Appropriation.

(1) not more than $22,896,000 to carry out the international affairs duties and powers of the Department (including amounts for official functions and reception and representation expenses).

(2) not more than $1,000,000 for increases in— 5 USC 5382. 5 USC 5301 *et seq.*

(A) pay, under section 5382(c) and subchapter I of chapter 53 of title 5 (except section 5303), of officers and employees carrying out the duties and powers referred to in clause (1) of this subsection;

96 STAT. 883

(B) departmental contributions attributable to those pay increases; and

(C) allowances and benefits, because of cost of living increases, provided under subsection (a) of this section.

(c) Necessary amounts may be appropriated to the Secretary for each fiscal year beginning after September 30, 1982— Appropriation.

(1) to carry out the international affairs duties and powers of the Department (including amounts for official functions and reception and representation expenses);

(2) for increases in—

(A) pay, under section 5382(c) and subchapter I of chapter 53 of title 5 (except section 5303), of officers and employees carrying out the duties and powers referred to in clause (1) of this subsection; 5 USC 5382. 5 USC 5301 *et seq.*

(B) departmental contributions attributable to those pay increases; and

(C) allowances and benefits, because of cost of living increases, provided under subsection (a) of this section.

§ 326. Availability of appropriations for certain expenses

(a) Under regulations prescribed by the Secretary of the Treasury, an appropriation for the Department of the Treasury available to pay travel expenses also is available to pay expenses to attend meetings of organizations related to the function or activity for which the appropriation is made.

(b) The Secretary may approve reimbursement to agents on protective missions for subsistence expenses authorized by law without regard to rates established under section 5702 of title 5. 5 USC 5702.

§ 327. Advancements and reimbursements for services

"Service." (a) In this ~~section,~~ "service" includes service provided in—

(1) disbursing and receiving amounts.

(2) servicing bonds.

(3) making accounts.

(4) maintaining bank accounts.

(b) When the Secretary of the Treasury provides a service for an agency (except the Department of the Treasury) for which amounts have not been appropriated to the Department, the agency may advance for credit or reimburse the Department the amounts necessary to provide the service. Notwithstanding section 3302 of this title, amounts advanced or reimbursed may be credited to the appropriation of the Department that is current when the service is provided.

§ 328. Accounts and payments of former disbursing officials

(a) If a chief disbursing official or a director of a disbursing center of the Department of the Treasury dies, resigns, or leaves office, the deputy chief disbursing official or the deputy director of the disbursing center designated by the Secretary of the Treasury may continue the accounts and payments in the name of the former disbursing official or director through the last day of the 2d month after the month in which the death, resignation, or separation occurs. The accounts and payments shall be allowed, audited, and settled as

96 STAT. 884

provided by law. The Secretary shall honor checks signed in the name of the former disbursing official or director in the same way as if the former disbursing official or director had continued in office.

(b) Only the deputy chief or deputy director designated under subsection (a) of this section is liable for actions taken in the name of the former disbursing official under subsection (a).

§ 329. Limitations on outside activities

(a)(1) The Secretary of the Treasury and the Treasurer may not—

(A) be involved in trade or commerce;

(B) own any part of a vessel (except a pleasure vessel);

(C) buy or hold as a beneficiary in trust public property;

(D) be involved in buying or disposing of obligations of a State or the United States Government; and

(E) personally take or use a benefit gained from conducting business of the Department of the Treasury except as authorized by law.

Fine. (2) An officer violating this subsection shall be fined $3,000, removed from office, and thereafter may not hold an office of the Government.

(3) An individual (except prosecutors) giving information leading to the prosecution and conviction of an individual violating this subsection shall receive $1,500 of the fine when paid.

(b)(1) An officer or employee of the Department (except the Secretary or Treasurer) may not—

(A) carry on a trade or business in the funds, debts, or property of a State or the Government; and

(B) personally use a benefit gained from conducting business of the Department.

(2) An officer or employee violating this subsection shall be fined $500 and removed from office. Fine.

§ 330. Practice before the Department

(a) Subject to section 500 of title 5, the Secretary of the Treasury may— 5 USC 500.

(1) regulate the practice of representatives of persons before the Department of the Treasury; and

(2) before admitting a representative to practice, require that the representative demonstrate—

(A) good character;

(B) good reputation;

(C) necessary qualifications to enable the representative to provide to persons valuable service; and

(D) competency to advise and assist persons in presenting their cases.

(b) After notice and opportunity for a proceeding, the Secretary may suspend or disbar from practice before the Department a representative who—

(1) is incompetent;

(2) is disreputable;

(3) violates regulations prescribed under this section; or

(4) with intent to defraud, willfully and knowingly misleads or threatens the person being represented or a prospective person to be represented.

§ 331. Reports

(a) The Secretary of the Treasury shall submit to Congress each year an annual report. The report shall include—

(1) a statement of the public receipts and public expenditures for the prior fiscal year;

(2) estimates of public receipts and public expenditures for the current and next fiscal years;

(3) plans for improving and increasing public receipts to provide Congress with information on ways to raise amounts necessary to meet public expenditures;

(4) a statement of all contracts for supplies or services made by the Secretary during the prior fiscal year;

(5) a statement of appropriations expended to pay for miscellaneous claims not otherwise provided for;

(6) a statement on all payments made from the fund under section 3126 of this title for the prior fiscal year; and

(7) estimates of amounts for payment under section 1322(b) of this title.

(b)(1) On the first day of each regular session of Congress, the Secretary shall submit to Congress a report for the prior fiscal year on—

(A) the total and individual amounts of contingent liabilities and unfunded liabilities of the United States Government;

(B) as far as practicable, trust fund liabilities, liabilities of Government corporations, indirect liabilities not included as a part of the public debt, and liabilities of insurance and annuity programs (including their actuarial status);

(C) collateral pledged and assets available (or to be realized) as security for the liabilities (separately noting Government obligations) and other assets specifically available to liquidate the liabilities of the Government; and

(D) the total amount in each category under clauses (A)–(C) of this paragraph for each agency.

(2) The report shall present the information required under paragraph (1) of this subsection in a concise way, with explanatory

material (including an analysis of the significance of liabilities based on past experience and probable risk) the Secretary considers desirable.

(c) On the first day of each regular session of Congress, the Secretary shall submit to Congress a report for the prior fiscal year on the total amount of public receipts and public expenditures listing receipts, when practicable, by ports, districts, and States and the expenditures by each appropriation.

(d) The Secretary shall report to either House of Congress in person or in writing, as required, on matters referred to the Secretary by that House of Congress.

CHAPTER 5—OFFICE OF MANAGEMENT AND BUDGET

SUBCHAPTER I—ORGANIZATION

Sec.
501. Office of Management and Budget.
502. Officers.
503. Office of Information and Regulatory Affairs.

SUBCHAPTER II—ADMINISTRATIVE

521. Employees.
522. Necessary expenditures.

96 STAT. 886

SUBCHAPTER I—ORGANIZATION

§ 501. Office of Management and Budget

The Office of Management and Budget is an office in the Executive Office of the President.

§ 502. Officers

(a) The head of the Office of Management and Budget is the Director of the Office of Management and Budget. The Director is appointed by the President, by and with the advice and consent of the Senate. Under the direction of the President, the Director shall administer the Office.

(b) The Office has a Deputy Director of the Office of Management and Budget, appointed by the President, by and with the advice and consent of the Senate. The Deputy Director—

(1) shall carry out the duties and powers prescribed by the Director; and

(2) acts as the Director when the Director is absent or unable to serve or when the office of Director is vacant.

(c) The Office has 3 Assistant Directors who shall carry out the duties and powers prescribed by the Director.

(d) The Office may have not more than 6 additional officers, each of whom is appointed in the competitive service by the Director, with the approval of the President. Each additional officer shall carry out the duties and powers prescribed by the Director. The Director shall specify the title of each additional officer.

(e) When the Director and Deputy Director are absent or unable to serve or when the offices of Director and Deputy Director are vacant, the President may designate an officer of the Office to act as Director.

§ 503. Office of Information and Regulatory Affairs

44 USC 3503. The Office of Information and Regulatory Affairs, established under section 3503 of title 44, is an office in the Office of Management and Budget.

SUBCHAPTER II—ADMINISTRATIVE

§ 521. Employees

The Director of the Office of Management and Budget shall appoint and fix the pay of employees of the Office under regulations prescribed by the President.

§ 522. Necessary expenditures

The Director of the Office of Management and Budget may make necessary expenditures for the Office under regulations prescribed by the President.

CHAPTER 7—GENERAL ACCOUNTING OFFICE

SUBCHAPTER I—DEFINITIONS AND GENERAL ORGANIZATION

Sec.
701. Definitions.
702. General Accounting Office.
703. Comptroller General and Deputy Comptroller General.
704. Relationship to other laws.

96 STAT. 887

SUBCHAPTER II—GENERAL DUTIES AND POWERS

Sec.
711. General authority.
712. Investigating the use of public money.
713. Audit of Internal Revenue Service and Bureau of Alcohol, Tobacco, and Firearms.
714. Audit of Financial Institutions Examination Council, Federal Reserve Board, Federal reserve banks, Federal Deposit Insurance Corporation, and Office of Comptroller of the Currency.
715. Audit of accounts and operations of the District of Columbia government.
716. Availability of information and inspection of records.
717. Evaluating programs and activities of the United States Government.
718. Availability of draft reports.
719. Comptroller General reports.
720. Agency reports.

SUBCHAPTER III—PERSONNEL

731. General.
732. Personnel management system.
733. Senior Executive Service.
734. Assignments and details to Congress.
735. Relationship to other laws.
736. Authorization of appropriations.

SUBCHAPTER IV—PERSONNEL APPEALS BOARD

751. Organization.
752. Chairman and General Counsel.
753. Duties and powers.
754. Action by the Comptroller General.
755. Judicial review.

SUBCHAPTER V—ANNUITIES

771. Definitions.
772. Annuity of the Comptroller General.
773. Election of survivor benefits.
774. Survivor annuities.
775. Refunds.
776. Payment of survivor benefits.
777. Annuity increases.
778. Dependency and disability decisions.
779. Use of appropriations.

SUBCHAPTER I—DEFINITIONS AND GENERAL ORGANIZATION

§ 701. Definitions

In this chapter—

(1) "agency" includes the District of Columbia government but does not include the legislative branch or the Supreme Court.

(2) "appropriations" means appropriated amounts and includes, in appropriate context—

(A) funds;

(B) authority to make obligations by contract before appropriations; and

(C) other authority making amounts available for obligation or expenditure.

§ 702. General Accounting Office

(a) The General Accounting Office is an instrumentality of the United States Government independent of the executive departments.

(b) The head of the Office is the Comptroller General of the United States. The Office has a Deputy Comptroller General of the United States. 96 STAT. 888

(c) The Administrator of General Services shall provide the Comptroller General with space in the General Accounting Office Building that the Comptroller General considers necessary for use by the Comptroller General.

(d) The Comptroller General may adopt a seal for the Office.

§ 703. Comptroller General and Deputy Comptroller General

(a)(1) The Comptroller General and Deputy Comptroller General are appointed by the President, by and with the advice and consent of the Senate.

(2) When a vacancy occurs in the office of Comptroller General or Deputy Comptroller General, a commission is established to recommend individuals to the President for appointment to the vacant office. The commission shall be composed of—

(A) the Speaker of the House of Representatives;

(B) the President pro tempore of the Senate;

(C) the majority and minority leaders of the House of Representatives and the Senate;

(D) the chairmen and ranking minority members of the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House; and

(E) when the office of Deputy Comptroller General is vacant, the Comptroller General.

(3) A commission established because of a vacancy in the office of the Comptroller General shall recommend at least 3 individuals. The President may ask the commission to recommend additional individuals.

(b) Except as provided in subsection (e) of this section, the term of the Comptroller General is 15 years. The Comptroller General may not be reappointed. The term of the Deputy Comptroller General expires on the date an individual is appointed Comptroller General. The Deputy Comptroller General may continue to serve until a successor is appointed.

(c) The Deputy Comptroller General—

(1) carries out duties and powers prescribed by the Comptroller General; and

(2) acts for the Comptroller General when the Comptroller General is absent or unable to serve or when the office of Comptroller General is vacant.

(d) The Comptroller General shall designate an officer or employee of the General Accounting Office to act as Comptroller General when the Comptroller General and Deputy Comptroller General are absent or unable to serve or when the offices of Comptroller General and Deputy Comptroller General are vacant.

(e)(1) A Comptroller General or Deputy Comptroller General retires on becoming 70 years of age. Either may be removed at any time by—

(A) impeachment; or

(B) joint resolution of Congress, after notice and an opportunity for a hearing, only for—

(i) permanent disability;

(ii) inefficiency;

(iii) neglect of duty;

(iv) malfeasance; or

(v) a felony or conduct involving moral turpitude.

(2) A Comptroller General or Deputy Comptroller General removed from office under paragraph (1) of this subsection may not be reappointed to the office.

96 STAT. 889

(f) The annual rate of basic pay of the—

(1) Comptroller General is equal to the rate for level II of the Executive Schedule; and 5 USC 5313.

(2) Deputy Comptroller General is equal to the rate for level III of the Executive Schedule. 5 USC 5314.

§ 704. Relationship to other laws

(a) To the extent applicable, all laws generally related to administering an agency apply to the Comptroller General.

(b) A copy of a record and a transcript from a record or proceeding of the Comptroller General, that the Comptroller General or Deputy Comptroller General certifies under seal, shall be admitted as evidence with the same effect as a copy or transcript referred to in section 1733 of title 28. 28 USC 1733.

SUBCHAPTER II—GENERAL DUTIES AND POWERS

§ 711. General authority

The Comptroller General may—

(1) prescribe regulations to carry out the duties and powers of the Comptroller General;

(2) delegate the duties and powers of the Comptroller General to officers and employees of the General Accounting Office as the Comptroller General decides is necessary to carry out those duties and powers;

(3) regulate the practice of representatives of persons before the Office; and

(4) administer oaths to witnesses when auditing and settling accounts.

§ 712. Investigating the use of public money

The Comptroller General shall—

(1) investigate all matters related to the receipt, disbursement, and use of public money;

(2) estimate the cost to the United States Government of complying with each restriction on expenditures of a specific appropriation in a general appropriation law and report each estimate to Congress with recommendations the Comptroller General considers desirable; Report to Congress.

(3) analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;

(4) make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures; and Report to Congress.

(5) give a committee of Congress having jurisdiction over revenue, appropriations, or expenditures the help and information the committee requests.

§ 713. Audit of Internal Revenue Service and Bureau of Alcohol, Tobacco, and Firearms

(a) Under regulations of the Comptroller General, the Comptroller General shall audit the Internal Revenue Service and the Bureau of Alcohol, Tobacco, and Firearms, of the Department of the Treasury. An audit under this section does not affect a final decision of the Secretary of the Treasury under section 6406 of the Internal Revenue Code of 1954 (26 U.S.C. 6406).

96 STAT. 890

(b)(1) To carry out this section and to the extent provided by and only subject to section 6103 of the Internal Revenue Code of 1954 (26 U.S.C. 6103)—

(A) returns and return information (as defined in section 6103(b) of the Internal Revenue Code of 1954 (26 U.S.C. 6103(b)) shall be made available to the Comptroller General; and

(B) records and property of, or used by, the Service or the Bureau, shall be made available to the Comptroller General.

(2) At least once every 6 months, the Comptroller General shall designate each officer and employee of the General Accounting Office by name and title to whom returns, return information, or records or property of the Service or the Bureau that can identify a particular taxpayer may be made available. Each designation or a certified copy of the designation shall be sent to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House, the Joint Committee on Taxation, the Commissioner of Internal Revenue, and the Director of the Bureau.

(3) Except as expressly provided by law, an officer or employee of the Office may make known information derived from a record or property of, or in use by, the Service or the Bureau that can identify a particular taxpayer only to another officer or employee of the Office whose duties or powers require that the record or property be made known.

§ 714. Audit of Financial Institutions Examination Council, Federal Reserve Board, Federal reserve banks, Federal Deposit Insurance Corporation, and Office of Comptroller of the Currency

"Agency."

(a) In this section, "agency" means the Financial Institutions Examination Council, the Federal Reserve Board, Federal reserve banks, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency.

(b) Under regulations of the Comptroller General, the Comptroller General shall audit an agency, but may carry out an onsite examination of an open insured bank or bank holding company only if the appropriate agency has consented in writing. Audits of the Federal Reserve Board and Federal reserve banks may not include—

(1) transactions for or with a foreign central bank, government of a foreign country, or nonprivate international financing organization;

(2) deliberations, decisions, or actions on monetary policy matters, including discount window operations, reserves of member banks, securities credit, interest on deposits, and open market operations;

(3) transactions made under the direction of the Federal Open Market Committee; or

(4) a part of a discussion or communication among or between members of the Board of Governors and officers and employees of the Federal Reserve System related to clauses (1)-(3) of this subsection.

96 STAT. 891

(c)(1) Except as provided in this subsection, an officer or employee of the General Accounting Office may not disclose information identifying an open bank, an open bank holding company, or a customer of an open or closed bank or bank holding company. The Comptroller General may disclose information related to the affairs of a closed bank or closed bank holding company identifying a customer of the closed bank or closed bank holding company only if the Comptroller General believes the customer had a controlling influence in the management of the closed bank or closed bank holding company or was related to or affiliated with a person or group having a controlling influence.

(2) An officer or employee of the Office may discuss a customer, bank, or bank holding company with an official of an agency and may report an apparent criminal violation to an appropriate law enforcement authority of the United States Government or a State.

(3) This subsection does not authorize an officer or employee of an agency to withhold information from a committee of Congress authorized to have the information.

(d)(1) To carry out this section, all records and property of or used by an agency, including samples of reports of examinations of a bank or bank holding company the Comptroller General considers statistically meaningful and workpapers and correspondence related to the reports shall be made available to the Comptroller General. The Comptroller General shall give an agency a current list of officers and employees to whom, with proper identification, records and property may be made available, and who may make notes or copies necessary to carry out an audit. An agency shall give the Comptroller General suitable and lockable offices and furniture, telephones, and access to copying facilities.

(2) Except for the temporary removal of workpapers of the Comptroller General that do not identify a customer of an open or closed bank or bank holding company, an open bank, or an open bank holding company, all workpapers of the Comptroller General and records and property of or used by an agency that the Comptroller General possesses during an audit, shall remain in the agency. The Comptroller General shall prevent unauthorized access to records or property.

§ 715. Audit of accounts and operations of the District of Columbia government

(a) In addition to the audit carried out under section 455 of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198, 87 Stat. 803; D.C. Code, § 47-117), the Comptroller General each year shall audit the accounts and operations of the District of Columbia government. An audit shall be carried out according to principles, under regulations, and in a way the Comptroller General prescribes. When prescribing the procedures to follow and the extent of the inspection of records, the Comptroller General shall consider generally accepted principles of auditing, including the effectiveness of accounting organizations and systems, internal audit and control, and related administrative practices.

D.C. Code 47-120.

(b) The Comptroller General shall submit each audit report to Congress and the Mayor and Council of the District of Columbia. The report shall include the scope of an audit, information the Comptroller General considers necessary to keep Congress, the Mayor, and the Council informed of operations audited, and recommendations the Comptroller General considers advisable.

Report to Congress, Mayor and Council of District of Columbia.

96 STAT. 892

(c)(1) By the 90th day after receiving an audit report from the Comptroller General, the Mayor shall state in writing to the Council measures the District of Columbia government is taking to comply with the recommendations of the Comptroller General. A copy of the statement shall be sent to Congress.

(2) After the Council receives the statement of the Mayor, the Council may make available for public inspection the report of the Comptroller General and other material the Council considers pertinent.

Information disclosure.

(d) To carry out this section, records and property of or used by the District of Columbia government necessary to make an audit easier shall be made available to the Comptroller General. The Mayor shall provide facilities to carry out an audit.

§ 716. Availability of information and inspection of records

(a) Each agency shall give the Comptroller General information the Comptroller General requires about the duties, powers, activities, organization, and financial transactions of the agency. The Comptroller General may inspect an agency record to get the information. This subsection does not apply to expenditures made under section 3524 or 3526(e) of this title.

(b)(1) When an agency record is not made available to the Comptroller General within a reasonable time, the Comptroller General

Reports.

may make a written request to the head of the agency. The request shall state the authority for inspecting the records and the reason for the inspection. The head of the agency has 20 days after receiving the request to respond. The response shall describe the record withheld and the reason the record is being withheld. If the Comptroller General is not given an opportunity to inspect the record within the 20-day period, the Comptroller General may file a report with the President, the Director of the Office of Management and Budget, the Attorney General, the head of the agency, and Congress.

(2) Through an attorney the Comptroller General designates in writing, the Comptroller General may bring a civil action in the district court of the United States for the District of Columbia to require the head of the agency to produce a record—

(A) after 20 days after a report is filed under paragraph (1) of this subsection; and

(B) subject to subsection (d) of this section.

(3) The Attorney General may represent the head of the agency. The court may punish a failure to obey an order of the court under this subsection as a contempt of court.

96 STAT. 893

(c)(1) Subject to subsection (d) of this section, the Comptroller General may subpena a record of a person not in the United States Government when the record is not made available to the Comptroller General to which the Comptroller General has access by law or by agreement of that person from whom access is sought. A subpena shall identify the record and the authority for the inspection and may be issued by the Comptroller General. The Comptroller General may have an individual serve a subpena under this subsection by delivering a copy to the person named in the subpena or by mailing a copy of the subpena by certified or registered mail, return receipt requested, to the residence or principal place of business of the person. Proof of service is shown by a verified return by the individual serving the subpena that states how the subpena was served or by the return receipt signed by the person served.

(2) If a person residing, found, or doing business in a judicial district refuses to comply with a subpena issued under paragraph (1) of this subsection, the Comptroller General, through an attorney the Comptroller General designates in writing, may bring a civil action in that district court to require the person to produce the record. The court has jurisdiction of the action and may punish a failure to obey an order of the court under this subsection as a contempt of court.

(d)(1) The Comptroller General may not bring a civil action for a record withheld under subsection (b) of this section or issue a subpena under subsection (c) of this section if—

(A) the record related to activities the President designates as foreign intelligence or counterintelligence activities;

(B) the record is specifically exempted from disclosure to the Comptroller General by a statute that—

(i) without discretion requires that the record be withheld from the Comptroller General;

(ii) establishes particular criteria for withholding the record from the Comptroller General; or

(iii) refers to particular types of records to be withheld from the Comptroller General; or

5 USC 552.

(C) by the 20th day after a report is filed under subsection (b)(1) of this section, the President or the Director certifies to the Comptroller General and Congress that a record could be withheld under section 552(b)(5) or (7) of title 5 and disclosure reasonably could be expected to impair substantially the operations of the Government.

(2) The President or the Director may not delegate certification under paragraph (1)(C) of this subsection. A certification shall include a complete explanation of the reasons for the certification.

(e)(1) The Comptroller General shall maintain the same level of confidentiality for a record made available under this section as is required of the head of the agency from which it is obtained. Officers and employees of the General Accounting Office are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the agency.

(2) The Comptroller General shall keep information described in section 552(b)(6) of title 5 that the Comptroller General obtains in a way that prevents unwarranted invasions of personal privacy.

(3) This section does not authorize information to be withheld from Congress.

§ 717. Evaluating programs and activities of the United States Government

"Agency."

(a) In this section, "agency" means a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government.

(b) The Comptroller General shall evaluate the results of a program or activity the Government carries out under existing law—

(1) on the initiative of the Comptroller General;

(2) when either House of Congress orders an evaluation; or

(3) when a committee of Congress with jurisdiction over the program or activity requests the evaluation.

96 STAT. 894

(c) The Comptroller General shall develop and recommend to Congress ways to evaluate a program or activity the Government carries out under existing law.

(d)(1) On request of a committee of Congress, the Comptroller General shall help the committee to—

(A) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

(B) assess program evaluations prepared by and for an agency.

(2) On request of a member of Congress, the Comptroller General shall give the member a copy of the material the Comptroller General compiles in carrying out this subsection that has been released by the committee for which the material was compiled.

§ 718. Availability of draft reports

(a) A draft report of an audit under section 714 of this title shall be submitted to the Financial Institutions Examination Council, the Federal Reserve Board, the Federal Deposit Insurance Corporation, or the Office of the Comptroller of the Currency for comment for 30 days.

(b)(1) The Comptroller General may submit a part of a draft report to an agency for comment for more than 30 days only if the Comptroller General decides, after a showing by the agency, that a longer period is necessary and likely to result in a more accurate report. The report may not be delayed because the agency does not comment within the comment period.

(2) When a draft report is submitted to an agency for comment, the Comptroller General shall make the draft report available on request to—

(A) either House of Congress, a committee of Congress, or a member of Congress if the report was begun because of a request of the House, committee, or member; or

(B) the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives if the report was not begun because of a request of either House of Congress, a committee of Congress, or a member of Congress.

(3) This subsection is subject to statutory and executive order guidelines for handling and storing classified information and material.

(c) A final report of the Comptroller General shall include—

(1) a statement of significant changes of a finding, conclusion, or recommendation in an earlier draft report because of comments on the draft by an agency;

(2) a statement of the reasons the changes were made; and

(3) for a draft report submitted under subsection (a) of this section, written comments of the agency submitted during the comment period.

§ 719. Comptroller General reports

(a) At the beginning of each regular session of Congress, the Comptroller General shall report to Congress (and to the President when requested by the President) on the work of the Comptroller General. A report shall include recommendations on— 96 STAT. 895

(1) legislation the Comptroller General considers necessary to make easier the prompt and accurate making and settlement of accounts; and

(2) other matters related to the receipt, disbursement, and use of public money the Comptroller General considers advisable.

(b)(1) The Comptroller General shall include in the report to Congress under subsection (a) of this section—

(A) a review of activities under sections 717(b)–(d) and 731(e)(2) of this title, including recommendations under section 717(c) of this title;

(B) information on carrying out duties and powers of the Comptroller General under clauses (A) and (C) of this paragraph, subsections (g) and (h) of this section, and sections 717, 731(e)(2), 734, 1112, and 1113 of this title; and

(C) the name of each officer and employee of the General Accounting Office assigned or detailed to a committee of Congress, the committee to which the officer or employee is assigned or detailed, the length of the period of assignment or detail, a statement on whether the assignment or detail is finished or continuing, and compensation paid out of appropriations available to the Comptroller General for the period of the assignment or detail that has been completed.

(2) In a report under subsection (a) of this section or in a special report to Congress when Congress is in session, the Comptroller General shall include recommendations on greater economy and efficiency in public expenditures.

(c) The Comptroller General shall report to Congress—

(1) specially on expenditures and contracts an agency makes in violation of law;

(2) on the adequacy and effectiveness of—

(A) administrative audits of accounts and claims in an agency; and

(B) inspections by an agency of offices and accounts of fiscal officials; and

(3) as frequently as practicable on audits carried out under sections 713 and 714 of this title.

(d) The Comptroller General shall report each year to the Committees on Finance and Governmental Affairs of the Senate, the Committees on Ways and Means and Government Operations of the House of Representatives, and the Joint Committee on Taxation. Each report shall include—

(1) procedures and requirements the Comptroller General, the Commissioner of Internal Revenue, and the Director of the Bureau of Alcohol, Tobacco, and Firearms, prescribe to protect the confidentiality of returns and return information made available to the Comptroller General under section 713(b)(1) of this title;

(2) the scope and subject matter of audits under section 713 of this title; and

(3) findings, conclusions, or recommendations the Comptroller General develops as a result of an audit under section 713 of this title, including significant evidence of inefficiency or mismanagement.

(e) The Comptroller General shall report on analyses carried out under section 712(3) of this title to the Committees on Governmental Affairs and Appropriations of the Senate, the Committees on Government Operations and Appropriations of the House, and the committees with jurisdiction over legislation related to the operation of each executive agency. 96 STAT. 896

(f) The Comptroller General shall give the President information on expenditures and accounting the President requests.

(g) When the Comptroller General submits a report to Congress, the Comptroller General shall deliver copies of the report to—

(1) the Committees on Governmental Affairs and Appropriations of the Senate;

(2) the Committees on Government Operations and Appropriations of the House;

(3) a committee of Congress that requested information on any part of a program or activity of a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government that is the subject of any part of a report; and

(4) any other committee of Congress requesting a copy.

(h)(1) The Comptroller General shall prepare—

(A) each month a list of reports issued during the prior month; and

(B) at least once each year a list of reports issued during the prior 12 months.

(2) A copy of each list shall be sent to each committee of Congress and each member of Congress. On request, the Comptroller General promptly shall provide a copy of a report to a committee or member.

(i) On request of a committee of Congress, the Comptroller General shall explain to and discuss with the committee or committee staff a report the Comptroller General makes that would help the committee—

(1) evaluate a program or activity of an agency within the jurisdiction of the committee; or

(2) in its consideration of proposed legislation.

§ 720. Agency reports

(a) In this section, "agency" means a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government. "Agency."

(b) When the Comptroller General makes a report that includes a recommendation to the head of an agency, the head of the agency shall submit a written statement on action taken on the recommendation by the head of the agency. The statement shall be submitted to—

(1) the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives before the 61st day after the date of the report; and

(2) the Committees on Appropriations of both Houses of Congress in the first request for appropriations submitted more than 60 days after the date of the report.

SUBCHAPTER III—PERSONNEL

§ 731. General

(a) The Comptroller General may appoint, pay, assign, and remove officers (except the Deputy Comptroller General) and employees the Comptroller General decides are necessary to carry out the duties and powers of the General Accounting Office. 96 STAT. 897

(b) The Comptroller General may establish for appropriate officers and employees a merit pay system consistent with section 5401(a) of title 5.

(c) The annual rate of basic pay of the General Counsel of the General Accounting Office is equal to the rate for level IV of the Executive Schedule. 5 USC 5315.

(d) When a change in organization, management responsibility, or workload makes it necessary, the Comptroller General may fix the rate of basic pay of 5 positions at rates not more than the rate for level IV of the Executive Schedule.

5 USC 3109.

(e) The Comptroller General may procure the services of experts and consultants under section 3109 of title 5, except that the services of not more than—

(1) 10 experts and consultants may be procured for not more than 3 years; and

(2) 10 experts and consultants may be procured permanently, temporarily, or intermittently to carry out sections 717(b)–(d) and 719(b)(1)(A) of this title at rates that are not more than the rate for level V of the Executive Schedule.

5 USC 5316.

§ 732. Personnel management system

(a) The Comptroller General shall maintain a personnel management system. The Comptroller General may prescribe a regulation about the system only after notice and opportunity for public comment. A reprisal or threat of reprisal may not be made against an officer or employee of the General Accounting Office because of comments on a proposed regulation about the system.

(b) The personnel management system shall—

5 USC 2301.

(1) include the principles of section 2301(b) of title 5;

5 USC 2302.

(2) prohibit personnel practices prohibited under section 2302(b) of title 5;

5 USC 7321.

(3) prohibit political activities prohibited under subchapter III of chapter 73 of title 5;

5 USC 101.

(4) ensure that officers and employees of the Office are appointed, promoted, and assigned only on the basis of merit and fitness, but without regard to those provisions of title 5 governing appointments and other personnel actions in the competitive service;

(5) give a preference to an individual eligible for a preference in the executive branch of the United States Government in a way and to an extent consistent with a preference given an individual in the executive branch; and

(6) provide that the Comptroller General shall fix the basic pay of officers and employees of the Office not fixed by law, consistent with section 5301(a) of title 5.

5 USC 5301.
Pay rates.

(c) Under the personnel management system—

(1) the Comptroller General shall publish a schedule of basic pay rates for officers and employees of the Office;

(2) except as provided in clause (4) of this subsection and section 733(a)(3)(A) of this title, the highest basic pay rate under the pay schedule may not be more than the highest basic rate for GS–15;

96 STAT. 898

(3) except as provided in section 733(a)(3)(B) of this title, basic pay rates of officers and employees of the Office shall be adjusted at the same time and to the same extent as basic pay rates of the General Schedule are adjusted;

5 USC 5332 note.

(4) the pay schedule for officers and employees of the Office may provide that the basic pay rates for not more than 100 positions may be at rates not more than the highest rate for GS–18, less the number of positions in the General Accounting Office Senior Executive Service under section 733 of this title (except positions included in the Service under section 733(c) of this title); and

(5) officers and employees of the Office are entitled to grade and basic pay retention consistent with subchapter VI of chapter 53 of title 5.

5 USC 5361.

(d) The personnel management system shall provide—

(1) for a system to appraise the performance of officers and employees of the General Accounting Office that meets the requirements of section 4302 of title 5;

5 USC 4302

(2) that the Comptroller General has the same responsibility for performance appraisals under this subsection as the Director of the Office of Personnel Management has under section 4302 of title 5;

(3) for a reduction in grade or removal of an officer or employee because of unacceptable performance consistent with section 4303 of title 5;

(4) for other personnel actions consistent with chapter 75 of title 5; and

5 USC 7501 *et seq.*

(5) a procedure for processing complaints and grievances not otherwise provided for under clauses (3) and (4) of this subsection or subsection (e) or (f)(1) of this section.

(e) The personnel management system shall provide—

(1) a procedure that ensures that each officer and employee of the General Accounting Office may form, join, or assist, or not form, join, or assist, an employee organization freely and without fear of penalty or reprisal; and

(2) for a labor-management relations program consistent with chapter 71 of title 5.

5 USC 7101 *et seq.*

Employment, non-discrimination.

(f)(1) The personnel management system shall—

(A) provide that all personnel actions affecting an officer, employee, or applicant for employment be taken without regard to race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; and

(B) include a minority recruitment program consistent with section 7201 of title 5.

5 USC 7201.

(2) This subchapter and subchapter IV of this chapter do not affect a right or remedy of an officer, employee, or applicant for employment under a law prohibiting discrimination in employment in the Government on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition. However, for officers, employees, or applicants in the General Accounting Office—

(A) the General Accounting Office Personnel Appeals Board has the same authority over oversight and appeals matters as an executive agency has over oversight and appeals matters; and

(B) the Comptroller General has the same authority over matters (except oversight and appeals) as an executive agency has over matters (except oversight and appeals).

96 STAT. 899

(3) This section does not affect a lawful effort to achieve equal employment opportunity through affirmative action.

Competitive status.

(g) An officer or employee of the General Accounting Office completing at least one year of continuous service under a nontemporary appointment under the personnel management system acquires a competitive status for appointment to a position in the competitive service for which the officer or employee is qualified.

§ 733. Senior Executive Service

(a) The Comptroller General may establish a General Accounting Office Senior Executive Service—

(1) meeting the requirements of section 3131 of title 5;

5 USC 3131.

(2) providing requirements for positions consistent with section 3132(a)(2) of title 5;

5 USC 3132.

(3) providing rates of basic pay—

(A) not more than the maximum rate or less than the minimum rate for the Senior Executive Service under section 5382 of title 5; and

5 USC 5382.

(B) adjusted at the same time and to the same extent as rates in the Senior Executive Service under section 5382 of title 5 are adjusted;

(4) providing a performance appraisal system consistent with subchapter II of chapter 43 of title 5;

5 USC 431[illegible].

(5) allowing the Comptroller General to award ranks to officers and employees in the Office Senior Executive Service consistent with section 4507 of title 5;

5 USC 4507.

5 USC 3592. 5 USC 7543. (6) providing for removal consistent with section 3592 of title 5, and for removal or suspension consistent with section 7543 of title 5; and

5 USC 5384. (7) allowing the Comptroller General to pay performance awards to officers and employees of the Office Senior Executive Service consistent with section 5384 of title 5.

5 USC 101. (b) Except as provided in subsection (a), the Comptroller General may apply any part of title 5 that applies to an applicant for or officer or employee in the Senior Executive Service under title 5 to the Office Senior Executive Service.

(c) The Office Senior Executive Service may include positions referred to in section 731 (c), (d), or (e)(2) of this title.

(d) Section 732 (b)(6), (c), (d) (1)-(4), and (e) of this title does not apply to the Office Senior Executive Service.

§ 734. Assignments and details to Congress

(a) The Comptroller General may assign or detail an officer or employee of the General Accounting Office to full-time continuous duty with a committee of Congress for not more than one year.

(b) A committee of the Senate or a joint committee of Congress for which the Secretary of the Senate disburses amounts shall reimburse the Comptroller General for the pay of each officer or employee of the Office for the time the officer or employee is assigned or detailed to the committee or joint committee.

§ 735. Relationship to other laws

(a) Except as provided in section 733(c) of this title, this subchapter and subchapter IV of this chapter do not affect sections 702(b), 703, 731 (c)-(e), 772, 775 (a) and (d) of this title.

(b) Except as specifically provided in this subchapter and sub- 96 STAT. 900 chapter IV of this chapter, those subchapters do not change the application of a law applicable to officers and employees of the General Accounting Office.

§ 736. Authorization of appropriations

Amounts necessary to carry out this subchapter and subchapter IV of this chapter may be appropriated to the Comptroller General.

SUBCHAPTER IV—PERSONNEL APPEALS BOARD

§ 751. Organization

(a) The General Accounting Office has a General Accounting Office Personnel Appeals Board. The Board is composed of 5 members appointed by the Comptroller General. An individual may be appointed only if the individual—

(1) has 3 years full-time or part-time experience in adjudicating or arbitrating personnel matters;

(2) is not a current or former officer or employee of the Office;

(3) has the demonstrated ability, background, training, and experience necessary to be qualified specially to serve on the Board; and

(4) demonstrates a capacity and willingness to devote sufficient time to dispose of cases in a timely way.

(b) The Comptroller General shall appoint members only—

(1) from a written list of candidates, submitted to the Comptroller General in a way and at the time the Comptroller General requires, by any organization the Comptroller General believes is composed primarily of individuals experienced in adjudicating or arbitrating personnel matters; and

(2) after the Comptroller General consults with organizations representing employees of the Office and with any member of each committee of Congress, having legislative jurisdiction over the personnel management system maintained under section 732 of this title, whom the chairman of the committee designates.

(c) The term of a member of the Board is 3 years. A member may not be reappointed. An individual appointed to fill a vacancy occurring before the expiration of a term of office is appointed for the remainder of the term. However, if the unexpired part of a term is less than one year, the Comptroller General may appoint an individual for a 3-year term plus the unexpired part of the term. When the term of a member ends, the member may continue to serve until a successor takes office or for 6 months after the term expires, whichever is earlier.

Member's term of office.

(d) A member may be removed by a majority of the Board (except the member subject to removal) only for inefficiency, neglect of duty, or malfeasance in office. A member subject to removal shall be given notice and an opportunity for a hearing before the Board unless the member waives the opportunity in writing.

(e) While carrying out a member's duties (including travel), a member who is not an officer or employee of the United States Government is entitled to pay at a rate equal to the daily rate for GS-18. Each member is entitled to travel expenses and per diem allowances under section 5703 of title 5.

Pay rate.

5 USC 5703.

96 STAT. 901

§ 752. Chairman and General Counsel

(a) The General Accounting Office Personnel Appeals Board shall select one of its members as Chairman. The Chairman is the chief executive and administrative officer of the Board.

(b)(1) The Comptroller General shall appoint as General Counsel of the Board an individual the Chairman selects. The General Counsel serves at the pleasure of the Chairman.

(2) The Chairman shall fix the pay of the General Counsel. The annual rate of basic pay of the General Counsel may be not more than the maximum rate for GS-15.

(3) The General Counsel shall—

(A) investigate an allegation about a prohibited personnel practice under section 732(b)(2) of this title to decide if there are reasonable grounds to believe the practice has occurred, exists, or will be taken by an officer or an employee of the General Accounting Office;

(B) investigate an allegation about a prohibited political activity under section 732(b)(3) of this title;

(C) investigate a matter under the jurisdiction of the Board if the Board or a member of the Board requests; and

(D) help the Board carry out its duties and powers.

§ 753. Duties and powers

(a) The General Accounting Office Personnel Appeals Board may consider and order corrective or disciplinary action in a case arising from—

(1) an officer or employee appeal about a removal, suspension for more than 14 days, reduction in grade or pay, or furlough of not more than 30 days;

(2) a prohibited personnel practice under section 732(b)(2) of this title;

(3) a prohibited political activity under section 732(b)(3) of this title;

(4) a decision of an appropriate unit of employees for collective bargaining;

(5) an election or certification of a collective bargaining representative;

(6) a matter appealable to the Board under the labor-management relations program under section 732(e)(2) of this title, including a labor practice prohibited under section 732(e)(1) of this title;

(7) an action involving discrimination prohibited under section 732(f)(1) of this title; and

(8) an issue about Office personnel the Comptroller General by regulation decides the Board shall resolve.

(b) The Board may delegate to a member or a panel of members the authority to act under subsection (a) of this section. A decision of a member or panel under subsection (a) is deemed to be a final decision of the Board unless the Board reconsiders the decision under subsection (c) of this section.

(c) On motion of a party or on its own initiative, the Board may reconsider a decision under subsection (a) of this section by the 30th day after the decision is made.

Regulations.

(d) The Board shall prescribe regulations—

5 USC 7701, 7702.

(1) providing for officer and employee appeals consistent with sections 7701 and 7702 of title 5; and

96 STAT. 902

(2) on the operating procedure of the Board.

§ 754. Action by the Comptroller General

When the Comptroller General has authority, the Comptroller General promptly shall carry out action the General Accounting Office Personnel Appeals Board orders under section 753 of this title.

§ 755. Judicial review

28 USC 2341 *et seq.*

A person may apply for review of a final decision under section 753(a) (1)–(3), (6), or (7) of this title by filing a petition for review with the United States Court of Appeals for the District of Columbia Circuit or with the court of appeals of the United States for the circuit in which the person resides. Chapter 158 of title 28 applies to a review under this subchapter, except the petition for review shall be filed by the 30th day after the petitioner receives notice of the decision. The court shall set aside a final decision the court decides is—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

SUBCHAPTER V—ANNUITIES

§ 771. Definitions

In this subchapter—

(1) "dependent child" means an unmarried dependent child (including a stepchild or adopted child) who is—

(A) under 18 years of age; or

(B) incapable of self-support because of physical or mental disability.

(2) "surviving spouse" means a surviving spouse of an individual who was a Comptroller General or retired Comptroller General and the spouse—

(A) was married to the individual for at least 2 years immediately before the individual died; or

(B) has not remarried and is the parent of issue by the marriage.

(3) service as a Comptroller General equals the number of years and complete months an individual is Comptroller General.

§ 772. Annuity of the Comptroller General

(a) Except as provided in subsection (c) of this section, a Comptroller General serving a complete term as Comptroller General or who is retired for age under section 703(e)(1) of this title after serving at least 10 years is entitled to receive an annuity for life equal to the pay the Comptroller General is receiving on completion of the term or at the time of retirement. An annuity of a Comptroller General who completes a term before becoming 65 years of age is reduced by .25 percent for each complete month the Comptroller General is under 65 years of age.

(b) Except as provided in subsection (c) of this section, a Comptroller General becoming permanently disabled shall be retired and is entitled to receive an annuity for life equal to—

96 STAT. 903

(1) the pay of the Comptroller General at the time of retirement if the Comptroller General served at least 10 years; or

(2) 50 percent of the pay if the Comptroller General served less than 10 years.

(c) A Comptroller General who, when appointed, is or has been subject to subchapter III of chapter 83 of title 5 remains subject to subchapter III unless the Comptroller General elects in writing to receive an annuity under this section. An election is irrevocable and must be made within 10 years and 60 days after the start of service as Comptroller General. A Comptroller General electing to receive an annuity under this section is entitled to a refund of the lump-sum credit to the account of the Comptroller General in the Civil Service Retirement and Disability Fund.

5 USC 8331.

(d) A Comptroller General (except a Comptroller General remaining subject to subchapter III of chapter 83 of title 5) shall—

(1) deposit with the General Accounting Office for redeposit in the Treasury as miscellaneous receipts as a contribution to the annuity—

(A) 3.5 percent of the pay received as Comptroller General before deductions are made under clause (2)(A) of this subsection plus 3 percent interest compounded every December 31 on the amount to be deposited, if electing survivor benefits under this subchapter; or

(B) 8 percent of the pay received as Comptroller General before deductions are made under clause (2)(B) of this subsection plus 3 percent interest compounded every December 31 on the amount to be deposited, if not electing survivor benefits under this subchapter; and

(2) have—

(A) 3.5 percent of the pay received as Comptroller General deducted as a contribution to the annuity if electing survivor benefits under this subchapter; or

(B) 8 percent of the pay received as Comptroller General deducted as a contribution to the annuity if not electing survivor benefits under this subchapter.

(e) A Comptroller General receiving benefits under this section may not receive retirement or disability benefits under another law of the United States.

§ 773. Election of survivor benefits

(a) To provide survivor benefits, a Comptroller General may elect in writing to reduce the pay and annuity of the Comptroller General. An election shall be made within 6 months of taking office or, if an election is made under section 772(c) of this title, by the 60th day after making an election under section 772(c).

(b) A Comptroller General electing to provide survivor benefits shall—

(1) have 4.5 percent of the pay received as Comptroller General and annuity of the Comptroller General deducted; and

(2) deposit with the General Accounting Office for redeposit in the Treasury as miscellaneous receipts—

(A) 4.5 percent of the pay and annuity received as Comptroller General before the deductions begin;

(B) 4.5 percent of basic pay received as a member of Congress or for other civilian service on which a surviving spouse's annuity is computed under section 774(d) of this title; and

96 STAT. 904

(C) 4 percent interest before January 1, 1948, and 4.5 percent interest after December 31, 1947, compounded every December 31, on amounts deposited.

(c) This subchapter does not prevent a surviving spouse or dependent child from receiving another annuity while receiving an annuity under section 774 of this title. However, service used in computing an annuity under section 774 may not be used in computing the other annuity.

§ 774. Survivor annuities

Definitions.

(a) In this section—

(1) "allowable military service" means honorable active service of not more than 5 years in an armed force (including service in the National Guard when ordered to active duty for the United States Government), when the service is not creditable in computing another annuity.

(2) "other prior allowable service" means civilian service as an officer or employee of the Government or District of Columbia government not covered by subsection (d)(1) of this section.

(3) "congressional employee" has the same meaning given that term in section 2107 of title 5. 5 USC 2107.

(b) A survivor annuity shall be paid under this subchapter when a Comptroller General—

(1) makes an election under section 773 of this title;

(2) dies in office or while receiving an annuity under section 772 of this title;

(3) had at least 5 years of civilian service at death computed under subsections (a) and (d) of this section; and

(4) had deductions or deposits under section 773 of this title made for the last 5 years of civilian service.

(c) If the Comptroller General or retired Comptroller General is survived—

(1) only by a spouse, the surviving spouse shall receive an annuity computed under subsection (d) of this section beginning on the death of the Comptroller General or retired Comptroller General or when the spouse is 50 years of age, whichever is later;

(2) by a spouse and a dependent child, the surviving spouse shall receive an immediate annuity under subsection (d) of this section and each dependent child shall receive an immediate annuity equal to the smaller of—

(A) $1,548; or

(B) $4,644 divided by the number of dependent children; or

(3) only by a dependent child, each dependent child shall receive an immediate annuity equal to the smaller of—

(A) the annuity a surviving spouse would be entitled to receive under clause (2) of this subsection divided by the number of dependent children;

(B) $1,860; or

(C) $5,580 divided by the number of dependent children.

(d) The annuity of a surviving spouse is equal to—

(1) 1.25 percent of the average annual pay (based on the 3 years of highest pay received as Comptroller General and other prior allowable service) times—

96 STAT. 905

(A) the number of years of—

(i) service as Comptroller General or a member of Congress; and

(ii) prior allowable military service; and

(B) not more than 15 years of prior allowable service as a congressional employee; plus

(2) .75 percent of the average pay computed under clause (1) of this subsection times the number of years of other allowable service.

(e) A surviving spouse's annuity may not be more than 40 percent of the average annual pay computed under subsection (d)(1) of this section. If a Comptroller General does not make the deposit under section 773(b) of this title, a surviving spouse's annuity shall be credited with the service during which a deposit was not made, unless the spouse elects not to have the service credited. However, the annuity shall be reduced by 10 percent of the amount of the unpaid deposit, computed on the date the Comptroller General or retired Comptroller General dies.

§ 775. Refunds

(a) A Comptroller General separated from office before becoming entitled to receive an annuity under section 772 of this title is entitled to a lump-sum refund of the amount deducted from pay or deposited as a contribution under section 772, plus 3 percent interest on the amount compounded every December 31.

(b) A Comptroller General making an election under section 773 of this title who is separated from office before becoming entitled to an annuity under section 772 of this title is entitled to a lump-sum refund of the amount deducted under section 773 of this title, plus 4 percent interest before January 1, 1948, and 3 percent interest after December 31, 1947, compounded every December 31 until the separation date.

(c) A lump-sum refund of the amounts deducted under sections 772 and 773 of this title, plus interest of 4 percent before January 1, 1948, and 3 percent after December 31, 1947, compounded every December 31 until the date of death, shall be paid under subsection (d) of this section if—

(1) a Comptroller General dies in office before completing 5 years of civilian service under section 774 of this title or after completing 5 years of civilian service but without a survivor entitled to an annuity under section 774(b) and (c) of this title; or

(2) if a retired Comptroller General dies without a survivor entitled to an annuity under section 774(b) and (c) of this title.

(d) If a Comptroller General or retired Comptroller General dies before a refund is made under this section, the refund shall be paid in the following order of precedence:

(1) to a beneficiary the Comptroller General or retired Comptroller General designated in writing if the designation was received by the General Accounting Office before the death of the Comptroller General or retired Comptroller General.

(2) to a surviving spouse.

(3) to the children and to a descendant of a deceased child by representation.

(4) to the parents equally or, if only one surviving parent, to that survivor.

(5) to the executor or administrator of the estate of the Comptroller General or retired Comptroller General. 96 STAT. 906

(6) to the next of kin that the General Counsel of the General Accounting Office decides is entitled to the refund under the laws of the domicile of the Comptroller General or retired Comptroller General at the time of death.

(e) The General Counsel is not subject to section 771(1) and (2) of this title when making a decision about a surviving spouse or child under subsection (c) or (d) of this section.

(f) If the annuities of all individuals entitled to survivor annuities under this subchapter end before the amount of annuities paid equals the amount deducted under sections 772 and 773 of this title, plus interest of 4 percent before January 1, 1948, and 3 percent after December 31, 1947, compounded every December 31 until the date of death, the remainder shall be paid under subsection (d) of this section.

§ 776. Payment of survivor benefits

(a) An annuity under section 774 of this title accrues monthly and is paid monthly on the first business day of the month after the month in which an annuity accrues.

(b)(1) A surviving spouse's annuity ends when the spouse remarries or dies.

(2) A dependent child's annuity ends when the child becomes 18 years of age, marries, or dies, whichever is earliest. However, if a child is not self-supporting because of a physical or mental disability, an annuity ends when the child recovers, marries, or dies.

(3) If a surviving spouse dies and a dependent child survives, the child's annuity is recomputed under section 774(c)(3) of this title.

(4) When a dependent child's annuity ends, the annuity of another dependent child is recomputed as if the child whose annuity has ended did not survive a Comptroller General or retired Comptroller General.

(c) An accrued annuity unpaid when the annuity of a survivor ends—

(1) for a reason except death, shall be paid to the survivor; and

(2) when a survivor dies, shall be paid in the following order of precedence:

(A) to the executor or administrator of the estate of the individual.

(B) if there is no executor or administrator, then after 30 days after the date of death, to an individual the General Counsel of the General Accounting Office decides is legally entitled to the payment.

(d)(1) A payment under subsection (c)(2)(B) of this section or section 775(d) of this title is a bar to recovery by another individual.

(2) A benefit under this section and sections 773–775 of this title is not assignable or subject to legal process.

§ 777. Annuity increases

(a) The Comptroller General shall compute—

(1) on January 1 of each year, or within a reasonable time after January 1, the percent change in the Consumer Price Index between June and December of the prior year; and

(2) on July 1 of each year, or within a reasonable time after July 1, the percent change in the Index between June of the same year and December of the prior year.

96 STAT. 907

(b) If a percent change computed under subsection (a)(1) of this section indicates a rise in the Index, an annuity payable under this subchapter and beginning before March 2 shall increase on March 1 by the percent change computed under subsection (a)(1), adjusted to the nearest .1 percent. If a percent change computed under subsection (a)(2) of this section indicates a rise in the Index, an annuity payable under this subchapter and beginning before September 2 shall increase on September 1 by the percent change computed under subsection (a)(2), adjusted to the nearest .1 percent.

(c)(1) An increase under this section may not be more than an increase prescribed under section 8340(b) of title 5. 5 USC 8340.

(2) An annuity under section 772 of this title may not be more than the basic pay of the Comptroller General.

§ 778. Dependency and disability decisions

The General Counsel of the General Accounting Office shall decide a question of dependency, disability, or dependency and disability under sections 773–776 of this title. A decision under this section is final.

§ 779. Use of appropriations

Annuities and refunds under this subchapter shall be paid by the Comptroller General from appropriations of the General Accounting Office.

SUBTITLE II—THE BUDGET PROCESS

Chapter		Sec.
11.	THE BUDGET AND FISCAL, BUDGET, AND PROGRAM INFORMATION.	1101
13.	APPROPRIATIONS	1301
15.	APPROPRIATION ACCOUNTING	1501

CHAPTER 11—THE BUDGET AND FISCAL, BUDGET, AND PROGRAM INFORMATION

Sec.
1101. Definitions.
1102. Fiscal year.
1103. Budget ceiling.
1104. Budget and appropriations authority of the President.
1105. Budget contents and submission to Congress.
1106. Supplemental budget estimates and changes.
1107. Deficiency and supplemental appropriations.
1108. Preparation and submission of appropriations requests to the President.
1109. Current programs and activities estimates.
1110. Year-ahead requests for authorizing legislation.
1111. Improving economy and efficiency.
1112. Fiscal, budget, and program information.
1113. Congressional information.
1114. Budget information on consulting services.

§ 1101. Definitions

In this chapter—

(1) "agency" includes the District of Columbia government but does not include the legislative branch or the Supreme Court.

(2) "appropriations" means appropriated amounts and includes, in appropriate context—

(A) funds;

(B) authority to make obligations by contract before appropriations; and

96 STAT. 908

(C) other authority making amounts available for obligation or expenditure.

§ 1102. Fiscal year

The fiscal year of the Treasury begins on October 1 of each year and ends on September 30 of the following year. Accounts of receipts and expenditures required under law to be published each year shall be published for the fiscal year.

§ 1103. Budget ceiling

Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may be not more than the receipts of the Government for that year.

§ 1104. Budget and appropriations authority of the President

(a) The President shall prepare budgets of the United States Government under section 1105 of this title and proposed deficiency and supplemental appropriations under section 1107 of this title. To the extent practicable, the President shall use uniform terms in stating the purposes and conditions of appropriations.

(b) Except as provided in this chapter, the President shall prescribe the contents and order of statements in the budget on expenditures and estimated expenditures and statements on proposed appropriations and information submitted with the budget and proposed appropriations. The President shall include with the budget and proposed appropriations information on personnel and other objects of expenditure in the way that information was included in the budget for fiscal year 1950. However, the requirement that information be included in the budget in that way may be waived or changed by joint action of the Committees on Appropriations of both Houses of Congress. This subsection does not limit the authority of a committee of Congress to request information in a form it prescribes.

Waiver.

(c) When the President makes a basic change in the form of the budget, the President shall submit with the budget information showing where items in the budget for the prior fiscal year are contained in the present budget. However, the President may change the functional categories in the budget only in consultation with the Committees on Appropriations and on the Budget of both Houses of Congress.

Regulations.

(d) The President shall develop programs and prescribe regulations to improve the compilation, analysis, publication, and dissemination of statistical information by executive agencies. The President shall carry out this subsection through the Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget.

(e) Under regulations prescribed by the President, each agency shall provide information required by the President in carrying out this chapter. The President has access to, and may inspect, records of an agency to obtain information.

§ 1105. Budget contents and submission to Congress

(a) During the first 15 days of each regular session of Congress, the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and summary and supporting information. The President shall include in each budget the following:

96 STAT. 909

(1) information on activities and functions of the Government.

(2) when practicable, information on costs and achievements of Government programs.

(3) other desirable classifications of information.

(4) a reconciliation of the summary information on expenditures with proposed appropriations.

(5) except as provided in subsection (b) of this section, estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year.

(6) estimated receipts of the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

(A) laws in effect when the budget is submitted; and

(B) proposals in the budget to increase revenues.

(7) appropriations, expenditures, and receipts of the Government in the prior fiscal year.

(8) estimated expenditures and receipts, and appropriations and proposed appropriations, of the Government for the current fiscal year.

(9) balanced statements of the—

(A) condition of the Treasury at the end of the prior fiscal year;

(B) estimated condition of the Treasury at the end of the current fiscal year; and

(C) estimated condition of the Treasury at the end of the fiscal year for which the budget is submitted if financial proposals in the budget are adopted.

(10) essential information about the debt of the Government.

(11) other financial information the President decides is desirable to explain in practicable detail the financial condition of the Government.

(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted; and

(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect.

(13) an allowance for additional estimated expenditures and proposed appropriations for the fiscal year for which the budget is submitted.

(14) an allowance for unanticipated uncontrollable expenditures for that year.

(15) a separate statement on each of the items referred to in section 301(a)(1)-(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)(1)-(5)).

31 USC 1322.

(16) the level of tax expenditures under existing law in the tax expenditures budget (as defined in section 3(a)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 622(a)(3)) for the fiscal year for which the budget is submitted, considering projected economic factors and changes in the existing levels based on proposals in the budget.

31 USC 1302.

96 STAT. 910

(17) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for grants, contracts, and other payments under each program for which there is an authorization of appropriations for that following fiscal year when the appropriations are authorized to be included in an appropriation law for the fiscal year before the fiscal year in which the appropriation is to be available for obligation.

(18) a comparison of the total amount of budget outlays for the prior fiscal year, estimated in the budget submitted for that year, for each major program having relatively uncontrollable outlays with the total amount of outlays for that program in that year.

(19) a comparison of the total amount of receipts for the prior fiscal year, estimated in the budget submitted for that year, with receipts received in that year, and for each major source of receipts, a comparison of the amount of receipts estimated in that budget with the amount of receipts from that source in that year.

(20) an analysis and explanation of the differences between each amount compared under clauses (18) and (19) of this subsection.

(21) a horizontal budget showing—

(A) the programs for meteorology and of the National Climate Program established under section 5 of the National Climate Program Act (15 U.S.C. 2904);

31 USC 25 and note.

(B) specific aspects of the program of, and appropriations for, each agency; and

(C) estimated goals and financial requirements.

(22) a statement of budget authority, proposed budget authority, budget outlays, and proposed budget outlays, and descriptive information in terms of—

(A) a detailed structure of national needs that refers to the missions and programs of agencies (as defined in section 101 of this title); and

(B) the missions and basic programs.

(23) separate appropriation accounts for appropriations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

(24) recommendations on the return of Government capital to the Treasury by a mixed-ownership corporation (as defined in section 9101(2) of this title) that the President decides are desirable.

Legislative and judicial branch expenditures.

(b) Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget under subsection (a)(5) of this section shall be submitted to the President before October 16 of each year and included in the budget by the President without change.

(c) The President shall recommend in the budget appropriate action to meet an estimated deficiency when the estimated receipts for the fiscal year for which the budget is submitted (under laws in effect when the budget is submitted) and the estimated amounts in the Treasury at the end of the current fiscal year available for expenditure in the fiscal year for which the budget is submitted, are less than the estimated expenditures for that year. The President shall make recommendations required by the public interest when

96 STAT. 911 the estimated receipts and estimated amounts in the Treasury are more than the estimated expenditures.

(d) When the President submits a budget or supporting information about a budget, the President shall include a statement on all changes about the current fiscal year that were made before the budget or information was submitted.

§ 1106. Supplemental budget estimates and changes

(a) Before July 16 of each year, the President shall submit to Congress a supplemental summary of the budget for the fiscal year for which the budget is submitted under section 1105(a) of this title. The summary shall include—

(1) for that fiscal year—

(A) substantial changes in or reappraisals of estimates of expenditures and receipts;

(B) substantial obligations imposed on the budget after its submission;

(C) current information on matters referred to in section 1105(a)(8) and (9)(B) and (C) of this title; and

(D) additional information the President decides is advisable to provide Congress with complete and current information about the budget and current estimates of the functions, obligations, requirements, and financial condition of the United States Government;

(2) for the 4 fiscal years following the fiscal year for which the budget is submitted, information on estimated expenditures for programs authorized to continue in future years, or that are considered mandatory, under law; and

(3) for future fiscal years, information on estimated expenditures of balances carried over from the fiscal year for which the budget is submitted.

(b) Before April 11 and July 16 of each year, the President shall submit to Congress a statement of changes in budget authority requested, estimated budget outlays, and estimated receipts for the fiscal year for which the budget is submitted (including prior changes proposed for the executive branch of the Government) that the President decides are necessary and appropriate based on current information. The statement shall include the effect of those changes on the information submitted under section 1105(a)(1)-(14) and (b) of this title and shall include supporting information as practicable. The statement submitted before July 16 may be included in the information submitted under subsection (a)(1) of this section.

§ 1107. Deficiency and supplemental appropriations

The President may submit to Congress proposed deficiency and supplemental appropriations the President decides are necessary because of laws enacted after the submission of the budget or that are in the public interest. The President shall include the reasons for the submission of the proposed appropriations and the reasons the proposed appropriations were not included in the budget. When the total proposed appropriations would have required the President to make a recommendation under section 1105(c) of this title if they had been included in the budget, the President shall make a recommendation under that section.

96 STAT. 912

§ 1108. Preparation and submission of appropriations requests to the President

"Agency."

(a) In this section (except subsections (b)(1) and (e)), "agency" means a department, agency, or instrumentality of the United States Government.

(b)(1) The head of each agency shall prepare and submit to the President each appropriation request for the agency. The request shall be prepared and submitted in the form prescribed by the President under this chapter and by the date established by the President. When the head of an agency does not submit a request by that date, the President shall prepare the request for the agency to be included in the budget or changes in the budget or as deficiency and supplemental appropriations. The President may change agency appropriation requests. Agency appropriation requests shall be developed from cost-based budgets in the way and at times prescribed by the President. The head of the agency shall use the cost-based budget to administer the agency and to divide appropriations or amounts.

(2) An officer or employee of an agency in the executive branch may submit to the President or Congress a request for legislation authorizing deficiency or supplemental appropriations for the agency only with the approval of the head of the agency.

Supplemental appropriations.

(c) The head of an agency shall include with an appropriation request submitted to the President a report that the statement of obligations submitted with the request contains obligations consistent with section 1501 of this title. The head of the agency shall support the report with a certification of the consistency and shall support the certification with records showing that the amounts have been obligated. The head of the agency shall designate officials to make the certifications, and those officials may not delegate the duty to make the certifications. The certifications and records shall be kept in the agency—

(1) in a form that makes audits and reconciliations easy; and

(2) for a period necessary to carry out audits and reconciliations.

(d) To the extent practicable, the head of an agency shall—

(1) provide information supporting the agency's budget request for its missions by function and subfunction (including the mission of each organizational unit of the agency); and

(2) relate the agency's programs to its missions.

(e) Except as provided in subsection (f) of this section, an officer or employee of an agency (as defined in section 1101 of this title) may submit to Congress or a committee of Congress an appropriations estimate or request, a request for an increase in that estimate or request, or a recommendation on meeting the financial needs of the Government only when requested by either House of Congress.

(f) The Interstate Commerce Commission shall submit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the President or the Office of Management and Budget. An officer of an agency may not impose conditions on or impair communication by the Commission with Congress, or a committee or member of Congress, about the information.

(g) Amounts available under law are available for field examinations of appropriation estimates. The use of the amounts is subject only to regulations prescribed by the appropriate standing committees of Congress.

§ 1109. Current programs and activities estimates

(a) Before November 11 of each year, the President shall submit to both Houses of Congress the estimated budget outlays and proposed budget authority that would be included in the budget for the following fiscal year if programs and activities of the United States Government were carried on during that year at the same level as the current fiscal year without a change in policy. The President shall state the estimated budget outlays and proposed budget authority by function and subfunction under the classifications in the budget summary table under the heading "Budget Authority and Outlays by Function and Agency", by major programs in each function, and by agency. The President also shall include a statement of the economic and program assumptions on which those budget outlays and budget authority are based, including inflation, real economic growth, and unemployment rates, program caseloads, and pay increases.

(b) The Joint Economic Committee shall review the estimated budget outlays and proposed budget authority and submit an economic evaluation of the budget outlays and budget authority to the Committees on the Budget of both Houses before January 1 of each year.

§ 1110. Year-ahead requests for authorizing legislation

A request to enact legislation authorizing new budget authority to continue a program or activity for a fiscal year shall be submitted to Congress before May 16 of the year before the year in which the fiscal year begins. If a new program or activity will continue for more than one year, the request must be submitted for at least the first and 2d fiscal years.

§ 1111. Improving economy and efficiency

To improve economy and efficiency in the United States Government, the President shall—

Study.

(1) make a study of each agency to decide, and may send Congress recommendations, on changes that should be made in—

(A) the organization, activities, and business methods of agencies;

(B) agency appropriations;

(C) the assignment of particular activities to particular services; and

(D) regrouping of services; and

(2) evaluate and develop improved plans for the organization, coordination, and management of the executive branch of the Government.

§ 1112. Fiscal, budget, and program information

"Agency."

(a) In this section, "agency" means a department, agency, or instrumentality of the United States Government except a mixed-ownership Government corporation.

(b) In cooperation with the Comptroller General, the Secretary of the Treasury and the Director of the Office of Management and Budget shall establish and maintain standard data processing and information systems for fiscal, budget, and program information for use by agencies to meet the needs of the Government, and to the extent practicable, of State and local governments.

96 STAT. 914

(c) The Comptroller General—

(1) in cooperation with the Secretary, the Director of the Office of Management and Budget, and the Director of the Congressional Budget Office, shall establish, maintain, and publish standard terms and classifications for fiscal, budget, and program information of the Government, including information on fiscal policy, receipts, expenditures, programs, projects, activities, and functions;

Report to Congress.

(2) when advisable, shall report to Congress on those terms and classifications, and recommend legislation necessary to promote the establishment, maintenance, and use of standard terms and classifications by the executive branch of the Government; and

(3) in carrying out this subsection, shall give particular consideration to the needs of the Committees on Appropriations and on the Budget of both Houses of Congress, the Committee on Ways and Means of the House, the Committee on Finance of the Senate, and the Congressional Budget Office.

(d) Agencies shall use the standard terms and classifications published under subsection (c)(1) of this section in providing fiscal, budget, and program information to Congress.

(e) In consultation with the President, the head of each executive agency shall take actions necessary to achieve to the extent possible—

(1) consistency in budget and accounting classifications;

(2) synchronization between those classifications and organizational structure; and

(3) information by organizational unit on performance and program costs to support budget justifications.

(f) In cooperation with the Director of the Congressional Budget Office, the Comptroller General, and appropriate representatives of State and local governments, the Director of the Office of Management and Budget (to the extent practicable) shall provide State and local governments with fiscal, budget, and program information necessary for accurate and timely determination by those governments of the impact on their budgets of assistance of the United States Government.

§ 1113. Congressional information

(a) When requested by a committee of Congress having jurisdiction over receipts or appropriations, the President shall provide the committee with assistance and information.

(b) When requested by a committee of Congress, by the Comptroller General, or by the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the head of each executive agency shall—

(1) provide information on the location and kind of available fiscal, budget, and program information;

(2) to the extent practicable, prepare summary tables of that fiscal, budget, and program information and related information the committee, the Comptroller General, or the Director of the Congressional Budget Office considers necessary; and 96 STAT. 915

(3) provide a program evaluation carried out or commissioned by an executive agency.

(c) In cooperation with the Director of the Congressional Budget Office, the Secretary, and the Director of the Office of Management and Budget, the Comptroller General shall—

(1) establish and maintain a current directory of sources of, and information systems for, fiscal, budget, and program information and a brief description of the contents of each source and system;

(2) when requested, provide assistance to committees of Congress and members of Congress in obtaining information from the sources in the directory; and

(3) when requested, provide assistance to committees and, to the extent practicable, to members of Congress in evaluating the information obtained from the sources in the directory.

(d) To the extent they consider necessary, the Comptroller General and the Director of the Congressional Budget Office individually or jointly shall establish and maintain a file of information to meet recurring needs of Congress for fiscal, budget, and program information to carry out this section and sections 717 and 1112 of this title. The file shall include information on budget requests, congressional authorizations to obligate and expend, apportionment and reserve actions, and obligations and expenditures. The Comptroller General and the Director shall maintain the file and an index to the file so that it is easier for the committees and agencies of Congress to use the file and index through data processing and communications techniques.

(e)(1) The Comptroller General shall—

(A) carry out a continuing program to identify the needs of committees and members of Congress for fiscal, budget, and program information to carry out this section and section 1112 of this title;

(B) assist committees of Congress in developing their information needs;

(C) monitor recurring reporting requirements of Congress and committees; and

(D) make recommendations to Congress and committees for changes and improvements in those reporting requirements to meet information needs identified by the Comptroller General, to improve their usefulness to congressional users, and to eliminate unnecessary reporting.

Report to Congress.

(2) Before September 2 of each year, the Comptroller General shall report to Congress on—

(A) the needs identified under paragraph (1)(A) of this subsection;

(B) the relationship of those needs to existing reporting requirements;

(C) the extent to which reporting by the executive branch of the United States Government currently meets the identified needs;

(D) the changes to standard classifications necessary to meet congressional needs;

(E) activities, progress, and results of the program of the Comptroller General under paragraph (1)(B)–(D) of this subsection; and

96 STAT. 916

(F) progress of the executive branch in the prior year.

Report to Congress.

(3) Before March 2 of each year, the Director of the Office of Management and Budget and the Secretary shall report to Congress on plans for meeting the needs identified under paragraph (1)(A) of this subsection, including—

(A) plans for carrying out changes to classifications to meet information needs of Congress;

(B) the status of information systems in the prior year; and

(C) the use of standard classifications.

§ 1114. Budget information on consulting services

(a) The head of each agency shall include in the budget justification for the agency submitted each year to the Committees on Appropriations of both Houses of Congress—

(1) amounts requested for consulting services;

(2) the appropriation accounts from which the amounts are to be paid; and

(3) a description of the need for the consulting services, including a list of the major programs requiring those services.

(b) The Inspector General or comparable official of each agency shall submit to Congress each year, with the budget justification for the agency, an evaluation of the progress of the agency in establishing effective management controls and improving the accuracy and completeness of the information provided to the Federal Procurement Data System on contracts for consulting services. If the agency does not have an Inspector General or comparable official, the head of the agency or officer or employee designated by the head of the agency shall submit the evaluation.

CHAPTER 13—APPROPRIATIONS

SUBCHAPTER I—GENERAL

Sec.
1301. Application.
1302. Determining amounts appropriated.
1303. Effect of changes in titles of appropriations.
1304. Judgments, awards, and compromise settlements.
1305. Miscellaneous permanent appropriations.
1306. Use of foreign credits.
1307. Public building construction.
1308. Telephone and metered services.
1309. Social security tax.
1310. Appropriations for private organizations.

SUBCHAPTER II—TRUST FUNDS AND REFUNDS

1321. Trust funds.
1322. Payments of unclaimed trust fund amounts and refund of amounts erroneously deposited.

Sec.
1323. Trust funds for certain fees, donations, quasi-public amounts, and unearned amounts.
1324. Refund of internal revenue collections.

SUBCHAPTER III—LIMITATIONS, EXCEPTIONS, AND PENALTIES

1341. Limitations on expending and obligating amounts.
1342. Limitation on voluntary services.
1343. Buying and leasing passenger motor vehicles and aircraft.
1344. Passenger motor vehicle and aircraft use.
1345. Expenses of meetings.
1346. Commissions, councils, boards, and interagency and similar groups.
1347. Appropriations or authorizations required for agencies in existence for more than one year.
1348. Telephone installation and charges.
1349. Adverse personnel actions.
1350. Criminal penalty.
1351. Reports on violations.

96 STAT. 917

SUBCHAPTER I—GENERAL

§ 1301. Application

(a) Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

(b) The reappropriation and diversion of the unexpended balance of an appropriation for a purpose other than that for which the appropriation originally was made shall be construed and accounted for as a new appropriation. The unexpended balance shall be reduced by the amount to be diverted.

(c) An appropriation in a regular, annual appropriation law may be construed to be permanent or available continuously only if the appropriation—

(1) is for rivers and harbors, lighthouses, public buildings, or the pay of the Navy and Marine Corps; or

(2) expressly provides that it is available after the fiscal year covered by the law in which it appears.

(d) A law may be construed to make an appropriation out of the Treasury or to authorize making a contract for the payment of money in excess of an appropriation only if the law specifically states that an appropriation is made or that such a contract may be made.

§ 1302. Determining amounts appropriated

Except as specifically provided by law, the total amount appropriated in an appropriation law is determined by adding up the specific amounts or rates appropriated in each paragraph of the law.

§ 1303. Effect of changes in titles of appropriations

Expenditures for a particular object or purpose authorized by a law (and referred to in that law by the specific title previously used for the appropriation item in the appropriation law concerned) may be made from a corresponding appropriation item when the specific title is changed or eliminated from a later appropriation law.

§ 1304. Judgments, awards, and compromise settlements

(a) Necessary amounts are appropriated to pay final judgments, awards, compromise settlements, and interest and costs specified in the judgments or otherwise authorized by law when—

(1) payment is not otherwise provided for;

(2) payment is certified by the Comptroller General; and

(3) the judgment, award, or settlement is payable—

(A) under section 2414, 2517, 2672, or 2677 of title 28; 28 USC 2414, 2517, 2672, 2677.

(B) under section 3723 of this title;

(C) under a decision of a board of contract appeals; or

(D) in excess of an amount payable from the appropriations of an agency for a meritorious claim under section 2733 or 2734 of title 10, section 715 of title 32, or section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473). 10 USC 2733, 2734. 32 USC 715.

(b)(1) Interest may be paid from the appropriation made by this section—

96 STAT. 918

28 USC 2411.

(A) on a judgment of a district court under section 2411(b) of title 28, only when the judgment becomes final after review on appeal or petition by the United States Government, and then only from the date of filing of the transcript of the judgment with the Comptroller General through the day before the date of the mandate of affirmance; or

28 USC 2516.

(B) on a judgment of the Court of Claims under section 2516(b) of title 28, only from the date of filing of the transcript of the judgment with the Comptroller General through the day before the date of the mandate of affirmance.

(2) Interest payable under this subsection in a proceeding reviewed by the Supreme Court is not allowed after the end of the term in which the judgment is affirmed.

28 USC 2414, 2517, 2518.

(c)(1) A judgment or compromise settlement against the Government shall be paid under this section and sections 2414, 2517, and 2518 of title 28 when the judgment or settlement arises out of an express or implied contract made by—

(A) the Army and Air Force Exchange Service;
(B) the Navy Exchanges;
(C) the Marine Corps Exchanges;
(D) the Coast Guard Exchanges; or
(E) the Exchange Councils of the National Aeronautics and Space Administration.

(2) The Exchange making the contract shall reimburse the Government for the amount paid by the Government.

§ 1305. Miscellaneous permanent appropriations

Necessary amounts are appropriated for the following:

(1) to pay the proceeds of the personal estate of a United States citizen dying abroad to the legal representative of the deceased on proper demand and proof.

(2) to pay interest on the public debt under laws authorizing payment.

(3) to pay proceeds from derelict and salvage cases adjudged by the courts of the United States to salvors.

31 USC 711.

(4) to make payments required under contracts made under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308) for the payment of interest on obligations guaranteed by the Secretary of Housing and Urban Development under section 108.

(5) to make payments required under contracts made under section 103(b) of the Housing Act of 1949 (42 U.S.C. 1453(b)) for projects or programs for which amounts had been committed before January 1, 1975, and for which amounts have not been appropriated.

(6) to pay for the construction of buildings and expenses of the Smithsonian Institution, at 6 percent on the fund derived from the bequest of James Smithson.

§ 1306. Use of foreign credits

Foreign credits owed to or owned by the Treasury are not available for expenditure by agencies except as provided annually in general appropriation laws.

§ 1307. Public building construction

96 STAT. 919

Amounts appropriated to construct public buildings remain available until completion of the work. When a building is completed and outstanding liabilities for the construction are paid, balances remaining shall revert immediately to the Treasury.

§ 1308. Telephone and metered services

Charges for telephone and metered services (such as gas, electricity, water, and steam) for a time period beginning in one fiscal year or allotment period and ending in another fiscal year or allotment period may be charged against the appropriation or allotment current at the end of the time period covered by the service.

§ 1309. Social security tax

Amounts made available for the compensation of officers and employees of the United States Government may be used to pay taxes imposed on an agency as an employer under chapter 21 of the Internal Revenue Code of 1954 (26 U.S.C. 3101 et seq.).

§ 1310. Appropriations for private organizations

(a) The Secretary of the Treasury shall credit an appropriation for a private organization to the appropriate fiscal official of the organization. The credit shall be carried on the accounts of—

(1) the Treasury; or

(2) a designated depositary of the United States Government (except a national bank).

(b) The fiscal official may pay an amount out of the appropriation only on a check of the fiscal official—

(1) payable to the order of the person to whom payment is to be made; and

(2) that states the specific purpose for which the amount is to be applied.

(c)(1) The fiscal official may pay an amount of less than $20 out of the appropriation on a check—

(A) payable to the order of the fiscal official; and

(B) that states the amount is to be applied to small claims.

(2) The fiscal official shall provide the Secretary or the designated depositary on which the check is drawn with a certified list of the claims. The list shall state the kind and amount of each claim and the name of each claimant.

SUBCHAPTER II—TRUST FUNDS AND REFUNDS

§ 1321. Trust funds

(a) The following are classified as trust funds:

(1) Philippine special fund (customs duties).

(2) Philippine special fund (internal revenue).

(3) Unclaimed condemnation awards, Department of the Treasury.

(4) Naval reservation, Olangapo civil fund.

(5) Personal funds of deceased inmates, Naval Home.

(6) Return to deported aliens of passage money collected from steamship companies.

(7) Vocational rehabilitation, special fund.

(8) Library of Congress gift fund.

(9) Library of Congress trust fund, investment account.

(10) Library of Congress trust fund, income from investment account.

(11) Library of Congress trust fund, permanent loan. 96 STAT. 919

(12) Relief and rehabilitation, Longshoremen's and Harbor Workers' Compensation Act.

(13) Cooperative work, Forest Service.

(14) Wages and effects of American seamen, Department of Commerce.

(15) Pension money, Saint Elizabeths Hospital.

(16) Personal funds of patients, Saint Elizabeths Hospital.

(17) National Park Service, donations.

(18) Purchase of lands, national parks, donations.

(19) Extension of winter-feed facilities of game animals of Yellowstone National Park, donations.

(20) Indian moneys, proceeds of labor, agencies, schools, and so forth.

(21) Funds of Federal prisoners.

(22) Commissary funds, Federal prisons.

(23) Pay of the Navy, deposit funds.

(24) Pay of Marine Corps, deposit funds.

(25) Pay of the Army, deposit fund.

(26) Preservation birthplace of Abraham Lincoln.

(27) Funds contributed for flood control, Mississippi River, its outlets and tributaries.

(28) Funds contributed for flood control, Sacramento River, California.

(29) Effects of deceased employees, Department of the Treasury.

(30) Money and effects of deceased patients, Public Health Service.

(31) Effects of deceased employees, Department of Commerce.

(32) Topographic survey of the United States, contributions.

(33) National Institutes of Health, gift fund.

(34) National Institutes of Health, conditional gift fund.

(35) Patients' deposits, United States Marine Hospital, Carville, Louisiana.

(36) Estates of deceased personnel, Department of the Army.

(37) Effects of deceased employees, Department of the Interior.

(38) Fredericksburg and Spotsylvania County Battlefields memorial fund.

(39) Petersburg National Military Park fund.

(40) Gorgas memorial laboratory quotas.

(41) Contributions to International Boundary Commission, United States and Mexico.

(42) Salvage proceeds, American vessels.

(43) Wages due American seamen.

(44) Federal Industrial Institution for Women, contributions for chapel.

(45) General post fund, National Homes, Veterans' Administration.

(46) Repatriation of American seamen.

(47) Expenses, public survey work, general.

(48) Expenses, public survey work, Alaska.

(49) Funds contributed for improvement of roads, bridges, and trails, Alaska.

(50) Protective works and measures, Lake of the Woods and Rainy River, Minnesota.

(51) Washington redemption fund.

96 STAT. 921

(52) Permit fund, District of Columbia.

(53) Unclaimed condemnation awards, National Capital Park and Planning Commission, District of Columbia.

(54) Unclaimed condemnation awards, Rock Creek and Potomac Parkway Commission, District of Columbia.

(55) Miscellaneous trust fund deposits, District of Columbia.

(56) Surplus fund, District of Columbia.

(57) Relief and rehabilitation, District of Columbia Workmen's Compensation Act.

(58) Inmates' fund, workhouse and reformatory, District of Columbia.

(59) Soldiers' Home, permanent fund.

(60) Chamber Music Auditorium, Library of Congress.

(61) Bequest of Gertrude Hubbard.

(62) Puerto Rico special fund (Internal Revenue).

(63) Miscellaneous trust funds, Department of State.

(64) Funds contributed for improvement of (name of river or harbor).

(65) Funds advanced for improvement of (name of river or harbor).

(66) Funds contributed for Indian projects.

(67) Miscellaneous trust funds of Indian tribes.

(68) Ship's stores profits, Navy.

(69) Completing Surveys within Railroad Land Grants.

(70) Memorial to Women of World War, contributions.

(71) Funds contributed for Memorial to John Ericsson.

(72) American National Red Cross Building, contributions.

(73) Estate of decedents, Department of State, Trust Fund.

(74) Funds due Incompetent Beneficiaries, Veterans' Administration.

(75) To promote the Education of the Blind (principal).

(76) Paving Government Road across Fort Sill Military Reservation, Okla.

(77) Bequest of William F. Edgar, Museum and Library, office of Surgeon General of the Army.

(78) Funds Contributed for Flood Control (name of river, harbor, or project).

(79) Matured obligations of the District of Columbia.

(80) To promote the education of the blind (interest).

(81) Soldiers' Home, interest account.

(82) Post-Vietnam Era Veterans Education Account, Veterans' Administration.

(83) United States Government life insurance fund, Veterans' Administration.

(84) Estates of deceased soldiers, United States Army.

(85) Teachers Retirement Fund Deductions, District of Columbia.

(86) Teachers Retirement Fund, Government Reserves, District of Columbia.

(87) Expenses of Smithsonian Institution Trust Fund (principal).

(88) Civil Service Retirement and Disability Fund.

(89) Canal Zone Retirement and Disability Fund.

(90) Foreign Service Retirement and Disability Fund.

(b) Amounts (except amounts received by the Comptroller of the Currency and the Federal Deposit Insurance Corporation) that are analogous to the funds named in subsection (a) of this section and are received by the United States Government as trustee shall be deposited in an appropriate trust fund account in the Treasury. Amounts accruing to these funds (except to the trust fund "Soldiers' Home, Permanent Fund") are appropriated to be disbursed in compliance with the terms of the trust. Expenditures from the trust fund "Soldiers' Home, Permanent Fund" shall be made only under annual appropriations. Those appropriations are authorized to be made.

96 STAT. 922

§ 1322. Payments of unclaimed trust fund amounts and refund of amounts erroneously deposited

(a) On September 30 of each year, the Secretary of the Treasury shall transfer to the Treasury trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" that part of the balance of a trust fund account named in section 1321(a)(1)-(82) of this title or an analogous trust fund established under section 1321(b) of this title that has been in the fund for more than one year and represents money belonging to individuals whose whereabouts are unknown. Subsequent claims to the transferred funds shall be paid from the account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown".

(b) Except as provided in subsection (c) of this section, necessary amounts are appropriated to the Secretary of the Treasury to make payments from—

(1) the Treasury trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown"; and

(2) the United States Government account "Refund of Moneys Erroneously Received and Covered" and other collections erroneously deposited that are not properly chargeable to another appropriation.

(c)(1) The Secretary of the Treasury shall hold in perpetuity in the Treasury trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" the balance remaining after the final distribution of unclaimed Postal Savings System deposits under section 1(a) of the Act of August 13, 1971 (Public Law 92-117, 85 Stat. 337). The Secretary shall use the balance to pay claims for Postal Savings System deposits without regard to the State law or the law of other jurisdictions of deposit about the disposition of unclaimed or abandoned property.

31 USC 725p note.

(2) Necessary amounts may be appropriated without fiscal year limitation to the trust fund receipt account to pay claims for deposits when the balance in the account is not sufficient to pay the claims because of payments made under paragraph (1) of this subsection.

§ 1323. Trust funds for certain fees, donations, quasi-public amounts, and unearned amounts

(a) Amounts from the following sources held in checking accounts of disbursing officials shall be deposited in the Treasury to the appropriate trust fund receipt accounts:

(1) unearned money, lands (Department of the Interior).

(2) reentry permit fees (Department of Justice).

(3) naturalization fees (Department of Justice).

(4) registry fees (Department of Justice).

(b) Amounts deposited under subsection (a) of this section are appropriated for refunds. Earned parts of those amounts shall be transferred and credited to the appropriate receipt fund accounts. 96 STAT. 923

(c) Donations, quasi-public amounts, and unearned amounts shall be deposited in the Treasury as trust funds and are appropriated for disbursement under the terms of the trusts when the donation or amount is—

(1) administered by officers and employees of the United States Government; and

(2) carried in checking accounts of disbursing officials or others required to account to the Comptroller General (except clerks and marshals of the United States district courts).

§ 1324. Refund of internal revenue collections

(a) Necessary amounts are appropriated to the Secretary of the Treasury for refunding internal revenue collections as provided by law, including payment of—

(1) claims for prior fiscal years; and

(2) accounts arising under—

(A) "Allowance or drawback (Internal Revenue)";

(B) "Redemption of stamps (Internal Revenue)";

(C) "Refunding legacy taxes, Act of March 30, 1928";

(D) "Repayment of taxes on distilled spirits destroyed by casualty"; and

(E) "Refunds and payments of processing and related taxes".

(b) Disbursements may be made from the appropriation made by this section only for—

(1) refunds to the limit of liability of an individual tax account; and

(2) refunds due from credit provisions of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) enacted before January 1, 1978.

SUBCHAPTER III—LIMITATIONS, EXCEPTIONS, AND PENALTIES

§ 1341. Limitations on expending and obligating amounts

(a)(1) An officer or employee of the United States Government or of the District of Columbia government may not—

(A) make or authorize an expenditure or obligation exceeding an amount available in an appropriation or fund for the expenditure or obligation; or

(B) involve either government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law.

(2) This subsection does not apply to a corporation getting amounts to make loans (except paid in capital amounts) without legal liability of the United States Government.

(b) An article to be used by an executive department in the District of Columbia that could be bought out of an appropriation made to a regular contingent fund of the department may not be bought out of another amount available for obligation.

§ 1342. Limitation on voluntary services

An officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property. This section does not apply to a corporation getting amounts to make loans (except paid in capital amounts) without legal liability of the United States Government.

96 STAT. 924

§ 1343. Buying and leasing passenger motor vehicles and aircraft

(a) In this section, buying a passenger motor vehicle or aircraft includes a transfer of the vehicle or aircraft between agencies.

(b) An appropriation may be expended to buy or lease passenger motor vehicles only—

(1) for the use of—

(A) the President;

(B) the secretaries to the President; or

(C) the heads of executive departments listed in section 101 of title 5; or 5 USC 101.

(2) as specifically provided by law.

(c)(1) Except as specifically provided by law, an agency may use an appropriation to buy a passenger motor vehicle (except a bus or ambulance) only at a total cost (except costs required only for transportation) that—

(A) includes the price of systems and equipment the Administrator of General Services decides is incorporated customarily in standard passenger motor vehicles completely equipped for ordinary operation;

(B) includes the value of a vehicle used in exchange;

(C) is not more than the maximum price established by the agency having authority under law to establish a maximum price; and

(D) is not more than the amount specified in a law.

(2) Additional systems and equipment may be bought for a passenger motor vehicle if the Administrator decides the purchase is appropriate. The price of additional systems or equipment is not included in deciding whether the cost of the vehicle is within a maximum price specified in a law.

(d) An appropriation (except an appropriation for the armed forces) is available to buy, maintain, or operate an aircraft only if the appropriation specifically authorizes the purchase, maintenance, or operation.

(e) This section does not apply to—

(1) buying, maintaining, and repairing passenger motor vehicles by the United States Capitol Police;

(2) buying, maintaining, and repairing vehicles necessary to carry out projects to improve, preserve, and protect rivers and harbors; or

(3) leasing, maintaining, repairing, or operating motor passenger vehicles necessary in the field work of the Department of Agriculture.

§ 1344. Passenger motor vehicle and aircraft use

(a) Except as specifically provided by law, an appropriation may be expended to maintain, operate, and repair passenger motor vehicles or aircraft of the United States Government that are used only for an official purpose. An official purpose does not include transporting officers or employees of the Government between their domiciles and places of employment except—

(1) medical officers on out-patient medical service; and

(2) officers or employees performing field work requiring transportation between their domiciles and places of employ-

96 STAT. 925 ment when the transportation is approved by the head of the agency.

(b) This section does not apply to a motor vehicle or aircraft for the official use of—

(1) the President;

(2) the heads of executive departments listed in section 101 of title 5; or

(3) principal diplomatic and consular officials.

§ 1345. Expenses of meetings

Except as specifically provided by law, an appropriation may not be used for travel, transportation, and subsistence expenses for a meeting. This section does not prohibit—

(1) an agency from paying the expenses of an officer or employee of the United States Government carrying out an official duty; and

(2) the Secretary of Agriculture from paying necessary expenses for a meeting called by the Secretary for 4-H Boys and Girls Clubs as part of the cooperative extension work of the Department of Agriculture.

§ 1346. Commissions, councils, boards, and interagency and similar groups

(a) Except as provided in this section—

(1) public money and appropriations are not available to pay—

(A) the pay or expenses of a commission, council, board, or similar group, or a member of that group;

(B) expenses related to the work or the results of work or action of that group; or

(C) for the detail or cost of personal services of an officer or employee from an executive agency in connection with that group; and

(2) an accounting or disbursing official, absent a special appropriation to pay the account or charge, may not allow or pay an account or charge related to that group.

(b) Appropriations of an executive agency are available for the expenses of an interagency group conducting activities of interest common to executive agencies when the group includes a representative of the agency. The representatives receive no additional pay because of membership in the group. An officer or employee of an executive agency not a representative of the group may not receive additional pay for providing services for the group.

(c) Subject to section 1347 of this title, this section does not apply to—

(1) commissions, councils, boards, or similar groups authorized by law;

(2) courts-martial or courts of inquiry of the armed forces; or

(3) the contingent fund related to foreign relations at the disposal of the President.

§ 1347. Appropriations or authorizations required for agencies in existence for more than one year

(a) An agency in existence for more than one year may not use amounts otherwise available for obligation to pay its expenses without a specific appropriation or specific authorization by law. If the principal duties and powers of the agency are substantially the same as or similar to the duties and powers of an agency established by executive order, the agency established later is deemed to have been in existence from the date the agency established by the order came into existence.

96 STAT. 926

(b) Except as specifically authorized by law, another agency may not use amounts available for obligation to pay expenses to carry out duties and powers substantially the same as or similar to the principal duties and powers of an agency that is prohibited from using amounts under this section.

§ 1348. Telephone installation and charges

(a)(1) Except as provided in this section, appropriations are not available to install telephones in private residences or for tolls or other charges for telephone service from private residences.

(2) Under regulations of the Secretary of State, appropriations may be used to install and pay for the use of telephones in residences owned or leased by the United States Government in foreign countries for the use of the Foreign Service. Subsection (b) of this section applies to long-distance calls made on those telephones.

(b) Appropriations of an agency are available to pay charges for a long-distance call if required for official business and the voucher to pay for the call is sworn to by the head of the agency. Appropriations of an executive agency are available only if the head of the agency also certifies that the call is necessary in the interest of the Government.

(c) Under regulations prescribed by the Secretary of the Army on recommendation of the Chief of Engineers, not more than $30,000 may be expended each fiscal year to install and use in private residences telephones required for official business in constructing and operating locks and dams for navigation, flood control, and related water uses.

§ 1349. Adverse personnel actions

(a) An officer or employee of the United States Government or of the District of Columbia government violating section 1341(a) or 1342 of this title shall be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office.

(b) An officer or employee who willfully uses or authorizes the use of a passenger motor vehicle or aircraft owned or leased by the United States Government (except for an official purpose authorized by section 1344 of this title) or otherwise violates section 1344 shall be suspended without pay by the head of the agency. The officer or employee shall be suspended for at least one month, and when circumstances warrant, for a longer period or summarily removed from office.

§ 1350. Criminal penalty

An officer or employee of the United States Government or of the District of Columbia government knowingly and willfully violating section 1341(a) or 1342 of this title shall be fined not more than $5,000, imprisoned for not more than 2 years, or both.

§ 1351. Reports on violations

If an officer or employee of an executive agency or an officer or employee of the District of Columbia government violates section 1341(a) or 1342 of this title, the head of the agency or the Mayor of the District of Columbia, as the case may be, shall report immediately to the President and Congress all relevant facts and a statement of actions taken.

96 STAT. 927

CHAPTER 15—APPROPRIATION ACCOUNTING

SUBCHAPTER I—GENERAL

Sec.
1501. Documentary evidence requirement for Government obligations.
1502. Balances available.
1503. Comptroller General reports of amounts for which no accounting is made.

SUBCHAPTER II—APPORTIONMENT

1511. Definition and application.
1512. Apportionment and reserves.
1513. Officials controlling apportionments.
1514. Administrative division of apportionments.
1515. Authorized apportionments necessitating deficiency or supplemental appropriations.
1516. Exemptions.
1517. Prohibited obligations and expenditures.
1518. Adverse personnel actions.
1519. Criminal penalty.

SUBCHAPTER III—TRANSFERS AND REIMBURSEMENTS

1531. Transfers of functions and activities.
1532. Withdrawal and credit.
1533. Transfers of appropriations for salaries and expenses to carry out national defense responsibilities.
1534. Adjustments between appropriations.
1535. Agency agreements.
1536. Crediting payments from purchases between executive agencies.
1537. Services between the United States Government and the District of Columbia government.

SUBCHAPTER IV—CLOSING ACCOUNTS

1551. Definitions and application.
1552. Procedure for appropriation accounts available for definite periods.
1553. Availability of appropriation accounts to pay obligations.
1554. Review of appropriation accounts.
1555. Withdrawal of unobligated balances of appropriations for indefinite periods.
1556. Comptroller General reports on appropriation accounts.
1557. Authorization to exempt.

SUBCHAPTER I—GENERAL

§ 1501. Documentary evidence requirement for Government obligations

(a) An amount shall be recorded as an obligation of the United States Government only when supported by documentary evidence of—

(1) a binding agreement between an agency and another person (including an agency) that is—

(A) in writing, in a way and form, and for a purpose authorized by law; and

(B) executed before the end of the period of availability for obligation of the appropriation or fund used for specific goods to be delivered, real property to be bought or leased, or work or service to be provided;

(2) a loan agreement showing the amount and terms of repayment;

96 STAT. 928

(3) an order required by law to be placed with an agency;

(4) an order issued under a law authorizing purchases without advertising—

(A) when necessary because of a public exigency;

(B) for perishable subsistence supplies; or

(C) within specific monetary limits;

(5) a grant or subsidy payable—

(A) from appropriations made for payment of, or contributions to, amounts required to be paid in specific amounts fixed by law or under formulas prescribed by law;

(B) under an agreement authorized by law; or

(C) under plans approved consistent with and authorized by law;

(6) a liability that may result from pending litigation;

(7) employment or services of persons or expenses of travel under law;

(8) services provided by public utilities; or

(9) other legal liability of the Government against an available appropriation or fund.

(b) A statement of obligations provided to Congress or a committee of Congress by an agency shall include only those amounts that are obligations consistent with subsection (a) of this section.

§ 1502. Balances available

(a) The balance of an appropriation or fund limited for obligation to a definite period is available only for payment of expenses properly incurred during the period of availability or to complete contracts properly made within that period of availability and obligated consistent with section 1501 of this title. However, the appropriation or fund is not available for expenditure for a period beyond the period otherwise authorized by law.

(b) A provision of law requiring that the balance of an appropriation or fund be returned to the general fund of the Treasury at the end of a definite period does not affect the status of lawsuits or rights of action involving the right to an amount payable from the balance.

§ 1503. Comptroller General reports of amounts for which no accounting is made

The Comptroller General shall make a special report each year to Congress on recommendations for changes in laws, that the Comptroller General believes may be in the public interest, about amounts—

(1) for which no accounting is made to the Comptroller General; and

(2) that are in—

(A) accounts of the United States Government; or

(B) the custody of an officer or employee of the Government if the Government is financially concerned.

SUBCHAPTER II—APPORTIONMENT

§ 1511. Definition and application

(a) In this subchapter, "appropriations" means—

(1) appropriated amounts;

(2) funds; and

96 STAT. 929

(3) authority to make obligations by contract before appropriations.

(b) This subchapter does not apply to—

(1) amounts (except amounts for administrative expenses) available—

(A) for price support and surplus removal of agricultural commodities; and

(B) under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c);

(2) a corporation getting amounts to make loans (except paid in capital amounts) without legal liability on the part of the United States Government; and

(3) the Senate, the House of Representatives, a committee of Congress, a member, officer, employee, or office of either House of Congress, or the Office of the Architect of the Capitol or an officer or employee of that Office.

§ 1512. Apportionment and reserves

(a) Except as provided in this subchapter, an appropriation available for obligation for a definite period shall be apportioned to prevent obligation or expenditure at a rate that would indicate a necessity for a deficiency or supplemental appropriation for the period. An appropriation for an indefinite period and authority to make obligations by contract before appropriations shall be apportioned to achieve the most effective and economical use. An apportionment may be reapportioned under this section.

(b)(1) An appropriation subject to apportionment is apportioned by—

(A) months, calendar quarters, operating seasons, or other time periods;

(B) activities, functions, projects, or objects; or

(C) a combination of the ways referred to in clauses (A) and (B) of this paragraph.

(2) The official designated in section 1513 of this title to make apportionments shall apportion an appropriation under paragraph (1) of this subsection as the official considers appropriate. Except as specified by the official, an amount apportioned is available for obligation under the terms of the appropriation on a cumulative basis unless reapportioned.

(c)(1) In apportioning or reapportioning an appropriation, a reserve may be established only—

(A) to provide for contingencies;

(B) to achieve savings made possible by or through changes in requirements or greater efficiency of operations; or

(C) as specifically provided by law.

(2) A reserve established under this subsection may be changed as necessary to carry out the scope and objectives of the appropriation concerned. When an official designated in section 1513 of this title to make apportionments decides that an amount reserved will not be required to carry out the objectives and scope of the appropriation concerned, the official shall recommend the rescission of the amount in the way provided in chapter 11 of this title for appropriation requests. Reserves established under this section shall be reported to Congress as provided in the Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.).

Ante, p. 907.

31 USC 1322 note.

96 STAT. 930

(d) An apportionment or a reapportionment shall be reviewed at least 4 times a year by the official designated in section 1513 of this title to make apportionments.

§ 1513. Officials controlling apportionments

(a) The official having administrative control of an appropriation available to the legislative branch, the judicial branch, the United States International Trade Commission, or the District of Columbia government that is required to be apportioned under section 1512 of this title shall apportion the appropriation in writing. An appropriation shall be apportioned not later than the later of the following:

(1) 30 days before the beginning of the fiscal year for which the appropriation is available; or

(2) 30 days after the date of enactment of the law by which the appropriation is made available.

(b)(1) The President shall apportion in writing an appropriation available to an executive agency (except the Commission) that is required to be apportioned under section 1512 of this title. The head of each executive agency to which the appropriation is available shall submit to the President information required for the apportionment in the form and the way and at the time specified by the President. The information shall be submitted not later than the later of the following:

(A) 40 days before the beginning of the fiscal year for which the appropriation is available; or

(B) 15 days after the date of enactment of the law by which the appropriation is made available.

(2) The President shall notify the head of the executive agency of the action taken in apportioning the appropriation under paragraph (1) of this subsection not later than the later of the following:

(A) 20 days before the beginning of the fiscal year for which the appropriation is available; or

(B) 30 days after the date of enactment of the law by which the appropriation is made available.

(c) By the first day of each fiscal year, the head of each executive department of the United States Government shall apportion among the major organizational units of the department the maximum amount to be expended by each unit during the fiscal year out of each contingent fund appropriated for the entire year for the department. Each amount may be changed during the fiscal year only by written direction of the head of the department. The direction shall state the reasons for the change.

(d) An appropriation apportioned under this subchapter may be divided and subdivided administratively within the limits of the apportionment.

(e) This section does not affect the initiation and operation of agricultural price support programs.

§ 1514. Administrative division of apportionments

(a) The official having administrative control of an appropriation available to the legislative branch, the judicial branch, the United States International Trade Commission, or the District of Columbia government, and, subject to the approval of the President, the head of each executive agency (except the Commission) shall prescribe by regulation a system of administrative control not inconsistent with accounting procedures prescribed under law. The system shall be designed to—

96 STAT. 931

(1) restrict obligations or expenditures from each appropriation to the amount of apportionments or reapportionments of the appropriation; and

(2) enable the official or the head of the executive agency to fix responsibility for an obligation or expenditure exceeding an apportionment or reapportionment.

(b) To have a simplified system for administratively dividing appropriations, the head of each executive agency (except the Commission) shall work toward the objective of financing each operating unit, at the highest practical level, from not more than one administrative division for each appropriation affecting the unit.

§ 1515. Authorized apportionments necessitating deficiency or supplemental appropriations

(a) An appropriation required to be apportioned under section 1512 of this title may be apportioned on a basis that indicates a necessity for a deficiency or supplemental appropriation to the extent necessary to permit payment of pay increases for prevailing rate employees whose pay is fixed and adjusted under subchapter IV of chapter 53 of title 5.

5 USC 5341.

(b)(1) Except as provided in subsection (a) of this section, an official may make, and the head of an executive agency may request, an apportionment under section 1512 of this title that would indicate a necessity for a deficiency or supplemental appropriation only when the official or agency head decides that the action is required because of—

(A) a law enacted after submission to Congress of the estimates for an appropriation that requires an expenditure beyond administrative control; or

(B) an emergency involving the safety of human life, the protection of property, or the immediate welfare of individuals when an appropriation that would allow the United States Government to pay, or contribute to, amounts required to be paid to individuals in specific amounts fixed by law or under formulas prescribed by law, is insufficient.

Report to Congress.

(2) If an official making an apportionment decides that an apportionment would indicate a necessity for a deficiency or supplemental appropriation, the official shall submit immediately a detailed report of the facts to Congress. The report shall be referred to in submitting a proposed deficiency or supplemental appropriation.

§ 1516. Exemptions

An official designated in section 1513 of this title to make apportionments may exempt from apportionment—

(1) a trust fund or working fund if an expenditure from the fund has no significant effect on the financial operations of the United States Government;

(2) a working capital fund or a revolving fund established for intragovernmental operations;

(3) receipts from industrial and power operations available under law; and

(4) appropriations made specifically for—

(A) interest on, or retirement of, the public debt;

(B) payment of claims, judgments, refunds, and drawbacks;

96 STAT. 932

(C) items the President decides are of a confidential nature;

(D) payment under a law requiring payment of the total amount of the appropriation to a designated payee; and

(E) grants to the States under the Social Security Act (42 U.S.C. 301 et seq.).

§ 1517. Prohibited obligations and expenditures

(a) An officer or employee of the United States Government or of the District of Columbia government may not make or authorize an expenditure or obligation exceeding—

(1) an apportionment; or

(2) the amount permitted by regulations prescribed under section 1514(a) of this title.

Report to President and Congress.

(b) If an officer or employee of an executive agency or of the District of Columbia government violates subsection (a) of this section, the head of the executive agency or the Mayor of the District of Columbia, as the case may be, shall report immediately to the President and Congress all relevant facts and a statement of actions taken.

§ 1518. Adverse personnel actions

An officer or employee of the United States Government or of the District of Columbia government violating section 1517(a) of this title shall be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office.

§ 1519. Criminal penalty

An officer or employee of the United States Government or of the District of Columbia government knowingly and willfully violating section 1517(a) of this title shall be fined not more than $5,000, imprisoned for not more than 2 years, or both.

SUBCHAPTER III—TRANSFERS AND REIMBURSEMENTS

§ 1531. Transfers of functions and activities

(a) The balance of an appropriation available and necessary to finance or discharge a function or activity transferred or assigned under law within an executive agency or from one executive agency to another may be transferred to and used—

(1) by the organizational unit or agency to which the function or activity was transferred or assigned; and

(2) for a purpose for which the appropriation was originally available.

(b) The head of the executive agency determines the amount that, with the approval of the President, is necessary to be transferred when the transfer or assignment of the function or activity is within the agency. The President determines the amount necessary to be transferred when the transfer or assignment of the function or activity is from one executive agency to another.

(c) A balance transferred under this section is—

(1) credited to an applicable existing or new appropriation account;

(2) merged with the amount in an account to which the balance is credited; and

96 STAT. 933

(3) with the amount with which the balance is merged, accounted for as one amount.

(d) New appropriation accounts may be established to carry out subsection (c)(1) of this section.

§ 1532. Withdrawal and credit

An amount available under law may be withdrawn from one appropriation account and credited to another or to a working fund only when authorized by law. Except as specifically provided by law, an amount authorized to be withdrawn and credited is available for the same purpose and subject to the same limitations provided by the law appropriating the amount. A withdrawal and credit is made by check and without a warrant.

§ 1533. Transfers of appropriations for salaries and expenses to carry out national defense responsibilities

An appropriation of an executive agency for salaries and expenses is available to carry out national defense responsibilities assigned to the agency under law. A transfer necessary to carry out this section may be made between appropriations or allocations within the executive agency. An allocation may not be made to an executive agency that can carry out with its regular personnel a defense activity assigned to it by using the authority of this section to realign its regular programs.

§ 1534. Adjustments between appropriations

(a) An appropriation available to an agency may be charged at any time during a fiscal year for the benefit of another appropriation available to the agency to pay costs—

(1) when amounts are available in both the appropriation to be charged and the appropriation to be benefited; and

(2) subject to limitations applicable to the appropriations.

(b) Amounts paid under this section are charged on a final basis during, or as of the close of, the fiscal year to the appropriation benefited. The appropriation charged under subsection (a) of this section shall be appropriately credited.

§ 1535. Agency agreements

(a) The head of an agency or major organizational unit within an agency may place an order with a major organizational unit within the same agency or another agency for goods or services if—

(1) amounts are available;

(2) the head of the ordering agency or unit decides the order is in the best interest of the United States Government;

(3) the agency or unit to fill the order is able to provide the ordered goods or services; and

(4) the head of the agency decides ordered goods or services cannot be provided as conveniently or cheaply by a commercial enterprise.

(b) Notwithstanding subsection (a)(3) of this section, the Secretary of Defense, the Secretary of a military department of the Department of Defense, the Secretary of Transportation in carrying out duties and powers related to aviation and the Coast Guard, the Secretary of the Treasury, the Administrator of General Services, and the Administrator of the Maritime Administration may place orders under this section for goods and services that an agency or unit filling the order may be able to provide or procure by contract. 96 STAT. 934

(c) Payment shall be made promptly by check on the written request of the agency or unit filling the order. Payment may be in advance or on providing the goods or services ordered and shall be for any part of the estimated or actual cost as determined by the agency or unit filling the order. A bill submitted or a request for payment is not subject to audit or certification in advance of payment. Proper adjustment of amounts paid in advance shall be made as agreed to by the heads of the agencies or units on the basis of the actual cost of goods or services provided.

(d) An order placed or agreement made under this section obligates an appropriation of the ordering agency or unit. The amount obligated is deobligated to the extent that the agency or unit filling the order has not incurred obligations, before the end of the period of availability of the appropriation, in—

(1) providing goods or services; or

(2) making an authorized contract with another person to provide the requested goods or services.

(e) This section does not—

(1) authorize orders to be placed for goods or services to be provided by convict labor; or

(2) affect other laws about working funds.

§ 1536. Crediting payments from purchases between executive agencies

(a) An advance payment made on an order under section 1535 of this title is credited to a special working fund that the Secretary of the Treasury considers necessary to be established. Except as provided in this section, any other payment is credited to the appropriation or fund against which charges were made to fill the order.

(b) An amount paid under section 1535 of this title may be expended in providing goods or services or for a purpose specified for the appropriation or fund credited. Where goods are provided from stocks on hand, the amount received in payment is credited so as to be available to replace the goods unless—

(1) another law authorizes the amount to be credited to some other appropriation or fund; or

(2) the head of the executive agency filling the order decides that replacement is not necessary, in which case, the amount received is deposited in the Treasury as miscellaneous receipts

(c) This section does not affect other laws about working funds.

§ 1537. Services between the United States Government and the District of Columbia government

(a) To prevent duplication and to promote efficiency and economy, an officer or employee of—

(1) the United States Government may provide services to the District of Columbia government; and

(2) the District of Columbia government may provide services to the United States Government.

(b)(1) Services under this section shall be provided under an agreement—

(A) negotiated by officers and employees of the two governments; and

96 STAT. 935

(B) approved by the Director of the Office of Management and Budget and the Mayor of the District of Columbia.

(2) Each agreement shall provide that the cost of providing the services shall be borne in the way provided in subsection (c) of this section by the government to which the services are provided at rates or charges based on the actual cost of providing the services.

(3) To carry out an agreement made under this subsection, the agreement may provide for the delegation of duties and powers of officers and employees of—

(A) the District of Columbia government to officers and employees of the United States Government; and

(B) the United States Government to officers and employees of the District of Columbia government.

(c) In providing services under an agreement made under subsection (b) of this section—

(1) costs incurred by the United States Government may be paid from appropriations available to the District of Columbia government officer or employee to whom the services were provided; and

(2) costs incurred by the District of Columbia government may be paid from amounts available to the United States Government officer or employee to whom the services were provided.

(d) When requested by the Director of the United States Secret Service, the Chief of the Metropolitan Police shall assist the Secret Service and the Executive Protective Service on a non-reimbursable basis in carrying out their protective duties under section 302 of title 3 and section 3056 of title 18.

3 USC 302.
18 USC 3056.

SUBCHAPTER IV—CLOSING ACCOUNTS

§ 1551. Definitions and application

(a) In this subchapter—

(1) an obligated balance of an appropriation account as of the end of a fiscal year is the amount of unliquidated obligations applicable to the appropriation less amounts collectible as repayments to the appropriation.

(2) an unobligated balance is the difference between the obligated balance and the total unexpended balance.

(b) This subchapter does not apply to—

(1) appropriations for the District of Columbia government; or

(2) appropriations to be disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.

§ 1552. Procedure for appropriation accounts available for definite periods

(a) Each appropriation account available for obligation for a definite period is closed as follows:

(1) The obligated balance is transferred on September 30th of the 2d fiscal year after the period of availability ends to an appropriation account of the agency responsible for paying the obligation. Amounts transferred from all appropriation accounts for the same general purpose are merged in the account for paying obligations.

(2) The unobligated balance is withdrawn at the end of the period of availability for obligation and reverts to the Treasury or, if derived only from a special or trust fund and not otherwise provided, reverts to the fund from which derived. The withdrawal shall be made not later than the November 15 occurring after the period of availability ends. When the head of the agency decides that part of a withdrawn unobligated balance is required to pay obligations and make adjustments, that part may be restored to the appropriate account.

96 STAT. 936

(b) Collections authorized to be credited to an appropriation, but not received before the transfer of the obligated balance under subsection (a)(1) of this section, are credited to the account into which the obligated balance was transferred. However, collections made by the Comptroller General for other agencies may be deposited in the Treasury as miscellaneous receipts.

(c) A withdrawal made under subsection (a)(2) of this section is accounted for and reported as of the fiscal year in which the appropriation concerned expires for obligation.

(d) The obligated balance of an appropriation made available for obligation for a definite period under a discontinued appropriation heading may be merged at the end of the 2d complete fiscal year after the fiscal year for which an appropriation is available for obligation—

(1) in the appropriation accounts provided under subsection (a) of this section; or

(2) in other accounts established under this subchapter for discontinued appropriations of the agency responsible for paying the obligations.

§ 1553. Availability of appropriation accounts to pay obligations

(a) Each appropriation account established under section 1552 of this title is accounted for separately and remains available until expended to pay obligations chargeable against any appropriation from which the account is derived.

(b) Under regulations prescribed by the Comptroller General, obligations under subsection (a) of this section may be paid without prior action of the Comptroller General. However, this subchapter does not—

(1) relieve the Comptroller General of the duty to make decisions requested under law; or

(2) affect the authority of the Comptroller General to settle claims and accounts.

§ 1554. Review of appropriation accounts

(a) The head of each agency shall review at least once a fiscal year each appropriation account established for the agency under section 1552 of this title. If the undisbursed balance is more than the obligated balance in the account, the excess shall be withdrawn in the way provided in section 1552(a)(2) of this title. If the obligated balance is more than the undisbursed balance, the excess may be restored to the account in an amount that is not more than the remaining unobligated balances of the appropriations available for the same general purposes. Before restoring an amount, the head of the agency shall make a report on the restoration as may be required by the President.

(b) The review required under subsection (a) of this section shall be made as of the end of each fiscal year. A withdrawal or restoration under this section shall be made not later than December 31 of the following fiscal year. However, a withdrawal or restoration is 96 STAT. 937 accounted for and reported as of the close of the fiscal year to which the review relates. A review made as of any other date for which a withdrawal or restoration is made after December 31 shall be accounted for and reported as transactions of the fiscal year in which made.

§ 1555. Withdrawal of unobligated balances of appropriations for indefinite periods

(a) An unobligated balance of an appropriation for an indefinite period shall be withdrawn in the way provided in section 1552(a)(2) of this title when the head of the agency concerned decides that the purposes for which the appropriation was made have been carried out or when no disbursement is made against the appropriation for 2 consecutive fiscal years.

(b) An amount of an appropriation withdrawn under this section may be restored to the applicable appropriation account to pay obligations and to settle accounts.

§ 1556. Comptroller General reports on appropriation accounts

(a) In carrying out audit responsibilities, the Comptroller General shall report on operations under this subchapter to—

(1) the head of the agency concerned;
(2) the Secretary of the Treasury; and
(3) the President.

(b) A report under this section shall include an appraisal of unpaid obligations under appropriation accounts established under section 1552 of this title. By the 30th day after receiving a report, the head of the agency concerned shall carry out actions required by section 1554 of this title that the report shows is necessary.

§ 1557. Authorization to exempt

A provision of an appropriation law may exempt an appropriation from this subchapter and fix the period for which the appropriation remains available for expenditure.

SUBTITLE III—FINANCIAL MANAGEMENT

Chapter		Sec.
31.	PUBLIC DEBT	3101
33.	DEPOSITING, KEEPING, AND PAYING MONEY	3301
35.	ACCOUNTING AND COLLECTION	3501
37.	CLAIMS	3701

CHAPTER 31—PUBLIC DEBT

SUBCHAPTER I—BORROWING AUTHORITY

Sec.
3101. Public debt limit.
3102. Bonds.
3103. Notes.

3104. Certificates of indebtedness and Treasury bills.
3105. Savings bonds and savings certificates.
3106. Retirement and savings bonds.
3107. Increasing interest rates and investment yields on retirement bonds.
3108. Prohibition against circulation privilege.
3109. Tax and loss bonds.
3110. Sale of obligations of governments of foreign countries.
3111. New issue used to buy, redeem, or refund outstanding obligations.
3112. Sinking fund for retiring and cancelling bonds and notes.
3113. Accepting gifts.

SUBCHAPTER II—ADMINISTRATIVE

Sec.
3121. Procedure.
3122. Banks and trust companies as depositaries.
3123. Payment of obligations and interest on the public debt.
3124. Exemption from taxation.
3125. Relief for lost, stolen, destroyed, mutilated, or defaced obligations.
3126. Losses and relief from liability related to redeeming savings bonds and notes.
3127. Credit to officers, employees, and agents for stolen Treasury notes.
3128. Proof of death to support payment.
3129. Appropriation to pay expenses.

SUBCHAPTER I—BORROWING AUTHORITY

§ 3101. Public debt limit

(a) In this section, the current redemption value of an obligation issued on a discount basis and redeemable before maturity at the option of its holder is deemed to be the face amount of the obligation.

(b) The face amount of obligations issued under this chapter and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) may not be more than $400,000,000,000 outstanding at one time, subject to changes periodically made in that amount as provided by law through the congressional budget process described in Rule XLIX of the Rules of the House of Representatives or otherwise.

(c) The face amount of beneficial interests and participations (except those held by their issuer) issued under section 302(c) of the National Housing Act (12 U.S.C. 1717(c)) from July 1, 1967, through June 30, 1968, and outstanding at any time shall be included in the amount taken into account in deciding whether the face amount requirement of subsection (b) of this section has been exceeded. This subsection does not require a change in the budgetary accounting for beneficial interests and participations.

§ 3102. Bonds

(a) With the approval of the President, the Secretary of the Treasury may borrow on the credit of the United States Government amounts necessary for expenditures authorized by law and may issue bonds of the Government for the amounts borrowed and may buy, redeem, and make refunds under section 3111 of this title. The Secretary may issue bonds authorized by this section to the public and to Government accounts at any annual interest rate and prescribe conditions under section 3121 of this title. However, the face amount of bonds issued under this section and held by the public with interest rates of more than 4.25 percent a year may not be more than $70,000,000,000.

(b) The Secretary shall offer the bonds authorized under this section first as a popular loan under regulations of the Secretary that allow the people of the United States as nearly as possible an equal opportunity to participate in subscribing to the offered bonds. However, the bonds may be offered in a way other than as a popular loan when the Secretary decides the other way is in the public interest.

(c)(1) When the Secretary decides it is in the public interest in making a bond offering under this section, the Secretary may—

96 STAT. 939

(A) make full allotments on receiving applications for smaller amounts of bonds to subscribers applying before the closing date the Secretary sets for filing applications;

(B) reject or reduce allotments on receiving applications filed after the closing date or for larger amounts;

(C) reject or reduce allotments on receiving applications from incorporated banks and trust companies for their own account and make full allotments or increase allotments to other subscribers; and

(D) prescribe a graduated scale of allotments.

Regulations.

(2) The Secretary shall prescribe regulations applying to all popular loan subscribers similarly situated governing a reduction or increase of an allotment under paragraph (1) of this subsection.

(d) The Secretary may make special arrangements for subscriptions from members of the armed forces. However, bonds issued to those members must be the same as other bonds of the same issue.

(e) The Secretary may dispose of any part of a bond offering not taken and may prescribe the price and way of disposition.

§ 3103. Notes

(a) With the approval of the President, the Secretary of the Treasury may borrow on the credit of the United States Government amounts necessary for expenditures authorized by law and may issue notes of the Government for the amounts borrowed and may buy, redeem, and make refunds under section 3111 of this title. The Secretary may prescribe conditions under section 3121 of this title. Notwithstanding section 3121(a)(5) of this title, the payment date of each series of notes issued shall be at least one year but not more than 10 years from the date of issue.

(b) The Government may redeem any part of a series of notes before maturity by giving at least 4 months' notice but not more than one year's notice.

(c) The holder of a note of one series issued under this section with the same issue date as another series of notes issued under this section may convert, at par value, a note of the holder for a note of the other series.

§ 3104. Certificates of indebtedness and Treasury bills

(a) The Secretary of the Treasury may borrow on the credit of the United States Government amounts necessary for expenditures authorized by law and may buy, redeem, and make refunds under section 3111 of this title. For amounts borrowed, the Secretary may issue—

(1) certificates of indebtedness of the Government; and

(2) Treasury bills of the Government.

(b) The Secretary may prescribe conditions for issuing certificates of indebtedness and Treasury bills under section 3121 of this title and conditions under which the certificates and bills may be redeemed before maturity. Notwithstanding section 3121(a)(5) of this title, the payment date of certificates of indebtedness and Treasury bills may not be more than one year after the date of issue.

(c) Treasury bills issued under this section may not be accepted before maturity to pay principal or interest on obligations of governments of foreign countries that are held by the United States Government.

96 STAT. 940

§ 3105. Savings bonds and savings certificates

(a) With the approval of the President, the Secretary of the Treasury may issue savings bonds and savings certificates of the United States Government and may buy, redeem, and make refunds under section 3111 of this title. Proceeds from the bonds and certificates shall be used for expenditures authorized by law. Savings bonds and certificates may be issued on an interest-bearing basis, on a discount basis, or on an interest-bearing and discount basis. Savings bonds shall mature not more than 20 years from the date of issue. Savings certificates shall mature not more than 10 years from the date of issue. The difference between the price paid and the amount received on redeeming a savings bond or certificate is interest under the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.).

(b)(1) Except as provided in paragraph (2) of this subsection, the interest rate on, and the issue price of, savings bonds and savings certificates and the conditions under which they may be redeemed may not give an investment yield of more than 5.5 percent a year compounded semiannually. The investment yield on a series E savings bond shall be at least 4 percent a year compounded semiannually beginning on the first day of the month beginning after the date of issuance of the bond and ending on the last day of the month before the date of redemption.

(2) With the approval of the President, the Secretary may fix the investment yield for savings bonds at any percent a year compounded semiannually. However, the total of the increases in the yield that are effective for a 6-month period may not be more than one percent a year compounded semiannually.

(3) With the approval of the President, the Secretary may prescribe regulations providing that owners of series E and H savings bonds may keep the bonds after maturity or after a period beyond maturity during which the bonds have earned interest and continue to earn interest at rates consistent with paragraph (1) of this subsection. However, series E and H savings bonds earning a higher rate of interest before the regulations are prescribed shall continue to earn a higher rate of interest consistent with paragraph (1).

(c) The Secretary may prescribe for savings bonds and savings certificates issued under this section—

(1) the form and amount of an issue and series;

(2) the way in which they will be issued;

(3) the conditions, including restrictions on transfer, to which they will be subject;

(4) conditions governing their redemption;

(5) their sales price and denominations (expressed in terms of the maturity value);

(6) a way to evidence payments for or on account of them and to provide for the exchange of savings certificates for savings bonds; and

(7) the maximum amount issued in a year that may be held by one person.

(d) The Secretary may authorize financial institutions to make payments to redeem savings bonds and savings notes. A financial institution may be a paying agent only if the institution—

(1) is incorporated under the laws of the United States, a State, the District of Columbia, or a territory or possession of the United States;

96 STAT. 941

(2) in the usual course of business accepts, subject to withdrawal, money for deposit or the purchase of shares;

(3) is under the supervision of a banking authority of the jurisdiction in which it is incorporated;

(4) has a regular office to do business; and

(5) is qualified under regulations prescribed by the Secretary in carrying out this subsection.

(e)(1) The Secretary may prescribe a way in which a check issued to an individual (except a trust or estate) as a refund for taxes imposed under subtitle A of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) may become a series E savings bond. However, a check may become a bond only if the claim for a refund is filed by the last day prescribed by law for filing the return (determined without any extensions) for the taxable year for which the refund is made. The Secretary may prescribe the time and way in which the check becomes a bond.

(2) A bond issued under this subsection is deemed to be a series E bond issued under this section, except that the bond shall bear an issue date of the first day of the first month beginning after the close of the taxable year for which the bond is issued. The Secretary also may provide that a bond issued to joint payees may be redeemed by either payee alone.

§ 3106. Retirement and savings bonds

(a) With the approval of the President, the Secretary of the Treasury may issue retirement and savings bonds of the United States Government and may buy, redeem, and make refunds under section 3111 of this title. The proceeds from the bonds shall be used for expenditures authorized by law. Retirement and savings bonds may be issued only on a discount basis. The maturity period of the bonds shall be at least 10 years from the date of issue but not more than 30 years from the date of issue. The difference between the price paid and the amount received on redeeming a bond is interest under the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.).

(b) The issue price of retirement and savings bonds and the conditions under which they may be redeemed may give an investment yield of not more than 5 percent a year compounded semiannually. With the approval of the President, the Secretary may allow owners of retirement and savings bonds to keep the bonds after maturity and continue to earn interest on them at rates that are consistent with the rate of investment yield provided by retirement and savings bonds.

(c) Section 3105(c)(1)–(5) of this title applies to this section. Sections 3105(c)(6) and (d) and 3126 of this title apply to this section to the extent consistent with this section. The Secretary may prescribe the maximum amount of retirement and savings bonds issued under this section in a year that may be held by one person. However, the maximum amount shall be at least $3,000.

§ 3107. Increasing interest rates and investment yields on retirement bonds

With the approval of the President, the Secretary of the Treasury may increase by regulation the interest rate or investment yield on an offering of bonds issued under this chapter that are described in sections 405(b) and 409(a) of the Internal Revenue Code of 1954 (26 U.S.C. 405(b), 409(a)). The increased yield shall be for interest 96 STAT. 942 accrual periods specified in the regulations so that the interest rate or investment yield on the bonds for those periods is consistent with the interest rate or investment yield on a new offering of those bonds.

§ 3108. Prohibition against circulation privilege

An obligation issued under sections 3102–3104(a)(1) and 3105–3107 of this title may not bear the circulation privilege.

§ 3109. Tax and loss bonds

(a) The Secretary of the Treasury may issue tax and loss bonds of the United States Government and may buy, redeem, and make refunds under section 3111 of this title. The proceeds of the tax and loss bonds shall be used for expenditures authorized by law. Tax and loss bonds are nontransferrable except as provided by the Secretary, bear no interest, and shall be issued in amounts needed to allow persons to comply with section 832(e) of the Internal Revenue Code of 1954 (26 U.S.C. 832(e)). The Secretary may prescribe the amount of tax and loss bonds and the conditions under which the bonds will be issued as required by section 832(e).

(b) For a taxable year in which amounts are deducted from the mortgage guaranty account referred to in section 832(e)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 832(e)(3)), an amount of tax and loss bonds bought under section 832(e)(2) of the Internal Revenue Code of 1954 (26 U.S.C. 832(e)(2)) shall be redeemed for the amount deducted from the account. The amount redeemed shall be applied as necessary to pay taxes due because of the inclusion under section 832(b)(1)(E) of the Internal Revenue Code of 1954 (26 U.S.C. 832(b)(1)(E)) of amounts in gross income. The Secretary also may prescribe additional ways to redeem the bonds.

§ 3110. Sale of obligations of governments of foreign countries

(a) With the approval of the President, the Secretary of the Treasury may sell obligations of the government of a foreign country when the obligations were acquired under—

(1) the First Liberty Bond Act and matured before June 16, 1947; 31 USC 774.

(2) the Second Liberty Bond Act and matured before October 16, 1938; or 31 USC 774.

(3) section 7(a) of the Victory Liberty Loan Act. 31 USC 802 note.

(b) The Secretary may prescribe the conditions and frequency for receiving payment under obligations of a government of a foreign country acquired under the laws referred to in subsection (a) of this section. A sale of an obligation acquired under those Acts shall at least equal the purchase price and accrued interest. The proceeds of obligations sold under this section and payments received from governments on the principal of their obligations shall be used to redeem or buy (for not more than par value and accrued interest) bonds of the United States Government issued under this chapter. If those bonds cannot be redeemed or bought, the Secretary shall redeem or buy other outstanding interest-bearing obligations of the Government that are subject to redemption or which can be bought at not more than par value and accrued interest.

§ 3111. New issue used to buy, redeem, or refund outstanding obligations

An obligation may be issued under this chapter to buy, redeem, or refund, at or before maturity, outstanding bonds, notes, certificates of indebtedness, Treasury bills, or savings certificates of the United States Government. Under regulations of the Secretary of the Treasury, money received from the sale of an obligation and other money in the general fund of the Treasury may be used in making the purchases, redemptions, or refunds.

§ 3112. Sinking fund for retiring and cancelling bonds and notes

(a) The Department of the Treasury has a sinking fund for retiring bonds and notes issued under this chapter. Amounts in the fund are appropriated for payment of bonds and notes at maturity or for their redemption or purchase before maturity by the Secretary of the Treasury. The fund is available until all the bonds and notes are retired.

(b) For each fiscal year, an amount is appropriated equal to—

(1) the interest that would have been payable during the fiscal year for which the appropriation is made on the bonds and notes bought, redeemed, or paid out of the fund during that or prior years;

(2) 2.5 percent of the total amount of bonds and notes issued under the First Liberty Bond Act, the Second Liberty Bond Act, the Third Liberty Bond Act, the Fourth Liberty Bond Act, and the Victory Liberty Loan Act and outstanding on July 1, 1920, less an amount equal to the par amount of obligations of governments of foreign countries that the United States Government held on July 1, 1920; and 31 USC 774.

(3) 2.5 percent of the total amount expended after June 29, 1933, from appropriations made or authorized in sections 301 and 302 of the Emergency Relief and Construction Act of 1932. 47 Stat. 716, 720.

(c) The Secretary may prescribe the price and conditions for paying, redeeming, and buying bonds and notes under this section. The average cost of bonds and notes bought under this section may not be more than par value and accrued interest. Bonds and notes bought, redeemed, or paid out of the sinking fund must be canceled and retired and may not be reissued.

§ 3113. Accepting gifts

(a) To provide the people of the United States with an opportunity to make gifts to the United States Government to be used to reduce the public debt—

(1) the Secretary of the Treasury may accept for the Government a gift of—

(A) money made only on the condition that it be used to reduce the public debt;

(B) an obligation of the Government included in the public debt made only on the condition that the obligation be canceled and retired and not reissued; and

(C) other intangible personal property made only on the condition that the property is sold and the proceeds from the sale used to reduce the public debt; and

(2) the Administrator of General Services may accept for the Government a gift of tangible property made only on the condition that it be sold and the proceeds from the sale be used to reduce the public debt.

(b) The Secretary and the Administrator each may reject a gift under this section when the rejection is in the interest of the
96 STAT. 944 Government.

(c) The Secretary and the Administrator shall convert a gift either of them accepts under subsection (a)(1)(C) or (2) of this section to money on the best terms available. If a gift accepted under subsection (a) of this section is subject to a gift or inheritance tax, the Secretary or the Administrator may pay the tax out of the proceeds of the gift or the proceeds of the redemption or sale of the gift.

(d) The Treasury has an account into which money received as gifts and proceeds from the sale or redemption of gifts under this section shall be deposited. The Secretary shall use the money in the account to pay at maturity, or to redeem or buy before maturity, an obligation of the Government included in the public debt. An obligation of the Government that is paid, redeemed, or bought with money from the account shall be canceled and retired and may not be reissued. Money deposited in the account is appropriated and may be expended to carry out this section.

(e)(1) The Secretary shall redeem a direct obligation of the Government bearing interest or sold on a discount basis on receiving it when the obligation—

(A) is given to the Government;

(B) becomes the property of the Government under the conditions of a trust; or

(C) is payable on the death of the owner to the Government (or to an officer of the Government in the officer's official capacity).

(2) If the gift or transfer to the Government is subject to a gift or inheritance tax, the Secretary shall pay the tax out of the proceeds of redemption.

SUBCHAPTER II—ADMINISTRATIVE

§ 3121. Procedure

(a) In issuing obligations under sections 3102–3104 of this title, the Secretary of the Treasury may prescribe—

(1) whether an obligation is to be issued on an interest-bearing basis, a discount basis, or an interest-bearing and discount basis;

(2) regulations on the conditions under which the obligation will be offered for sale, including whether it will be offered for sale on a competitive or other basis;

(3) the offering price and interest rate;

(4) the method of computing the interest rate;

(5) the dates for paying principal and interest;

(6) the form and denominations of the obligations; and

(7) other conditions.

(b)(1) Under conditions prescribed by the Secretary, an obligation issued under this chapter and redeemable on demand of the owner or holder may be used to pay the United States Government for taxes imposed by it.

(2) An obligation of the Government issued after March 3, 1971, under law may not be redeemed before its maturity to pay a tax imposed by the Government in an amount more than the fair market value of the obligation at the time of its redemption. This paragraph does not apply to a Treasury bill issued under section 3104 of this title.

(c) Under conditions prescribed by the Secretary, an obligation authorized by this chapter may be issued in exchange for an obligation of an agency whose principal and interest are unconditionally guaranteed by the Government at or before maturity.

96 STAT. 946

(d) Under conditions prescribed by the Secretary, the Secretary may issue registered bonds in exchange for and instead of coupon bonds that have been or may be issued. The registered bonds shall be similar in all respects to the registered bonds issued under a law authorizing the issue of coupon bonds offered for exchange.

(e) A decision of the Secretary about an issue of obligations under sections 3102–3104 of this title is final.

(f) The Secretary may accept voluntary services in carrying out the sale of public debt obligations.

§ 3122. Banks and trust companies as depositaries

(a) The Secretary of the Treasury may designate incorporated banks and trust companies as depositaries for any part of proceeds of an obligation issued under this chapter. The Secretary may prescribe the conditions under which deposits may be made under this section, including the interest rate on amounts deposited and security requirements.

(b) The Secretary may designate a bank or trust company that is a depositary under subsection (a) of this section as a fiscal agent of the United States Government in selling and delivering bonds and certificates of indebtedness issued by the Government.

§ 3123. Payment of obligations and interest on the public debt

(a) The faith of the United States Government is pledged to pay, in legal tender, principal and interest on the obligations of the Government issued under this chapter.

(b) The Secretary of the Treasury shall pay interest due or accrued on the public debt. As the Secretary considers expedient, the Secretary may pay in advance interest on the public debt by a period of not more than one year, with or without a rebate of interest on the coupons.

(c)(1) The Secretary may issue a bond, note, or certificate of indebtedness authorized under this chapter whose principal and interest are payable in a foreign currency stated in the bond, note, or certificate. The Secretary may dispose of the bonds, notes, and certificates at a price that is at least par value without complying with section 3102(b)–(d) of this title.

(2) In determining the dollar amount of bonds, notes, and certificates of indebtedness that may be issued under this chapter, the dollar equivalent of the amount of bonds, notes, and certificates payable in a foreign currency is determined by the par of the exchange value on the date of issue of the bonds, notes, or certificates as published by the Secretary under section 5151 of this title.

(3) The Secretary may designate depositaries in foreign countries in which any part of the proceeds of bonds, notes, or certificates of indebtedness payable in the foreign currency may be deposited.

§ 3124. Exemption from taxation

(a) Stocks and obligations of the United States Government are exempt from taxation by a State or political subdivision of a State. The exemption applies to each form of taxation that would require the obligation, the interest on the obligation, or both, to be considered in computing a tax, except—

(1) a nondiscriminatory franchise tax or another nonproperty

96 STAT. 946

tax instead of a franchise tax, imposed on a corporation; and

(2) an estate or inheritance tax.

(b) The tax status of interest on obligations and dividends, earnings, or other income from evidences of ownership issued by the Government or an agency and the tax treatment of gain and loss from the disposition of those obligations and evidences of ownership is decided under the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.). An obligation that the Federal Housing Administration had agreed, under a contract made before March 1, 1941, to issue at a future date, has the tax exemption privileges provided by the authorizing law at the time of the contract. This subsection does not apply to obligations and evidences of ownership issued by the District of Columbia, a territory or possession of the United States, or a department, agency, instrumentality, or political subdivision of the District, territory, or possession.

Limitation.

§ 3125. Relief for lost, stolen, destroyed, mutilated, or defaced obligations

"Obligation."

(a) In this section, "obligation" means a direct obligation of the United States Government issued under law for valuable consideration, including bonds, notes, certificates of indebtedness, Treasury bills, and interim certificates issued for an obligation.

(b) The Secretary of the Treasury may provide relief for the loss, theft, destruction, mutilation, or defacement of an obligation identified by number and description.

(c)(1) An indemnity bond is required as a condition of relief if the obligation is payable to bearer or assigned so as to become payable to bearer and is not proven clearly to have been destroyed. The Secretary may prescribe for the indemnity bond the form, amount, and surety or security requirements.

(2) Relief for interest coupons claimed to have been attached to an obligation may be provided only if the Secretary is satisfied that the coupons have not been paid and are destroyed or will not become the basis of a valid claim against the Government.

§ 3126. Losses and relief from liability related to redeeming savings bonds and notes

(a) Under regulations prescribed by the Secretary of the Treasury, a loss resulting from a payment related to redeeming a savings bond or savings note shall be replaced out of the fund established by section 2 of the Government Losses in Shipment Act (40 U.S.C. 722). A Federal reserve bank, a paying agent allowed to make payments in redeeming a bond or note, or an officer or employee of the Department of the Treasury is relieved from liability to the United States Government for the loss when the Secretary decides that the loss did not result from the fault or negligence of the bank, paying agent, officer, or employee. The Secretary shall relieve the bank, agent, officer, or employee from liability when the Secretary decides that written notice of liability or potential liability has not been given to the bank, agent, officer, or employee by the Government within 10 years from the date of the erroneous payment. However, the Secretary may not relieve a paying agent of an assumed unconditional liability to the Government.

(b) Section 3 of the Government Losses in Shipment Act (40 U.S.C. 723) (related to finality of decisions of the Secretary) applies to a decision of the Secretary made under this section. A recovery or

96 STAT. 947

repayment of a loss for which replacement is made out of the fund shall be credited to the fund and is available for the purposes for which the fund was established.

§ 3127. Credit to officers, employees, and agents for stolen Treasury notes

When an officer, employee, or agent of the United States Government authorized to receive, redeem, or cancel Treasury notes receives or pays a note that was stolen and put in circulation after it had been received or redeemed by an officer, employee, or agent authorized to receive or redeem the note, the Secretary of the Treasury may allow the officer, employee, or agent receiving or paying the stolen note a credit for the amount of the note. The Secretary may allow the credit only if the Secretary is satisfied that the note was received or paid in good faith and in exercising ordinary prudence.

§ 3128. Proof of death to support payment

A finding of death made by an officer or employee of the United States Government authorized by law to make the finding is sufficient proof of death to allow credit in the accounts of a Federal reserve bank or accountable official of the Department of the Treasury in a case involving the transfer, exchange, reissue, redemption, or payment of obligations of the Government, including obligations guaranteed by the Government for which the Secretary of the Treasury acts as transfer agent.

§ 3129. Appropriation to pay expenses

(a) Amounts to pay necessary expenses (including rent) for an issue of obligations authorized under this chapter are appropriated to the Secretary of the Treasury. However, the amount appropriated under this section may not be more than—

(1) .2 percent of the amount of bonds and notes authorized under this chapter;

(2) .1 percent of the amount of certificates of indebtedness authorized under section 3104 of this title; and

(3) .1 percent of the amount of certificates of indebtedness authorized under the First Liberty Bond Act. 31 USC 774.

(b) An appropriation under this section is available for obligation only through the end of the fiscal year after the fiscal year in which the issue was made. During a period for which an appropriation for a specified amount is made for expenses for which this section makes an appropriation for an unspecified amount, only the appropriation for the specified amount is available for obligation.

CHAPTER 33—DEPOSITING, KEEPING, AND PAYING MONEY

SUBCHAPTER I—DEPOSITS AND DEPOSITARIES

Sec.
3301. General duties of the Secretary of the Treasury.
3302. Custodians of money.
3303. Designation of depositaries.
3304. Transfers of public money from depositaries.
3305. Audits of depositaries.

SUBCHAPTER II—PAYMENTS

3321. Disbursing authority in the executive branch.
3322. Disbursing officials.
3323. Warrants.
3324. Advances.
3325. Vouchers.
3326. Waiver of requirements for warrants and advances.
3327. General authority to issue checks and other drafts.
3328. Paying checks and drafts.
3329. Withholding checks to be sent to foreign countries.
3330. Payment of Veterans' Administration checks for the benefit of individuals in foreign countries.
3331. Substitute checks.
3332. Checks payable to financial organizations designated by Government officers and employees.
3333. Relief for payments made without negligence.

96 STAT. 948

SUBCHAPTER III—MISCELLANEOUS

3341. Sale of Government warrants, checks, drafts, and obligations.
3342. Check cashing and exchange transactions.
3343. Check forgery insurance fund.

SUBCHAPTER I—DEPOSITS AND DEPOSITARIES

§ 3301. General duties of the Secretary of the Treasury

(a) The Secretary of the Treasury shall—

(1) receive and keep public money;

(2) take receipts for money paid out by the Secretary;

(3) give receipts for money deposited in the Treasury;

(4) endorse warrants for receipts for money deposited in the Treasury;

(5) submit the accounts of the Secretary to the Comptroller General every 3 months, or more often if required by the Comptroller General; and

(6) submit to inspection at any time by the Comptroller General of money in the possession of the Secretary.

(b) Except as provided in section 3326 of this title, an acknowledgment for money deposited in the Treasury is not valid if the Secretary does not endorse a warrant as required by subsection (a)(4) of this section.

§ 3302. Custodians of money

(a) Except as provided by another law, an official or agent of the United States Government having custody or possession of public money shall keep the money safe without—

(1) lending the money;

(2) using the money;

(3) depositing the money in a bank; and

(4) exchanging the money for other amounts.

(b) An official or agent of the Government receiving money for the Government from any source shall deposit the money in the Treasury as soon as practicable without deduction for any charge or claim.

(c) A person having custody or possession of public money, including a disbursing official having public money not for current expenditure, shall deposit the money without delay, but not later than the 30th day after the custodian receives the money, in the Treasury or with a depositary designated by the Secretary of the Treasury under law. The Secretary or a depositary receiving a deposit shall issue duplicate receipts for the money deposited. The original receipt is for the Secretary and the duplicate is for the custodian.

Penalty.

(d) An official or agent not complying with subsection (b) of this section may be removed from office. The official or agent may be

required to forfeit to the Government any part of the money held by the official or agent and to which the official or agent may be entitled.

(e) An official or agent of the Government having custody or possession of public money shall keep an accurate entry of each amount of public money received, transferred, and paid.

(f) When authorized by the Secretary, an official or agent of the Government having custody or possession of public money, or performing other fiscal agent services, may be allowed necessary expenses to collect, keep, transfer, and pay out public money and to perform those services. However, money appropriated for those expenses may not be used to employ or pay officers and employees of the Government.

§ 3303. Designation of depositaries

(a) The Secretary of the Treasury designates depositaries of money as provided in this section and under other law.

(b) When necessary to carry out the business of the United States Government and under conditions the Secretary decides are necessary, the Secretary may designate depositaries in foreign countries and in territories and possessions of the United States to receive deposits of public money. The Secretary shall give preference to United States financial institutions the Secretary decides are safe and able to give the service required.

§ 3304. Transfers of public money from depositaries

The Secretary of the Treasury may transfer public money in the possession of a depositary—

(1) to the Treasury; and

(2) if the Secretary believes the safety of the public money and convenience require it, to another depositary.

§ 3305. Audits of depositaries

The Secretary of the Treasury, or an officer, employee, or agent designated by the Secretary, may audit a depositary of public money. For uniformity and accuracy in accounts and safety of public money, an individual conducting an audit shall audit a depositary's—

(1) books;

(2) accounts;

(3) returns; and

(4) public money on hand and the way the money is kept.

SUBCHAPTER II—PAYMENTS

§ 3321. Disbursing authority in the executive branch

(a) Except as provided in this section or another law, only officers and employees of the Department of the Treasury designated by the Secretary of the Treasury as disbursing officials may disburse public money available for expenditure by an executive agency.

(b) For economy and efficiency, the Secretary may delegate the authority to disburse public money to officers and employees of other executive agencies.

(c) The head of each of the following executive agencies shall designate personnel of the agency as disbursing officials to disburse public money available for expenditure by the agency: 96 STAT. 950

(1) United States Marshal's Office.

(2) military departments of the Department of Defense (except for disbursements for departmental pay and expenses in the District of Columbia).

(d) On request of the Secretary and with the approval of the head of an executive agency referred to in subsection (c) of this section, facilities of the agency may be used to assist in disbursing public money available for expenditure by another executive agency.

§ 3322. Disbursing officials

(a) The Secretary of the Treasury shall transfer public money to a disbursing official only by draft or warrant written on the Treasury. A disbursing official shall—

(1) deposit public money as required by section 3302 of this title; and

(2) draw public money from the Treasury or a depositary only—

(A) as necessary to make payments; and

(B) payable to persons to whom payment is to be made.

(b) A disbursing official is not liable for an overpayment provided under a United States Government bill of lading or transportation request when the overpayment is caused by the—

(1) use of improper transportation rates or classifications; or

(2) failure to deduct the proper amount under—

(A) a land grant law; or

(B) an equalization or other agreement.

§ 3323. Warrants

(a) Except as provided in section 3326 of this title, the Secretary of the Treasury may pay out money only against a warrant. A warrant shall be—

(1) authorized by law;

(2) signed by the Secretary; and

(3) countersigned by the Comptroller General.

(b)(1) A disbursing official shall send to the Secretary with a warrant a certificate under section 3526 of this title, or a requisition for an advance. The certificate or requisition shall state the appropriation to which the payment is to be charged.

(2) The Secretary shall return the certificate or requisition to the Comptroller General with the date and amount endorsed on the certificate or requisition.

(c) A requisition for the payment of money on an audited account or for depositing money in the Treasury is not required.

(d) The Secretary and the Comptroller General shall charge to the appropriate appropriation in their books any money paid by a warrant.

§ 3324. Advances

(a) Except as provided in this section, a payment under a contract to provide a service or deliver an article for the United States Government may not be more than the value of the service already provided or the article already delivered.

(b) An advance of public money may be made only if it is authorized by—

(1) a specific appropriation or other law; or

96 STAT. 951

(2) the President to be made to—

(A) a disbursing official if the President decides the advance is necessary to carry out—

(i) the duties of the official promptly and faithfully; and

(ii) an obligation of the Government; or

(B) an individual serving in the armed forces at a distant station if the President decides the advance is necessary to disburse regularly pay and allowances.

(c) Before the Secretary of the Treasury acts on a requisition for an advance, the Comptroller General shall act on the requisition under section 3522 of this title. The Comptroller General does not countersign a requisition for an advance.

(d) The head of an agency may pay in advance from appropriations available for the purpose—

(1) to the Secretary of the Army, charges for messages sent by the Secretary of the Army for the head of the agency, including charges for—

(A) payment of tolls of commercial carriers;

(B) leasing facilities for sending messages; and

(C) installing and maintaining facilities for sending messages; and

(2) charges for a publication printed or recorded in any way for the auditory or visual use of the agency.

§ 3325. Vouchers

(a) A disbursing official in the executive branch of the United States Government shall—

(1) disburse money only as provided by a voucher certified by—

(A) the head of the executive agency concerned; or

(B) an officer or employee of the executive agency having written authorization from the head of the agency to certify vouchers;

(2) examine a voucher if necessary to decide if it is—

(A) in proper form;

(B) certified and approved; and

(C) computed correctly on the facts certified; and

(3) except for the correctness of computations on a voucher, be held accountable for carrying out clauses (1) and (2) of this subsection.

(b) Subsection (a) of this section does not apply to disbursements of a military department of the Department of Defense, except for disbursements for departmental pay and expenses in the District of Columbia.

(c) On request, the Secretary of the Treasury may provide to the appropriate officer or employee of the United States Government a list of persons receiving periodic payments from the Government. When certified and in proper form, the list may be used as a voucher on which the Secretary may disburse money.

§ 3326. Waiver of requirements for warrants and advances

(a) When the Secretary of the Treasury and the Comptroller General decide that, with sufficient safeguards, existing procedures may be changed to simplify, improve, and economize the control and accounting of public money, they may prescribe joint regulations for waiving any part of the requirements in effect on September 12, 1950, that—

96 STAT. 952

(1) warrants be issued and countersigned for the receipt, retention, and disbursement of public money and trust funds; and

(2) amounts be requisitioned and advanced to accountable officials.

(b) Regulations of the Secretary and the Comptroller General may provide for the payment of vouchers by authorized disbursing officials by checks drawn on the general fund of the Treasury. However, the regulations shall provide for appropriate action (including suspension or withdrawal of authority to make payments) against a delinquent disbursing official for any reason related to the official's accounts.

§ 3327. General authority to issue checks and other drafts

The Secretary of the Treasury may issue a check or other draft on public money in the Treasury to pay an obligation of the United States Government. When the Secretary decides it is convenient to a public creditor and in the public interest, the Secretary may designate a depositary to issue a check or other draft on public money held by the depositary to pay an obligation of the Government. As directed by the Secretary, each depositary shall report to the Secretary on public money paid and received by the depositary.

§ 3328. Paying checks and drafts

(a)(1) Except as provided in sections 3329 and 3330 of this title, a check drawn on the Treasury may be paid at any time. However, if the Secretary of the Treasury is on notice of a question of law or fact about the check when the check is presented, the Secretary shall defer payment until the Comptroller General settles the question.

(2) When the Secretary decides it is appropriate, the Secretary may transfer—

(A) the amount of an unpaid check drawn on the Treasury from the account on which it was drawn to a consolidated account of the Treasury available for paying checks; and

(B) an amount available, but not required, for paying checks drawn on the Treasury to the appropriate receipt account.

(b)(1) If a check issued by a disbursing official and drawn on a designated depositary is not paid by the last day of the fiscal year after the fiscal year in which the check was issued, the amount of the check is—

(A) withdrawn from the account with the depositary; and

(B) deposited in the Treasury for credit to a consolidated account of the Treasury.

(2) A claim for the proceeds of an unpaid check under this subsection may be paid from a consolidated account by a check drawn on the Treasury on settlement by the Comptroller General.

(c) A limitation imposed on a claim against the United States Government under section 3702 of this title does not apply to an unpaid check drawn on the Treasury or a designated depositary.

(d) With the approval of the Comptroller General, the Secretary may prescribe regulations the Secretary decides are necessary to carry out subsections (a)–(c) of this section.

Regulations.

(e)(1) The Secretary shall prescribe regulations on—

(A) enforcing the speedy presentation of Government drafts;

(B) paying drafts, including the place of payment; and

96 STAT. 953

(C) paying drafts if presentment is not made as required.

(2) Regulations prescribed under paragraph (1) of this subsection shall prevent, as far as may be practicable, Government drafts from being used or placed in circulation as paper currency or a medium of exchange.

§ 3329. Withholding checks to be sent to foreign countries

(a) The Secretary of the Treasury shall prohibit a check or warrant drawn on public money from being sent to a foreign country from the United States or from a territory or possession of the United States when the Secretary decides that postal, transportation, or banking facilities generally, or local conditions in the foreign country, do not reasonably ensure that the payee—

(1) will receive the check or warrant; and

(2) will be able to negotiate it for full value.

(b)(1) If a check or warrant is prohibited from being sent to a foreign country under subsection (a) of this section, the drawer shall hold the check or warrant until the end of the calendar quarter after the date of the check or warrant.

(2) The Secretary may release the check or warrant for delivery during the calendar quarter after the date of the check or warrant if the Secretary decides that conditions have changed to ensure reasonably that the payee—

(A) will receive the check or warrant; and

(B) will be able to negotiate it for full value.

(3) Unless the Secretary otherwise directs, the drawer shall send at the end of the calendar quarter after the date of the check or warrant the—

(A) withheld check or warrant to the drawee; and

(B) report to the Secretary on—

(i) the name and address of the payee;

(ii) the date, number, and amount of the check or warrant; and

(iii) the account on which the check or warrant was drawn.

(4) The drawee shall transfer the amount of a withheld check or warrant from the account of the drawer to the special deposit account "Secretary of the Treasury, Proceeds of Withheld Foreign Checks". The check or warrant shall be marked "Paid into Withheld Foreign Check Account". After that time, the drawee shall send all withheld checks and warrants to the Comptroller General. The Comptroller General shall credit the accounts of the drawer and drawee.

(c) The Secretary may pay an amount deposited in the special account under subsection (b)(4) of this section with a check drawn on the account when—

(1) a person claiming payment satisfies the Secretary of the right to the amount of the check or warrant (or satisfies the Administrator of Veterans' Affairs if the claim represents a payment under laws carried out by the Administrator); and

(2) the Secretary is reasonably ensured that the person—

(A) will receive the check or warrant; and

(B) will be able to negotiate it for full value.

(d) This section and section 3330 of this title—

(1) apply to a check or warrant whose delivery may be withheld under Executive Order 8389;

(2) do not affect a requirement for a license for delivering and paying a check in payment of a claim under subsection (c) of this section when a license is required by law to authorize delivery and payment; and

96 STAT. 954

(3) do not affect a check or warrant issued for the payment of pay or goods bought by the United States Government in a foreign country.

§ 3330. Payment of Veterans' Administration checks for the benefit of individuals in foreign countries

(a)(1) A check is deemed to be issued for sending to a foreign country and subject to this section and section 3329 of this title if the check is—

(A) drawn on public money;

(B) for benefits under laws carried out by the Administrator of Veterans' Affairs; and

(C) to be sent to a person in the United States or a territory or possession of the United States, and the person is legally responsible for the care of an individual in a foreign country.

(2) The Administrator shall notify the Secretary of the Treasury of each check described under paragraph (1) of this subsection.

Exemption.

(3) The Administrator may exempt a check from paragraph (1) of this subsection if the application of paragraph (1) would reduce, discontinue, or deny benefits for the care of a dependent of an individual in a foreign country.

(b) When the amount of checks (representing payments to an individual under laws carried out by the Administrator) transferred under section 3329(b)(4) of this title equals $1,000, the amounts of additional checks (except checks under contracts of insurance) payable to the individual under those laws shall be deposited in the Treasury as miscellaneous receipts. An amount transferred under section 3329(b)(4) or deposited as miscellaneous receipts is deemed to be payment for all purposes to the individual entitled to payment.

(c) If the payee of a check for pension, compensation, or emergency officers' retirement pay under laws carried out by the Administrator dies while the amount of the check is in the special deposit account, the amount is payable (subject to section 3329 of this title and this section) as follows:

(1) after the death of the veteran, to the surviving spouse, or, if there is no surviving spouse, to children of the veteran under 18 years of age at the time of the veteran's death.

(2) after the death of the surviving spouse, to children of the spouse under 18 years of age at the time of the spouse's death.

(3) after the death of an apportionee of a part of the veteran's pension, compensation, or emergency officers' retirement pay but before all of the apportioned amount is paid to the veteran, the apportioned amount not paid.

(4) in any other case, only to the extent necessary to reimburse a person for burial expenses.

(d)(1) A payment may be made under subsection (c) of this section only if a claim for payment is—

(A) filed with the Administrator by the end of the first year after the date of the death of the individual entitled to payment; and

(B) completed by submitting the necessary evidence by the 6th month after the date the Administrator requests the evidence.

(2) Payment shall include only amounts due at the time of death under ratings or decisions existing at the time of the death.

96 STAT. 955

§ 3331. Substitute checks

"Original check."

(a) In this section, "original check"—

(1) means an order for the payment of money—

(A) payable on demand;

(B) that does not bear interest;

(C) drawn by an authorized disbursing official or agent of the United States Government; and

(D) the amount of which is deposited with the Treasury or another account available for payment; and

(2) does not include coins and currency of the Government.

(b) When the Secretary of the Treasury is satisfied that an original check is lost, stolen, destroyed in any part, or is so defaced that the value to the owner or holder is impaired, the Secretary may issue a substitute check to the owner or holder of the original check. Except as provided in subsection (c) of this section, the substitute check is payable from the amount available to pay the original check.

(c) When the Secretary is satisfied that an original check drawn on a depositary in a foreign country or a territory or possession of the United States is lost, stolen, destroyed in part, or is so defaced that its value to the owner or holder is impaired, the drawer of the original check (or another official designated by the Secretary with the approval of the head of the agency on whose behalf the original check was issued) may issue to the owner or holder of the check a substitute check. The drawer or official shall issue the substitute check by the last day of the fiscal year after the fiscal year in which the original check was issued—

(1) using the current date; and

(2) drawn on the account of the drawer of the original check or another account available for payment of the substitute.

(d) A substitute check issued under this section—

(1) may be paid only if the original check has not been paid;

(2) shall include information necessary to identify the original check;

(3) that is drawn on the Treasury—

(A) is deemed to be an original check; and

(B) is paid under the same conditions as the original check; and

(4) does not relieve a disbursing or certifying official from liability to the Government for payment resulting from erroneously issuing the original check.

(e) Before issuing a substitute check under this section, the Secretary may require the owner or holder of the original check to agree to indemnify the Government with security in the form and amount the Secretary decides is necessary.

§ 3332. Checks payable to financial organizations designated by Government officers and employees

"Financial organization."

(a) In this section, "financial organization" means a bank, savings and loan association or similar institution, or a credit union chartered by the United States Government or a State.

(b) An officer or employee of an agency may designate in writing not more than 3 financial organizations to which a payment of pay of the officer or employee shall be sent and the amount to be sent to each organization. The head of the agency shall authorize a disbursing official to issue a check payable to each of the organizations in the amount designated for—

96 STAT. 956

(1) credit to the checking account of the officer or employee;

(2) deposit of savings for the officer or employee; or

(3) buying shares for the officer or employee.

(c) An agency is not reimbursed for the cost of issuing one check requested by an officer or employee under subsection (b) of this section. However, a financial organization (except a financial organization designated by an officer or employee of either House of Congress) shall reimburse the agency for the cost of each additional check issued. The check for which the agency is not reimbursed is the check in the largest amount.

(d) If more than one officer or employee making a designation under this section designates the same financial organization, the head of the agency may authorize a disbursing official to issue a check payable to the organization for the total amount designated by the officers and employees, accompanied by a schedule stating the amount to be credited to the account of each officer and employee.

(e) Payment by the Government by more than one check, issued under this section and properly endorsed, is complete payment of the amount due to the officer or employee requesting payment.

(f) On the written request of a person to whom payment is to be made, this section may be applied to any class of recurring payments.

(g) The Secretary of the Senate shall prescribe regulations for the Senate in carrying out this section. With the approval of the Committee on House Administration of the House of Representatives, the Clerk of the House shall prescribe regulations for the House in carrying out this section. The Secretary of the Treasury shall prescribe regulations for all other agencies in carrying out this section.

Regulations.

§ 3333. Relief for payments made without negligence

(a)(1) The Secretary of the Treasury is not liable for a payment made by the Secretary or depositary in due course and without negligence, of a--

(A) check, draft, or warrant drawn on the Treasury or the depositary; and

(B) debt obligation guaranteed or assumed by the United States Government.

(2) The Comptroller General shall credit the accounts of the Treasury or the depositary for the payment.

(b) This section does not relieve another individual from civil or criminal liability for a check, draft, warrant, or debt obligation of the Government.

SUBCHAPTER III—MISCELLANEOUS

§ 3341. Sale of Government warrants, checks, drafts, and obligations

(a) A disbursing official of the United States Government may sell a Government warrant, check, draft, or obligation not the property of the official at a premium, or dispose of the proceeds of the warrant, check, draft, or obligation, only if the official deposits the premium and the proceeds in the Treasury or with a depositary for the credit of the Government.

(b) A disbursing official violating subsection (a) of this section shall be dismissed immediately.

Penalty.

§ 3342. Check cashing and exchange transactions

(a) A disbursing official of the United States Government may—

(1) cash and negotiate negotiable instruments payable in United States currency or currency of a foreign country;

(2) exchange United States currency, coins, and negotiable instruments and currency, coins, and negotiable instruments of foreign countries; and

(3) cash checks drawn on the Treasury to accommodate United States citizens in a foreign country, but only if—

(A) satisfactory banking facilities are not available in the foreign country; and

(B) a check is presented by the payee who is a United States citizen.

(b) A disbursing official may act under subsection (a) (1) and (2) of this section only for—

(1) an official purpose;

(2) personnel of the Government;

(3) a veteran hospitalized or living in an institution operated by an agency;

(4) a contractor, or personnel of a contractor, carrying out a Government project; and

(5) personnel of an authorized agency not part of the Government that operates with an agency of the Government.

(c)(1) An amount held by the disbursing official that is available for expenditure may be used to carry out subsection (a) of this section with the approval of the head of the agency having jurisdiction over the amount.

(2) The head of an agency having jurisdiction over a disbursing official may offset, within the same fiscal year, a deficiency resulting from a transaction under subsection (a) of this section with a gain from a transaction under subsection (a). A gain in the account of a disbursing official not used to offset deficiencies under subsection (a) shall be deposited in the Treasury as miscellaneous receipts.

(3) Amounts necessary to adjust for deficiencies in the account of a disbursing official because of transactions under subsection (a) of this section are authorized to be appropriated.

(d) The Secretary of the Treasury and, with the approval of the Secretary, the head of an agency having jurisdiction over a disbursing official, may issue regulations to carry out this section. However, under conditions the Secretary decides are necessary, the Secretary may delegate to the head of an agency the authority to issue regulations applying to a disbursing official that is an officer or employee of the agency.

§ 3343. Check forgery insurance fund

(a) The Department of the Treasury has a special deposit revolving fund, the "Check Forgery Insurance Fund". Amounts may be appropriated to the Fund. The Fund consists of amounts—

(1) appropriated to the Fund; and

(2) received under subsection (d) of this section.

(b) The Secretary of the Treasury shall pay from the Fund to a payee or special endorsee of a check drawn on the Treasury or a depositary designated by the Secretary the amount of the check without interest if—

96 STAT. 958

(1) the check was lost or stolen without the fault of the payee or a holder that is a special endorsee and whose endorsement is necessary for further negotiation;

(2) the check was negotiated later and paid by the Secretary or a depositary on a forged endorsement of the payee's or special endorsee's name;

(3) the payee or special endorsee has not participated in any part of the proceeds of the negotiation or payment; and

(4) recovery from the forger, a transferee, or a party on the check after the forgery has been or may be delayed or unsuccessful.

(c) Notwithstanding section 1306 of this title, a check drawn on a designated depositary may be paid in the currency of a foreign country when the appropriate accountable official authorizes payment in that currency.

(d) The Secretary shall deposit immediately to the credit of the Fund an amount recovered from a forger or a transferee or party on the check. However, currency of a foreign country recovered because of a forged check drawn on a designated depositary shall be credited to the Fund or to the foreign currency fund that was charged when payment was made under subsection (b) of this section to the payee or special endorsee.

(e) This section does not relieve—

(1) a forger from civil or criminal liability; or

(2) a transferee or party on a check after the forgery from liability—

(A) on the express or implied warranty of prior endorsements of the transferee or party; or

(B) to refund amounts to the Secretary.

CHAPTER 35—ACCOUNTING AND COLLECTION

SUBCHAPTER I—GENERAL

Sec.
3501. Definition.

SUBCHAPTER II—ACCOUNTING REQUIREMENTS, SYSTEMS, AND INFORMATION

3511. Prescribing accounting requirements and developing accounting systems.
3512. Executive agency accounting systems.

Sec.
3513. Financial reporting and accounting system.
3514. Discontinuing certain accounts maintained by the Comptroller General.

SUBCHAPTER III—AUDITING AND SETTLING ACCOUNTS

3521. Audits by agencies.
3522. Making and submitting accounts.
3523. General audit authority of the Comptroller General.
3524. Auditing expenditures approved without vouchers.
3525. Auditing nonappropriated fund activities.
3526. Settlement of accounts.
3527. General authority to relieve accountable officials and agents from liability
3528. Responsibilities and relief from liability of certifying officials.
3529. Requests for decisions of the Comptroller General.
3530. Adjusting accounts.
3531. Property returns.
3532. Notification of account deficiencies.

SUBCHAPTER IV—COLLECTION

3541. Distress warrants.
3542. Carrying out distress warrants.
3543. Postponing a distress warrant proceeding.
3544. Rights and remedies of the United States Government reserved.
3545. Civil action to recover money.

96 STAT. 959

SUBCHAPTER I—GENERAL

§ 3501. Definition

"Executive agency."

In this chapter, "executive agency" does not include (except in section 3513 of this title) a corporation, agency, or instrumentality subject to chapter 91 of this title.

Post, p. 1041.

SUBCHAPTER II—ACCOUNTING REQUIREMENTS, SYSTEMS, AND INFORMATION

§ 3511. Prescribing accounting requirements and developing accounting systems

(a) The Comptroller General shall prescribe the accounting principles, standards, and requirements that the head of each executive agency shall observe. Before prescribing the principles, standards, and requirements, the Comptroller General shall consult with the Secretary of the Treasury and the President on their accounting, financial reporting, and budgetary needs, and shall consider the needs of the heads of the other executive agencies.

(b) Requirements prescribed under subsection (a) of this section shall—

(1) provide for suitable integration between the accounting process of each executive agency and the accounting of the Department of the Treasury;

(2) allow the head of each agency to carry out section 3512 of this title; and

(3) provide a method of—

(A) integrated accounting for the United States Government;

(B) complete disclosure of the results of the financial operations of each agency and the Government; and

(C) financial information and control the President and Congress require to carry out their responsibilities.

(c) Consistent with subsections (a) and (b) of this section—

(1) the authority of the Comptroller General continues under section 205(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(b)); and

(2) the Comptroller General may prescribe the forms, systems, and procedures that the judicial branch of the Government (except the Supreme Court) shall observe.

(d) The Comptroller General, the Secretary, and the President shall conduct a continuous program for improving accounting and financial reporting in the Government.

§ 3512. Executive agency accounting systems

Establishment.

(a) The head of each executive agency shall establish and maintain systems of accounting and internal controls that provide—

(1) complete disclosure of the financial results of the activities of the agency;

(2) adequate financial information the agency needs for management purposes;

(3) effective control over, and accountability for, assets for which the agency is responsible, including internal audit;

96 STAT. 960

(4) reliable accounting results that will be the basis for—

(A) preparing and supporting the budget requests of the agency,

(B) controlling the carrying out of the agency budget; and

(C) providing financial information the President requires under section 1104(e) of this title; and

(5) suitable integration of the accounting of the agency with the central accounting and reporting responsibilities of the Secretary of the Treasury under section 3513 of this title.

(b) To assist in preparing a cost-based budget under section 1108(b) of this title and consistent with principles and standards the Comptroller General prescribes, the head of each executive agency shall maintain the accounts of the agency on an accrual basis to show the resources, liabilities, and costs of operations of the agency. An accounting system under this subsection shall include monetary property accounting records.

(c) The Comptroller General shall—

(1) cooperate with the head of each executive agency in developing an accounting system for the agency; and

(2) approve the system when the Comptroller General considers it to be adequate and in conformity with the principles, standards, and requirements prescribed under section 3511 of this title.

(d) The Comptroller General shall review the accounting systems of each executive agency. The results of a review shall be available to the head of the executive agency, the Secretary, and the President. The Comptroller General shall report to Congress on a review when the Comptroller General considers it proper.

Report to Congress.

§ 3513. Financial reporting and accounting system

(a) The Secretary of the Treasury shall prepare reports that will inform the President, Congress, and the public on the financial operations of the United States Government. The reports shall include financial information the President requires. The head of each executive agency shall give the Secretary reports and information on the financial conditions and operations of the agency the Secretary requires to prepare the reports.

(b) The Secretary may—

(1) establish facilities necessary to prepare the reports; and

(2) reorganize the accounting functions and procedures and financial reports of the Department of the Treasury to develop an effective and coordinated system of accounting and financial reporting in the Department that will integrate the accounting results for the Department and be the operating center for consolidating accounting results of other executive agencies with accounting results of the Department.

(c) The Comptroller General shall—

(1) cooperate with the Secretary in developing and establishing the reporting and accounting system under this section; and

(2) approve the system when the Comptroller General considers it to be adequate and in conformity with the principles, standards, and requirements prescribed under section 3511 of this title.

§ 3514. Discontinuing certain accounts maintained by the Comptroller General

The Comptroller General may discontinue an agency appropriation, expenditure, limitation, receipt, or personal ledger account maintained by the Comptroller General when the Comptroller General believes that the accounting system and internal controls of the agency will allow the Comptroller General to carry out the functions related to the account.

SUBCHAPTER III—AUDITING AND SETTLING ACCOUNTS

§ 3521. Audits by agencies

Regulations.

(a) Each account of an agency shall be audited administratively before being submitted to the Comptroller General. The head of each agency shall prescribe regulations for conducting the audit and designate a place at which the audit is to be conducted. However, a disbursing official of an executive agency may not administratively audit vouchers for which the official is responsible. With the consent of the Comptroller General, the head of the agency may waive any part of an audit.

(b) The head of an agency may prescribe a statistical sampling procedure to audit vouchers of the agency when the head of the agency decides economies will result from using the procedure. The Comptroller General—

(1) may prescribe the maximum amount of a voucher that may be audited under this subsection; and

(2) in reviewing the accounting system of the agency, shall evaluate the adequacy and effectiveness of the procedure.

(c) A disbursing or certifying official acting in good faith under subsection (b) of this section is not liable for a payment or certification of a voucher not audited specifically because of the procedure prescribed under subsection (b) if the official and the head of the agency carry out diligently collection action the Comptroller General prescribes.

(d) Subsections (b) and (c) of this section do not—

(1) affect the liability, or authorize the relief, of a payee, beneficiary, or recipient of an illegal, improper, or incorrect payment; or

(2) relieve a disbursing or certifying official, the head of an agency, or the Comptroller General of responsibility in carrying out collection action against a payee, beneficiary, or recipient.

§ 3522. Making and submitting accounts

(a)(1) Unless the Comptroller General decides the public interest requires that an account be made more frequently, each disbursing official shall make a quarterly account. An official or agent of the United States Government receiving public money not authorized to be kept as pay of the official or agent shall make a monthly account of the money.

(2) An official or agent of the Government receiving public money shall make an account of public money received by the official or agent according to the appropriation from which the money was advanced.

(b)(1) A monthly account shall be submitted to the appropriate official in the District of Columbia by the 10th day after the end of the month covered by the account. The official shall submit the account to the Comptroller General by the 20th day after receiving the account.

(2) An account (except a monthly account) shall be submitted to the appropriate official in the District of Columbia by the 20th day after the end of the period covered by the account. The official shall submit the account to the Comptroller General by the 60th day after receiving the account.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, an account of the armed forces shall be submitted to the Comptroller General by the 60th day after the account is received. However, during a war or national emergency and for 18 months after the war or emergency ends, an account shall be submitted to the Comptroller General by the 90th day after the account is received.

(4) Notwithstanding paragraphs (1) and (2) of this subsection, an account of a disbursing official of the Department of Justice shall be submitted to the Comptroller General by the 80th day after the account is received.

(c) An official shall give evidence of compliance with subsection (b) of this section if an account is not received within a reasonable time after the time required by subsection (b).

(d) The head of an agency may require other returns or reports about the agency that the public interest requires.

(e)(1) The Comptroller General shall disapprove a requisition for an advance of money if an account from which the advance is to be made is not submitted to the Comptroller General within the time required by subsection (b) of this section. The Comptroller General may disapprove the request for another reason related to the condition of an account of the official for whom the advance is requested. However, the Secretary of the Treasury may overrule the decision of the Comptroller General on the sufficiency of the other reasons.

(2) The Secretary may extend the time requirements of subsection (b) (1) and (2) of this section for submitting an account to the proper official in the District of Columbia or waive a condition of delinquency only when there is, or is likely to be, a manifest physical difficulty in complying with those requirements. If an account is not submitted to the Comptroller General on time under subsection (b), an order of the President or, if the President is ill or not in the District of Columbia, the Secretary is required to authorize an advance.

§ 3523. General audit authority of the Comptroller General

(a) Except as specifically provided by law, the Comptroller General shall audit the financial transactions of each agency. In deciding on auditing procedures and the extent to which records are to be inspected, the Comptroller General shall consider generally accepted auditing principles, including the effectiveness of accounting organizations and systems, internal audit and control, and related administrative practices of each agency.

Report to Congress.

(b) The Comptroller General shall audit the Architect of the Capitol at times the Comptroller General considers appropriate. Section 716 of this title applies to the Architect in conducting the audit. The Comptroller General shall report the results of the audit to Congress. Each report shall be printed as a Senate document.

(c)(1) When the Comptroller General decides an audit shall be conducted at a place at which the records of an executive agency or the Architect of the Capitol are usually kept, the Comptroller General may require the head of the agency or the Architect to keep any part of an account of an accountable official or of a record required to be submitted to the Comptroller General. The Comptroller General may require records be kept under conditions and for a period of [96 STAT. 963] not more than 10 years specified by the Comptroller General. However, the Comptroller General and the head of the agency or the Architect may agree on a longer period.

(2) The Comptroller General and the head of an agency in the legislative or judicial branch of the United States Government (except the Architect) may agree to apply this subsection to the agency.

§ 3524. Auditing expenditures approved without vouchers

(a)(1) The Comptroller General may audit expenditures, accounted for only on the approval, authorization, or certificate of the President or an official of an executive agency, to decide if the expenditure was authorized by law and made. Records and related information shall be made available to the Comptroller General in conducting the audit.

(2) The Comptroller General may release the results of the audit or disclose related information only to the President or head of the agency, or, if there is an unresolved discrepancy, to the Committee on Governmental Affairs of the Senate, the Committee on Govern-

ment Operations of the House of Representatives, and the committees of Congress having legislative or appropriation oversight of the expenditure.

Report to congressional committees.

(b) Before December 1 of each year, the Director of the Office of Management and Budget shall submit a report listing each account that may be subject to this section to the Committees on the Budget and Appropriations of both Houses of Congress, the Committee on Governmental Affairs, and to the Committee on Government Operations, and to the Comptroller General.

Exemption.

(c) The President may exempt from this section a financial transaction about sensitive foreign intelligence or foreign counter-intelligence activities or sensitive law enforcement investigations if an audit would expose the identifying details of an active investigation or endanger investigative or domestic intelligence sources involved in the investigation. The exemption may apply to a class or category of financial transactions.

(d) This section does not—

(1) apply to expenditures under section 102, 103, 105(d) (1), (3), or (5), or 106(b) (2) or (3) of title 3; or

(2) affect authority under section 8(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j(b)).

(e) Information about a financial transaction exempt under subsection (c) of this section or a financial transaction under section 8(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j(b)) may be reviewed by the Permanent Select Committee on Intelligence of the House and the Select Committee on Intelligence of the Senate.

(f) Subsections (a)(1) and (d)(1) of this section may be superseded only by a law enacted after April 3, 1980, specifically repealing or amending this section.

§ 3525. Auditing nonappropriated fund activities

(a) The Comptroller General may audit—

(1) the operations and accounts of each nonappropriated fund and related activities authorized or operated by the head of an executive agency to sell goods or services to United States Government personnel and their dependents;

(2) accounting systems and internal controls of the fund and related activities; and

96 STAT. 964

(3) internal or independent audits or reviews of the fund and related activities.

(b) The head of each executive agency promptly shall provide the Comptroller General with—

(1) a copy of the annual report of a nonappropriated fund and related activities subject to this section when the Comptroller General—

(A) requires a report for a designated class of each fund and related activities having gross sales receipts of more than $100,000 a year; or

(B) specifically requests a report for another fund and related activities; and

(2) a statement on the yearly financial operations, financial condition, and cash flow and other yearly information about the fund and related activities that the head of the agency and the Comptroller General agree on if the information is not included in the annual report.

(c) Records and property of a fund and related activities subject to this section shall be made available to the Comptroller General to the extent the Comptroller General considers necessary.

§ 3526. Settlement of accounts

(a) The Comptroller General shall settle all accounts of the United States Government and supervise the recovery of all debts finally certified by the Comptroller General as due the Government.

(b) A decision of the Comptroller General under section 3529 of this title is conclusive on the Comptroller General when settling the account containing the payment.

(c)(1) The Comptroller General shall settle an account of an accountable official within 3 years after the date the Comptroller General receives the account. A copy of the certificate of settlement shall be provided the official.

(2) The settlement of an account is conclusive on the Comptroller General after 3 years after the account is received by the Comptroller General. However, an amount may be charged against the account after the 3-year period when the Government has or may have lost money because the official acted fraudulently or criminally.

(3) A 3-year period under this subsection is suspended during a war.

(4) This subsection does not prohibit—

(A) recovery of public money illegally or erroneously paid;

(B) recovery from an official of a balance due the Government under a settlement within the 3-year period; or

(C) an official from clearing an account of questioned items as prescribed by law.

(d) On settling an account of the Government, the balance certified by the Comptroller General is conclusive on the executive branch of the Government. On the initiative of the Comptroller General or on request of an individual whose accounts are settled or the head of the agency to which the account relates, the Comptroller General may change the account within a year after settlement. The decision of the Comptroller General to change the account is conclusive on the executive branch.

(e) When an amount of money is expended under law for a treaty or relations with a foreign country, the President may— 96 STAT. 965

(1) authorize the amount to be accounted for each year specifically by settlement of the Comptroller General when the President decides the amount expended may be made public; or

(2) make, or have the Secretary of State make, a certificate of the amount expended if the President decides the amount is not to be accounted for specifically. The certificate is a sufficient voucher for the amount stated in the certificate.

(f) The Comptroller General shall keep all settled accounts, vouchers, certificates, and related papers until they are disposed of as prescribed by law.

(g) This subchapter does not prohibit the Comptroller General from suspending an item in an account to get additional evidence or explanations needed to settle an account.

§ 3527. General authority to relieve accountable officials and agents from liability

(a) Except as provided in subsection (b) of this section, the Comptroller General may relieve a present or former accountable official or agent of an agency responsible for the physical loss or deficiency of public money, vouchers, checks, securities, or records, or may authorize reimbursement from an appropriation or fund available for the activity in which the loss or deficiency occurred for the amount of the loss or deficiency paid by the official or agent as restitution, when—

(1) the head of the agency decides that—

(A) the official or agent was carrying out official duties when the loss or deficiency occurred, or the loss or deficiency occurred because of an act or failure to act by a subordinate of the official or agent; and

(B) the loss or deficiency was not the result of fault or negligence by the official or agent;

(2) the loss or deficiency was not the result of an illegal or incorrect payment; and

(3) the Comptroller General agrees with the decision of the head of the agency.

(b)(1) The Comptroller General shall relieve a disbursing official of the armed forces responsible for the physical loss or deficiency of public money, vouchers, or records, or shall authorize reimbursement, from an appropriation or fund available for reimbursement, of the amount of the loss or deficiency paid by or for the official as restitution, when—

(A) the Secretary of Defense or the appropriate Secretary of the military department of the Department of Defense decides that the official was carrying out official duties when the loss or deficiency occurred;

(B) the loss or deficiency was not the result of an illegal or incorrect payment; and

(C) the loss or deficiency was not the result of fault or negligence by the official.

(2) The finding of the Secretary involved is conclusive on the Comptroller General.

(c) On the initiative of the Comptroller General or written recommendation of the head of an agency, the Comptroller General may relieve a present or former disbursing official of the agency responsible for a deficiency in an account because of an illegal, improper, or incorrect payment, and credit the account for the deficiency, when the Comptroller General decides that the payment was not the result of bad faith or lack of reasonable care by the official. However, the Comptroller General may deny relief when the Comptroller General decides the head of the agency did not carry out diligently collection action under procedures prescribed by the Comptroller General.

96 STAT. 966

(d)(1) When the Comptroller General decides it is necessary to adjust the account of an official or agent granted relief under subsection (a) or (c) of this section, the amount of the relief shall be charged—

(A) to an appropriation specifically provided to be charged; or

(B) if no specific appropriation, to the appropriation or fund available for the expense of the accountable function when the adjustment is carried out.

(2) Subsection (c) of this section does not—

(A) affect the liability, or authorize the relief, of a payee, beneficiary, or recipient of an illegal, improper, or incorrect payment; or

(B) relieve an accountable official, the head of an agency, or the Comptroller General of responsibility in carrying out collection action against a payee, beneficiary, or recipient.

(e) Relief provided under this section is in addition to relief provided under another law.

§ 3528. Responsibilities and relief from liability of certifying officials

(a) A certifying official certifying a voucher is responsible for—

(1) information stated in the certificate, voucher, and supporting records;

(2) the computation of a certified voucher under this section and section 3325 of this title;

(3) the legality of a proposed payment under the appropriation or fund involved; and

(4) repaying a payment—

(A) illegal, improper, or incorrect because of an inaccurate or misleading certificate;

(B) prohibited by law; or

(C) that does not represent a legal obligation under the appropriation or fund involved.

(b) The Comptroller General may relieve a certifying official from liability when the Comptroller General decides that—

(1) the certification was based on official records and the official did not know, and by reasonable diligence and inquiry could not have discovered, the correct information; or

(2)(A) the obligation was incurred in good faith;

(B) no law specifically prohibited the payment; and

(C) the United States Government received value for payment.

(c) The Comptroller General shall relieve a certifying official from liability for an overpayment—

(1) to a common carrier under section 3726 of this title when the Comptroller General decides the overpayment occurred only because the administrative audit before payment did not verify transportation rates, freight classifications, or land-grant deductions; or

96 STAT. 967

(2) provided under a Government bill of lading or transportation request when the overpayment was the result of using improper transportation rates or classifications or the failure to deduct the proper amount under a land-grant law or agreement.

(d) This section does not apply to disbursements of a military department of the Department of Defense, except disbursements for departmental pay and expenses in the District of Columbia.

§ 3529. Requests for decisions of the Comptroller General

(a) A disbursing or certifying official or the head of an agency may request a decision from the Comptroller General on a question involving—

(1) a payment the disbursing official or head of the agency will make; or

(2) a voucher presented to a certifying official for certification.

(b) The Comptroller General shall issue a decision requested under this section.

§ 3530. Adjusting accounts

(a) An appropriation or fund currently available for the expense of an accountable function shall be charged with an amount necessary to adjust an account of an accountable official or agent when—

(1) necessary to adjust the account for a loss to the United States Government resulting from the fault or negligence of the official or agent; and

(2) the head of the agency decides the loss is uncollectable.

(b) An adjustment does not affect the personal financial liability of an official or agent for the loss.

Regulations.

(c) The Comptroller General shall prescribe regulations to carry out subsection (a) of this section.

(d) Under procedures prescribed by the Comptroller General, the head of an agency may charge the net amount of unpaid and overpaid balances in individual pay accounts against the appropriation for the fiscal year in which the balances occurred and from which the accounts were payable. The net amount shall be credited to and paid from the corresponding appropriation for the next fiscal year.

§ 3531. Property returns

(a) The head of an executive department—

(1) shall certify to the Comptroller General a charge against an official or agent entrusted with public property for the department resulting from a loss to the United States Government from the property because of fault of the official or agent; and

(2) may not forward the property to the Comptroller General.

(b)(1) A certificate under subsection (a) of this section shall state—

(A) the condition of the property;

(B) that the official or agent has had a reasonable opportunity to be heard but has not been relieved of liability; and

(C) that the certificate includes all charges not certified previously.

(2) The effect of information in the certificate is the same as if the Comptroller General had discovered the information when auditing the account. The Comptroller General shall charge the appropriate account for the amount of the loss.

(c) Except as provided in subsection (a) of this section, this section does not affect the way a property return is made or liability for property is decided.

§ 3532. Notification of account deficiencies

96 STAT. 968

An accounting official discovering a deficiency in an account of an official of the United States Government having custody of public money shall notify the head of the agency having jurisdiction of the official of the kind and amount of the deficiency.

SUBCHAPTER IV—COLLECTION

§ 3541. Distress warrants

(a) When an official receiving public money before it is paid to the Treasury or a disbursing or certifying official of the United States Government does not submit an account or pay the money as prescribed by law, the Comptroller General shall make the account for the official and certify to the Secretary of the Treasury the amount due the Government.

(b) The Secretary shall issue a distress warrant against the official stating the amount due from the official and any amount paid. The warrant shall be directed to the marshal of the district in which the official resides. If the Secretary intends to take and sell the property of an official that is located in a district other than where the official resides, the warrant shall be directed to the marshal of the district in which the official resides and the marshal of the district in which the property is located.

§ 3542. Carrying out distress warrants

(a) A marshal carrying out a distress warrant issued under section 3541 of this title shall seize the personal property of the official and sell the property after giving 10 days notice of the sale. Notice shall be given by posting an advertisement of the property to be sold in at least 2 public places in the town and county in which the property was taken or the town and county in which the owner of the property resides. If the property does not satisfy the amount due under the warrant, the official may be sent to prison until discharged by law.

(b)(1) The amount due under a warrant is a lien on the real property of the official from the date the distress warrant is issued. The lien shall be recorded in the office of the clerk of the appropriate district court until discharged under law.

(2) If the personal property of the official is not enough to satisfy a distress warrant, the marshal shall sell real property of the official after advertising the property for at least 3 weeks in at least 3 public places in the county or district where the property is located. A buyer of the real property has valid title against all persons claiming under the official.

(c) The official shall receive that part of the proceeds of a sale remaining after the distress warrant is satisfied and the reasonable costs and charges of the sale are paid.

§ 3543. Postponing a distress warrant proceeding

(a) A distress warrant proceeding may be postponed for a reasonable time if the Secretary of the Treasury believes the public interest will not be harmed by the postponement.

(b)(1) A person adversely affected by a distress warrant issued under section 3541 of this title may bring a civil action in a district court of the United States. The complaint shall state the kind and extent of the harm. The court may grant an injunction to stay any part of a distress warrant proceeding required by the action after the person applying for the injunction gives a bond in an amount the court prescribes for carrying out a judgment.

96 STAT. 969

(2) An injunction under this subsection does not affect a lien under section 3542(b)(1) of this title. The United States Government is not required to answer in a civil action brought under this subsection.

(3) If the court dissolves the injunction on a finding that the civil action for the injunction was brought only for delay, the court may

increase the interest rate imposed on amounts found due against the complainant to not more than 10 percent a year. The judge may grant or dissolve an injunction under this subsection either in or out of court.

(c) A person adversely affected by a refusal to grant an injunction or by dissolving an injunction under subsection (b) of this section may petition a judge of a circuit court of appeals in which the district is located or the Supreme Court justice allotted to that circuit by giving the judge or justice a copy of the proceeding held before the district judge. The judge or justice may grant an injunction or allow an appeal if the judge or justice finds the case requires it.

§ 3544. Rights and remedies of the United States Government reserved

This subchapter does not affect a right or remedy the United States Government has by law to recover a tax, debt, or demand.

§ 3545. Civil action to recover money

The Attorney General shall bring a civil action to recover an amount due to the United States Government on settlement of the account of a person accountable for public money when the person neglects or refuses to pay the amount to the Treasury. Any commission of that person and interest of 6 percent a year from the time the money is received by the person until repaid to the Treasury shall be added to the amount due on the account. The commission is forfeited when judgment is obtained.

CHAPTER 37—CLAIMS

SUBCHAPTER I—GENERAL

Sec.
3701. Definitions.
3702. Authority of the Comptroller General to settle claims.

SUBCHAPTER II—CLAIMS OF THE UNITED STATES GOVERNMENT

3711. Collection and compromise.
3712. Time limitations for presenting certain claims of the Government.
3713. Priority of Government claims.
3714. Keeping money due States in default.
3715. Buying real property of a debtor.

SUBCHAPTER III—CLAIMS AGAINST THE UNITED STATES GOVERNMENT

3721. Claims of personnel of agencies and the District of Columbia government for personal property damage or loss.
3722. Claims of officers and employees at Government penal and correctional institutions.
3723. Small claims for privately owned property damage or loss.
3724. Claims for damages caused by the Federal Bureau of Investigation.
3725. Claims of non-nationals for personal injury or death in a foreign country.
3726. Payment for transportation. 96 STAT. 970
3727. Assignments of claims.
3728. Setoff against judgment.
3729. False claims.
3730. Civil actions for false claims.
3731. False claims procedure.

SUBCHAPTER I—GENERAL

§ 3701. Definitions

In this chapter—

(1) "executive or legislative agency" means a department, agency, or instrumentality in the executive or legislative branch of the United States Government.

(2) "military department" means the Departments of the Army, Navy, and Air Force.

(3) "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, the Commissioned Corps of the

National Oceanic and Atmospheric Administration, and the Commissioned Corps of the Public Health Service.

§ 3702. Authority of the Comptroller General to settle claims

(a) Except as provided in this chapter or another law, the Comptroller General shall settle all claims of or against the United States Government. A claim that was not administratively examined before submission to the Comptroller General shall be examined by 2 officers or employees of the General Accounting Office independently of each other.

(b)(1) A claim against the Government presented under this section must contain the signature and address of the claimant or an authorized representative. The claim must be received by the Comptroller General within 6 years after the claim accrues except—

(A) as provided in this chapter or another law; or

(B) a claim of a State, the District of Columbia, or a territory or possession of the United States.

(2) When the claim of a member of the armed forces accrues during war or within 5 years before war begins, the claim must be presented to the Comptroller General within 5 years after peace is established or within the period provided in clause (1) of subsection, whichever is later.

(3) The Comptroller General shall return a claim not received in the time required under this subsection with a copy of this subsection and no further communication is required.

(c) A claim on a check or warrant that the records of the Comptroller General or the Secretary of the Treasury show as being paid must be presented to the Comptroller General or the Secretary within 6 years after the check or warrant was issued.

Report to Congress.

(d) The Comptroller General shall report to Congress on a claim against the Government that is timely presented under this section that may not be adjusted by using an existing appropriation, and that the Comptroller General believes Congress should consider for legal or equitable reasons. The report shall include recommendations of the Comptroller General.

96 STAT. 971

SUBCHAPTER II—CLAIMS OF THE UNITED STATES GOVERNMENT

§ 3711. Collection and compromise

(a) The head of an executive or legislative agency—

(1) shall try to collect a claim of the United States Government for money or property arising out of the activities of, or referred to, the agency;

(2) may compromise a claim of the Government of not more than $20,000 (excluding interest) that has not been referred to another executive or legislative agency for further collection action; and

(3) may suspend or end collection action on a claim referred to in clause (2) of this subsection when it appears that no person liable on the claim has the present or prospective ability to pay a significant amount of the claim or the cost of collecting the claim is likely to be more than the amount recovered.

(b) The Comptroller General has the same authority that the head of the agency has under subsection (a) of this section when the claim is referred to the Comptroller General for further collection action. Only the Comptroller General ay compromise a claim arising out of an exception the Comptroller General makes in the account of an accountable official.

(c)(1) The head of an executive or legislative agency may not act under subsection (a) (2) or (3) of this section on a claim that appears to be fraudulent, false, or misrepresented by a party with an interest in the claim, or that is based on conduct in violation of the antitrust laws.

(2) The Secretary of Transportation may not compromise for less than $250 a penalty under section 6 of the Act of March 2, 1893 (45 U.S.C. 6), section 4 of the Act of April 14, 1910 (45 U.S.C. 13), section 9 of the Act of February 17, 1911 (45 U.S.C. 34), and section 25(h) of the Interstate Commerce Act (49 U.S.C. 26(h)).

(d) A compromise under this section is final and conclusive unless gotten by fraud, misrepresentation, presenting a false claim, or mutual mistake of fact. An accountable official is not liable for an amount paid or for the value of property lost or damaged if the amount or value is not recovered because of a compromise under this section.

(e) The head of an executive or legislative agency acts under—

(1) regulations prescribed by the head of the agency; and

(2) standards that the Attorney General and the Comptroller General may prescribe jointly.

§ 3712. Time limitations for presenting certain claims of the Government

(a) Except as provided in this subsection, the United States Government must bring a civil action to enforce the liability of an endorser, transferor, depositary, or fiscal agent on a forged or unauthorized signature or endorsement on, or a change in, a check or warrant issued by the Secretary of the Treasury, the United States Postal Service, or a disbursing official or agent within 6 years after the check or warrant is presented to the drawee of the check or warrant for payment unless, within that period, written notice of the claim is given to the endorser, transferor, depositary, or fiscal agent. 96 STAT. 972 The period for bringing a civil action or giving notice is extended for 180 days if a claim is received under section 3702(c) of this title.

(b) Notwithstanding subsection (a) of this section, a civil action may be brought within 2 years after the claim is discovered when an endorser, transferor, depositary, or fiscal agent fraudulently conceals the claim from an officer or employee of the Government entitled to bring the civil action.

(c) The Comptroller General shall credit the appropriate account of the Treasury for the amount of a check or warrant for which a civil action cannot be brought because notice was not given within the time required under subsection (a) of this section if the failure to give notice was not the result of negligence of the Secretary.

(d) The Government waives all claims against a person arising from dual pay from the Government if the dual pay is not reported to the Comptroller General for collection within 6 years from the last date of a period of dual pay.

§ 3713. Priority of Government claims

(a)(1) A claim of the United States Government shall be paid first when—

(A) a person indebted to the Government is insolvent and—

(i) the debtor without enough property to pay all debts makes a voluntary assignment of property;

(ii) property of the debtor, if absent, is attached; or

(iii) an act of bankruptcy is committed; or

(B) the estate of a deceased debtor, in the custody of the executor or administrator, is not enough to pay all debts of the debtor.

11 USC 101. (2) This subsection does not apply to a case under title 11.

(b) A representative of a person or an estate (except a trustee acting under title 11) paying any part of a debt of the person or estate before paying a claim of the Government is liable to the extent of the payment for unpaid claims of the Government.

§ 3714. Keeping money due States in default

The Secretary of the Treasury shall keep the necessary amount of money the United States Government owes a State when the State defaults in paying principal or interest on investments in stocks or bonds the State issues or guarantees and that the Government holds in trust. The money shall be used to pay the principal or interest or reimburse, with interest, money the Government advanced for interest due on the stocks or bonds.

§ 3715. Buying real property of a debtor

The head of an agency for whom a civil action is brought against a debtor of the United States Government may buy real property of the debtor at a sale on execution of the real property of the debtor resulting from the action. The head of the agency may not bid more for the property than the amount of the judgment for which the property is being sold, and costs. The marshal of the district in which the sale is held shall transfer the property to the Government.

SUBCHAPTER III—CLAIMS AGAINST THE UNITED STATES GOVERNMENT

§ 3721. Claims of personnel of agencies and the District of Columbia government for personal property damage or loss

Definitions.

(a) In this section—

(1) "agency" does not include a nonappropriated fund activity or a contractor with the United States Government.

(2) "head of an agency" means—

(A) for a military department, the Secretary of the military department;

(B) for the Department of Defense (except the military departments), the Secretary of Defense; and

(C) for another agency, the head of the agency.

(3) "settle" means consider, determine, adjust, and dispose of a claim by disallowance or by complete or partial allowance.

(b) The head of an agency may settle and pay not more than $15,000 for a claim against the Government made by a member of the uniformed services under the jurisdiction of the agency or by an officer or employee of the agency for damage to, or loss of, personal property incident to service. A claim allowed under this subsection may be paid in money or the personal property replaced in kind.

(c)(1) The head of an agency may settle and pay not more than $40,000 for a claim against the Government made by a member of the uniformed services under the jurisdiction of the agency or by an officer or employee of the agency for damage to, or loss of, personal property in a foreign country that was incurred after December 30, 1978, incident to service, and—

(A)(i) the member, officer, or employee was evacuated from the country after December 30, 1978, on a recommendation or order of the Secretary of State or other competent authority that was made in responding to an incident of political unrest or hostile act by people in that country; and

(ii) the damage or loss resulted from the evacuation, incident, or hostile act; or

(B) the damage or loss resulted from a hostile act directed against the Government or its members, officers, or employees.

(2) On paying a claim under this subsection, the Government is subrogated for the amount of the payment to a right or claim that the claimant may have against the foreign country for the damage or loss for which the Government made the payment.

(3) Amounts may be obligated or expended for claims under this subsection only to the extent provided in advance in appropriation laws.

(d) The Mayor of the District of Columbia may settle and pay a claim against the District of Columbia government made by an officer or employee of the District of Columbia government to the same extent the head of an agency may settle and pay a claim under this section.

(e) A claim may not be allowed under this section if the personal property damage or loss occurred at quarters occupied by the claimant in a State or the District of Columbia that were not assigned or provided in kind by the United States Government or the District of Columbia government.

(f) A claim may be allowed under this section only if—

96 STAT. 974 (1) the claim is substantiated;

(2) the head of the agency decides that possession of the property was reasonable or useful under the circumstances; and

(3) no part of the loss was caused by any negligent or wrongful act of the claimant or an agent or employee of the claimant.

(g) A claim may be allowed under this section only if it is presented in writing within 2 years after the claim accrues. However, if a claim under subsection (b) of this section accrues during war or an armed conflict in which an armed force of the United States is involved, or has accrued within 2 years before war or an armed conflict begins, and for cause shown, the claim must be presented within 2 years after the cause no longer exists or after the war or armed conflict ends, whichever is earlier. An armed conflict begins and ends as stated in a concurrent resolution of Congress or a decision of the President.

(h) The head of the agency—

(1) may settle and pay a claim made by the surviving spouse, child, parent, or brother or sister of a dead member, officer, or employee if the claim is otherwise payable under this section; and

(2) may settle and pay the claims by the survivors only in the following order:

(A) the spouse's claim.

(B) a child's claim.

(C) a parent's claim.

(D) a brother's or sister's claim.

(i) Notwithstanding a contract, the representative of a claimant may not receive more than 10 percent of a payment of a claim made under this section for services related to the claim. A person violating this subsection shall be fined not more than $1,000.

(j) The President may prescribe policies to carry out this section (except subsection (b) to the extent that subsection (b) applies to the military departments, the Department of Defense, and the Coast Guard). Subject to those policies, the head of each agency shall prescribe regulations to carry out this section.

(k) Settlement of a claim under this section is final and conclusive.

§ 3722. Claims of officers and employees at Government penal and correctional institutions

(a) The Attorney General may settle and pay not more than $1,000 in any one case for a claim made by an officer or employee at a United States Government penal or correctional institution for damage to, or loss of, personal property incident to employment.

(b) A claim may not be allowed under this section if the loss occurred at quarters occupied by the claimant that were not assigned or provided in kind by the Government.

(c) A claim may be allowed only if—

(1) no part of the loss was caused by any negligent or wrongful act of the claimant or an agent or employee of the claimant;

(2) the Attorney General decides that possession of the property was reasonable or useful under the circumstances; and

(3) it is presented in writing within one year after it accrues.

(d) A claim may be paid under this section only if the claimant accepts the amount of the settlement in complete satisfaction of the claim.

(e) Necessary amounts are authorized to be appropriated to carry out this section.

§ 3723. Small claims for privately owned property damage or loss

96 STAT. 975

(a) The head of an agency (except a military department of the Department of Defense or the Coast Guard) may settle a claim for not more than $1,000 for damage to, or loss of, privately owned property that—

(1) is caused by the negligence of an officer or employee of the United States Government acting within the scope of employment; and

(2) may not be settled under chapter 171 of title 28.

28 USC 2671 *et seq.*

(b) A claim under this section may be allowed only if it is presented to the head of the agency within one year after it accrues.

(c) A claim under this section may be paid as provided in section 1304 of this title only if the claimant accepts the amount of the settlement in complete satisfaction of the claim against the Government.

§ 3724. Claims for damages caused by the Federal Bureau of Investigation

(a) The Attorney General may settle, for not more than $500 in any one case, a claim for personal injury, death, or damage to, or loss of, privately owned property, caused by the Director or an Assistant Director, inspector, or special agent of the Federal Bureau of Investigation acting within the scope of employment that may not be settled under chapter 171 of title 28. An officer or employee of the United States Government may not present a claim arising during the scope of employment. A claim may be allowed only if it is presented to the Attorney General within one year after it accrues.

(b) The Attorney General shall certify to Congress a settlement under this section for payment out of an appropriation that may be made to pay the settlement. The Attorney General shall include a brief statement on the type of the claim, the amount claimed, and the amount of the settlement.

(c) A claim may be paid under this section only if the claimant accepts the amount of the settlement in complete satisfaction of the claim against the Government.

§ 3725. Claims of non-nationals for personal injury or death in a foreign country

(a) The Secretary of State may settle, for not more than $1,500 in any one case, a claim for personal injury or death of an individual not a national of the United States in a foreign country in which the United States exercises privileges of extraterritoriality when the injury or death is caused by an officer, employee, or agent of the United States Government (except of a military department of the Department of Defense or the Coast Guard). An officer or employee of the Government may not present a claim. A claim under this section may be allowed only if it is presented to the Secretary within one year after it accrues.

(b) The Secretary shall certify to Congress a settlement under this section for payment out of an appropriation that may be made to pay the settlement. The Secretary shall include a brief statement on the type of the claim, the amount claimed, and the amount of the settlement.

(c) A claim may be paid under this section only if the claimant accepts the amount of the settlement in complete satisfaction of the claim against the Government.

96 STAT. 976

§ 3726. Payment for transportation

(a) A carrier or freight forwarder presenting a bill for transporting an individual or property for the United States Government shall be paid before the Administrator of General Services conducts an audit. A claim under this section shall be allowed only if it is received by the Administrator not later than 3 years (excluding time of war) after the later of the following dates:

(1) accrual of the claim;

(2) payment for the transportation is made;

(3) refund for an overpayment for the transportation is made; or

(4) a deduction under subsection (b) of this section is made.

(b) Not later than 3 years (excluding time of war) after the time a bill is paid, the Government may deduct from an amount subsequently due a carrier or freight forwarder an amount paid on the bill that was greater than the rate allowed under—

(1) a lawful tariff on file with the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Maritime Commission, or a State transportation authority; or

49 USC 10721-10724.

(2) sections 10721-10724 of title 49 or an equivalent arrangement or an exemption.

(c) Under regulations the head of an agency prescribes that conform with standards the Secretary of the Treasury and the Comptroller General prescribe jointly, a bill under this section may be paid before the transportation is completed notwithstanding section 3324 of this title when a carrier or freight forwarder issues the usual document for the transportation. Payment for transportation ordered but not provided may be recovered by deduction or other means.

(d)(1) A carrier or freight forwarder may request the Comptroller General to review the action of the Administrator if the request is received not later than 6 months (excluding time of war) after the Administrator acts or within the time stated in subsection (a) of this section, whichever is later.

Ante, p. 958.

(2) This section does not prevent the Comptroller General from conducting an audit under chapter 35 of this title.

§ 3727. Assignments of claims

"Assignment."

(a) In this section, "assignment" means—

(1) a transfer or assignment of any part of a claim against the United States Government or of an interest in the claim; or

(2) the authorization to receive payment for any part of the claim.

(b) An assignment may be made only after a claim is allowed, the amount of the claim is decided, and a warrant for payment of the claim has been issued. The assignment shall specify the warrant, must be made freely, and must be attested to by 2 witnesses. The person making the assignment shall acknowledge it before an official who may acknowledge a deed, and the official shall certify the assignment. The certificate shall state that the official completely explained the assignment when it was acknowledged. An assignment under this subsection is valid for any purpose.

(c) Subsection (b) of this section does not apply to an assignment to a financing institution of money due or to become due under a contract providing for payments totaling at least $1,000 when—

(1) the contract does not forbid an assignment;

(2) unless the contract expressly provides otherwise, the assignment—

(A) is for the entire amount not already paid;

(B) is made to only one party, except that it may be made to a party as agent or trustee for more than one party participating in the financing; and

(C) may not be reassigned; and

(3) the assignee files a written notice of the assignment and a copy of the assignment with the contracting official or the head of the agency, the surety on a bond on the contract, and any disbursing official for the contract.

(d) During a war or national emergency proclaimed by the President or declared by law and ended by proclamation or law, a contract with the Department of Defense, the General Services Administration, the Department of Energy (when carrying out duties and powers formerly carried out by the Atomic Energy

Commission), or other agency the President designates may provide, or may be changed without consideration to provide, that a future payment under the contract to an assignee is not subject to reduction or setoff. A payment subsequently due under the contract (even after the war or emergency is ended) shall be paid to the assignee without a reduction or setoff for liability of the assignor—

(1) to the Government independent of the contract; or

(2) because of renegotiation, fine, penalty (except an amount that may be collected or withheld under, or because the assignor does not comply with, the contract), taxes, social security contributions, or withholding or failing to withhold taxes or social security contributions, arising from, or independent of, the contract.

(e)(1) An assignee under this section does not have to make restitution of, refund, or repay the amount received because of the liability of the assignor to the Government that arises from or is independent of the contract.

(2) The Government may not collect or reclaim money paid to a person receiving an amount under an assignment or allotment of pay or allowances authorized by law when liability may exist because of the death of the person making the assignment or allotment.

§ 3728. Setoff against judgment

(a) The Comptroller General shall withhold paying that part of a judgment against the United States Government presented to the Comptroller General that is equal to a debt the plaintiff owes the Government.

(b) The Comptroller General shall—

(1) discharge the debt if the plaintiff agrees to the setoff and discharges a part of the judgment equal to the debt; or

(2)(A) withhold payment of an additional amount the Comptroller General decides will cover legal costs of bringing a civil action for the debt if the plaintiff denies the debt or does not agree to the setoff; and

(B) have a civil action brought if one has not already been brought.

(c) If the Government loses a civil action to recover a debt or recovers less than the amount the Comptroller General withholds under this section, the Comptroller General shall pay the plaintiff the balance and interest of 6 percent for the time the money is withheld.

96 STAT. 978

§ 3729. False claims

Penalty.

A person not a member of an armed force of the United States is liable to the United States Government for a civil penalty of $2,000, an amount equal to 2 times the amount of damages the Government sustains because of the act of that person, and costs of the civil action, if the person—

(1) knowingly presents, or causes to be presented, to an officer or employee of the Government or a member of an armed force a false or fraudulent claim for payment or approval;

(2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved;

(3) conspires to defraud the Government by getting a false or fraudulent claim allowed or paid;

(4) has possession, custody, or control of public property or money used, or to be used, in an armed force and, intending to defraud the Government or willfully to conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate or receipt;

(5) authorized to make or deliver a document certifying receipt of property used, or to be used, in an armed force and,

intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true; or

(6) knowingly buys, or receives as a pledge of an obligation or debt, public property from a member of an armed force who lawfully may not sell or pledge the property.

§ 3730. Civil actions for false claims

(a) The Attorney General diligently shall investigate a violation under section 3729 of this title. If the Attorney General finds that a person has violated or is violating section 3729, the Attorney General may bring a civil action under this section against the person. The person may be arrested and bail set for an amount of not more than $2,000 and 2 times the amount of damages sworn to in an affidavit of the Attorney General.

(b)(1) A person may bring a civil action for a violation of section 3729 of this title for the person and for the United States Government. The action shall be brought in the name of the Government. The district courts of the United States have jurisdiction of the action. Trial is in the judicial district within whose jurisdictional limits the person charged with a violation is found or the violation occurs. An action may be dismissed only if the court and the Attorney General give written consent and their reasons for consenting.

(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government under rule 4 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The Government may proceed with the action by entering an appearance by the 60th day after being notified. The person bringing the action may proceed with the action if the Government—

(A) by the end of the 60-day period does not enter, or gives written notice to the court of intent not to enter, the action; or

96 STAT. 979

(B) does not proceed with the action with reasonable diligence within 6 months after entering an appearance, or within additional time the court allows after notice.

(3) If the Government proceeds with the action, the action is conducted only by the Government. The Government is not bound by an act of the person bringing the action.

(4) Unless the Government proceeds with the action, the court shall dismiss an action brought by the person on discovering the action is based on evidence or information the Government had when the action was brought.

(c)(1) If the Government proceeds with an action, the person bringing the action may receive an amount the court decides is reasonable for disclosing evidence or information the Government did not have when the action was brought. The amount may not be more than 10 percent of the proceeds of the action or settlement of a claim and shall be paid out of those proceeds.

(2) If the Government does not proceed with an action, the person bringing the action or settling the claim may receive an amount the court decides is reasonable for collecting the civil penalty and damages. The amount may not be more than 25 percent of the proceeds of the action or settlement and shall be paid out of those proceeds. The person may also receive an amount for reasonable expenses the court finds to have been necessarily incurred and costs awarded against the defendant.

(d) The Government is not liable for expenses a person incurs in bringing an action under this section.

§ 3731. False claims procedure

(a) A subpena requiring the attendance of a witness at a trial or hearing conducted under section 3730 of this title may be served at any place in the United States.

(b) A civil action under section 3730 of this title must be brought within 6 years from the date the violation is committed.

SUBTITLE IV—MONEY

CHAPTER Sec.
51. COINS AND CURRENCY 5101
53. MONETARY TRANSACTIONS 5301

CHAPTER 51—COINS AND CURRENCY

SUBCHAPTER I—MONETARY SYSTEM

Sec.
5101. Decimal system.
5102. Standard weight.
5103. Legal tender.

SUBCHAPTER II—GENERAL AUTHORITY

5111. Minting and issuing coins, medals, and numismatic items.
5112. Denominations, specifications, and design of coins.
5113. Tolerances and testing of coins.
5114. Engraving and printing currency and security documents.
5115. United States currency notes.
5116. Buying and selling gold and silver.
5117. Transferring gold and gold certificates.
5118. Gold clauses and consent to sue.
5119. Redemption and cancellation of currency.
5120. Obsolete, mutilated, and worn coins and currency.
5121. Refining, assaying, and valuation of bullion.
5122. Payment to depositors.

96 STAT. 980

SUBCHAPTER III—BUREAU OF THE MINT

5131. Organization.
5132. Administrative.
5133. Settlement of accounts.

SUBCHAPTER IV—BUREAU OF ENGRAVING AND PRINTING

5141. Operation of the Bureau.
5142. Bureau of Engraving and Printing Fund.
5143. Payment for services.
5144. Providing impressions of portraits and vignettes.

SUBCHAPTER V—MISCELLANEOUS

5151. Conversion of currency of foreign countries.
5152. Value of United States money holdings in international institutions.
5153. Counterfeit currency.
5154. State taxation.
5155. Providing engraved plates of portraits of deceased members of Congress.

SUBCHAPTER I—MONETARY SYSTEM

§ 5101. Decimal system

United States money is expressed in dollars, dimes or tenths, cents or hundreths, and mills or thousandths. A dime is a tenth of a dollar, a cent is a hundredth of a dollar, and a mill is a thousandth of a dollar.

§ 5102. Standard weight

The standard troy pound of the National Bureau of Standards of the Department of Commerce shall be the standard used to ensure that the weight of United States coins conforms to specifications in section 5112 of this title.

§ 5103. Legal tender

United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts. Foreign gold or silver coins are not legal tender for debts.

SUBCHAPTER II—GENERAL AUTHORITY

§ 5111. Minting and issuing coins, medals, and numismatic items

(a) The Secretary of the Treasury—

(1) shall mint and issue coins described in section 5112 of this title in amounts the Secretary decides are necessary to meet the needs of the United States;

(2) may prepare national medal dies and strike national and other medals if it does not interfere with regular minting operations but may not prepare private medal dies;

(3) may prepare and distribute numismatic items; and

(4) may mint coins for a foreign country if the minting does not interfere with regular minting operations, and shall prescribe a charge for minting the foreign coins equal to the cost of the minting (including labor, materials, and the use of machinery).

(b) The Department of the Treasury has a coinage metal fund and a coinage profit fund. The Secretary may use the coinage metal fund to buy metal to mint coins. The Secretary shall credit the coinage profit fund with the amount by which the nominal value of the coins minted from the metal exceeds the cost of the metal. The Secretary shall charge the coinage profit fund with waste incurred in minting coins and the cost of distributing the coins. The Secretary shall deposit in the Treasury as miscellaneous receipts excess amounts in the coinage profit fund.

96 STAT. 981

Contract authority.

(c) The Secretary may make contracts on conditions the Secretary decides are appropriate and in the public interest to acquire equipment, manufacturing facilities, patents, patent rights, technical knowledge and assistance, and materials necessary to produce rapidly an adequate supply of coins referred to in section 5112(a)(1)-(4) of this title.

(d)(1) The Secretary may prohibit or limit the exportation, melting, or treatment of United States coins when the Secretary decides the prohibition or limitation is necessary to protect the coinage of the United States.

Penalty.

(2) A person knowingly violating an order or license issued or regulation prescribed under paragraph (1) of this subsection, shall be fined not more than $10,000, imprisoned not more than 5 years, or both.

(3) Coins exported, melted, or treated in violation of an order or license issued or regulation prescribed, and metal resulting from the melting or treatment, shall be forfeited to the United States Government. The powers of the Secretary and the remedies available to enforce forfeitures are those provided in part II of subchapter C of chapter 75 of the Internal Revenue Code of 1954 (26 U.S.C. 7321 et seq.).

§ 5112. Denominations, specifications, and design of coins

(a) The Secretary of the Treasury may mint and issue only the following coins:

(1) a dollar coin that is 1.043 inches in diameter and weighs 8.1 grams.

(2) a half dollar coin that is 1.205 inches in diameter and weighs 11.34 grams.

(3) a quarter dollar coin that is 0.955 inch in diameter and weighs 5.67 grams.

(4) a dime coin that is 0.705 inch in diameter and weighs 2.268 grams.

(5) a 5-cent coin that is 0.835 inch in diameter and weighs 5 grams.

(6) except as provided under subsection (c) of this section, a one-cent coin that is 0.75 inch in diameter and weighs 3.11 grams.

(b) The dollar, half dollar, quarter dollar, and dime coins are clad coins with 3 layers of metal. The 2 identical outer layers are an alloy of 75 percent copper and 25 percent nickel. The inner layer is copper. The outer layers are metallurgically bonded to the inner layer and weigh at least 30 percent of the weight of the coin. The 5-cent coin is an alloy of 75 percent copper and 25 percent nickel. In minting 5-cent coins, the Secretary shall use bars that vary not more than 2.5 percent from the percent of nickel required. Except as provided under subsection (c) of this section, the one-cent coin is an alloy of 95 percent copper and 5 percent zinc. The specifications for alloys are by weight.

(c) The Secretary may prescribe the weight and the composition of copper and zinc in the alloy of the one-cent coin that the Secretary decides are appropriate when the Secretary decides that a different weight and alloy of copper and zinc are necessary to ensure an adequate supply of one-cent coins to meet the needs of the United States.

96 STAT. 982

(d)(1) United States coins have the inscription "In God We Trust". The obverse side of each coin has the inscription "Liberty". The reverse side of each coin has the inscriptions "United States of America" and "E Pluribus Unum" and a designation of the value of the coin. The design on the reverse side of the dollar, half dollar, and quarter dollar is an eagle. The eagle on the reverse side of the dollar is the symbolic eagle of Apollo 11 landing on the moon. The obverse side of the dollar has the likeness of Susan B. Anthony. The coins have an inscription of the year of minting or issuance. However, to prevent or alleviate a shortage of a denomination, the Secretary may inscribe coins of the denomination with the year that was last inscribed on coins of the denomination.

(2) The Secretary shall prepare the devices, models, hubs, and dies for coins, emblems, devices, inscriptions, and designs authorized under this chapter. The Secretary may adopt and prepare new designs or models of emblems or devices that are authorized in the same way as when new coins or devices are authorized. The Secretary may change the design or die of a coin only once within 25 years of the first adoption of the design, model, hub, or die for that coin. The Secretary may procure services under section 3109 of title 5 in carrying out this paragraph. 5 USC 3109.

(e) Notwithstanding section 5111(a)(1) of this title and subsections (a) and (b) of this section, the Secretary may mint and issue not more than 150,000,000 dollar coins that—

(1) are 1.5 inches in diameter and weigh 24.592 grams;

(2) have 2 identical outer layers of an alloy of 80 percent silver and 20 percent copper that are metallurgically bonded to an inner layer of an alloy of silver and copper;

(3) contain 9.837 grams of silver and 14.755 grams of copper;

(4) have the likeness of Dwight David Eisenhower on the obverse side;

(5) have the inscription of a year decided by the Secretary; and

(6) except as provided in this paragraph, have the inscriptions and designs provided for the dollar in subsection (d)(1) of this section.

(f)(1) Notwithstanding this section and section 5111(a)(1) of this title, the Secretary shall mint and issue, in quantities the Secretary decides are necessary to meet public demand (but not more than 10,000,000) half dollar coins that—

(A) are 30.61 millimeters in diameter and weigh 12.5 grams;

(B) are an alloy of 90 percent silver and 10 percent copper;

(C) have a design on each side of the coin, decided by the Secretary, symbolizing the two hundred and fiftieth anniversary of the birth of George Washington; and

(D) have a designation of the value of the coin and an inscription of the year "1982" and the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(2) The Secretary shall sell the coins minted under this subsection to the public at a price equal to the cost of minting and distributing the coins (including labor, materials, dies, use of machinery, promotion, and overhead expenses) plus a surcharge of not more than 20 percent of the cost. The Secretary shall deposit an amount equal to

96 STAT. 983

the surcharge received under this paragraph in the Treasury to be used only to reduce the national debt.

(3) The Secretary may not mint coins under this subsection after December 31, 1983.

(4) Amounts necessary to carry out this subsection may be appropriated.

§ 5113. Tolerances and testing of coins

(a) The Secretary of the Treasury may prescribe reasonable manufacturing tolerances for specifications in section 5112 of this title (except for specifications that are limits) for the dollar, half dollar, quarter dollar, and dime coins. The weight of the 5-cent coin may vary not more than 0.194 gram. The weight of the one-cent coin may vary not more than 0.13 gram.

(b) The Secretary shall keep a record of the kind, number, and weight of each group of coins minted and test a number of the coins separately to determine if the coins conform to the weight specified in section 5112(a) of this title. If the coins tested do not conform, the Secretary—

(1) shall weigh each coin of the group separately and deface the coins that do not conform and cast them into bars for reminting; or

(2) may remelt the group of coins.

§ 5114. Engraving and printing currency and security documents

(a) The Secretary of the Treasury shall engrave and print United States currency and bonds of the United States Government and currency and bonds of United States territories and possessions from intaglio plates on plate printing presses the Secretary selects. However, other security documents and checks may be printed by any process the Secretary selects. Engraving and printing shall be carried out within the Department of the Treasury if the Secretary decides the engraving and printing can be carried out as cheaply, perfectly, and safely as outside the Department.

(b) United States currency has the inscription "In God We Trust" in a place the Secretary decides is appropriate. Only the portrait of a deceased individual may appear on United States currency and securities. The name of the individual shall be inscribed below the portrait.

Contract authority.

(c) The Secretary may make a contract for a period of not more than 4 years to manufacture distinctive paper for United States currency and securities. To promote competition among manufacturers of the distinctive paper, the Secretary may split the award for the manufacture of the paper between the 2 bidders with the lowest prices a pound. When the Secretary decides that it is necessary to operate more than one mill to manufacture distinctive paper, the Secretary may—

(1) employ individuals temporarily at rates of pay equivalent to the rates of pay of regular employees; and

(2) charge the pay of the temporary employees to the appropriation available for manufacturing distinctive paper.

§ 5115. United States currency notes

(a) The Secretary of the Treasury may issue United States currency notes. The notes—

(1) are payable to bearer; and

96 STAT. 984

(2) shall be in a form and in denominations of at least one dollar that the Secretary prescribes.

(b) The amount of United States currency notes outstanding and in circulation—

(1) may not be more than $300,000,000; and

(2) may not be held or used for a reserve.

§ 5116. Buying and selling gold and silver

(a)(1) With the approval of the President, the Secretary of the Treasury may—

(A) buy and sell gold in the way, in amounts, at rates, and on conditions the Secretary considers most advantageous to the public interest; and

(B) buy the gold with any direct obligations of the United States Government or United States coins and currency authorized by law, or with amounts in the Treasury not otherwise appropriated.

(2) Amounts received from the purchase of gold are an asset of the general fund of the Treasury. Amounts received from the sale of gold shall be deposited in the general fund of the Treasury.

(b)(1) The Secretary shall buy silver mined from natural deposits in the United States, or in a territory or possession of the United States, that is brought to a United States mint or assay office within one year after the month in which the ore from which it is derived was mined. The Secretary shall pay $1.25 a fine troy ounce for the silver. The Secretary may use the coinage metal fund under section 5111(b) of this title to buy silver under this subsection.

(2) The Secretary may sell or use Government silver to mint coins, except silver transferred to stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.). The Secretary shall sell silver under conditions the Secretary considers appropriate for at least $1.292929292 a fine troy ounce.

§ 5117. Transferring gold and gold certificates

(a) All right, title, and interest, and every claim of the Board of Governors of the Federal Reserve System, a Federal reserve bank, and a Federal reserve agent, in and to gold is transferred to and vests in the United States Government to be held in the Treasury. Payment for the transferred gold is made by crediting equivalent amounts in dollars in accounts established in the Treasury under the 15th paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 467). Gold not in the possession of the Government shall be held in custody for the Government and delivered on the order of the Secretary of the Treasury. The Board of Governors, Federal reserve banks, and Federal reserve agents shall give instructions and take action necessary to ensure that the gold is so held and delivered.

(b) The Secretary shall issue gold certificates against gold transferred under subsection (a) of this section. The Secretary may issue gold certificates against other gold held in the Treasury. The Secretary may prescribe the form and denominations of the certificates. The amount of outstanding certificates may be not more than the value (for the purpose of issuing those certificates, of 42 and two-ninths dollars a fine troy ounce) of the gold held against gold certificates. The Secretary shall hold gold in the Treasury equal to the required dollar amount as security for gold certificates issued after January 29, 1934.

96 STAT. 985

(c) With the approval of the President, the Secretary may prescribe regulations the Secretary considers necessary to carry out this section.

§ 5118. Gold clauses and consent to sue

Definitions.

(a) In this section—

(1) "gold clause" means a provision in or related to an obligation alleging to give the obligee a right to require payment in—

(A) gold;

(B) a particular United States coin or currency; or

(C) United States money measured in gold or a particular United States coin or currency.

(2) "public debt obligation" means a domestic obligation issued or guaranteed by the United States Government to repay money or interest.

(b) The United States Government may not pay out or deliver any gold coin. A person lawfully holding United States coins and currency may present the coins and currency to the Secretary of the Treasury for exchange (dollar for dollar) for other United States coins and currency that may be lawfully held. The Secretary shall make the exchange under regulations prescribed by the Secretary.

(c)(1) The Government withdraws its consent given to anyone to assert against the Government, its agencies, or its officers, employees, or agents, a claim—

(A) on a gold clause public debt obligation or interest on the obligation;

(B) for United States coins or currency; or

(C) arising out of the surrender, requisition, seizure, or acquisition of United States coins or currency, gold, or silver involving the effect or validity of a change in the metallic content of the dollar or in a regulation about the value of money.

(2) Paragraph (1) of this subsection does not apply to a proceeding in which no claim is made for payment or credit in an amount greater than the face or nominal value in dollars of public debt obligations or United States coins or currency involved in the proceeding.

(3) Except when consent is not withdrawn under this subsection, an amount appropriated for payment on public debt obligations and for United States coins and currency may be expended only dollar for dollar.

"Obligation."

(d)(1) In this subsection, "obligation" means any obligation (except United States currency) payable in United States money.

(2) An obligation issued containing a gold clause or governed by a gold clause is discharged on payment (dollar for dollar) in United States coin or currency that is legal tender at the time of payment. This paragraph does not apply to an obligation issued after October 27, 1977.

§ 5119. Redemption and cancellation of currency

(a) Except to the extent authorized in regulations the Secretary of the Treasury prescribes with the approval of the President, the Secretary may not redeem United States currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) in gold. However, the Secretary shall redeem gold certificates owned by the Federal reserve banks at times and in amounts the Secretary decides are necessary to maintain the equal purchasing power of each kind of United States currency. When redemption in gold is authorized, the redemption may be made only in gold bullion bearing the stamp of a United States mint or assay office in an amount equal at the time of redemption to the currency presented for redemption.

96 STAT. 986

(b)(1) Except as provided in subsection (c)(1) of this section, the following are public debts bearing no interest:

(A) gold certificates issued before January 30, 1934.

(B) silver certificates.

(C) notes issued under the Act of July 14, 1890 (ch. 708, 26 Stat. 289).

(D) Federal Reserve notes for which payment was made under section 4 of the Old Series Currency Adjustment Act.

31 USC 913.

(E) United States currency notes, including those issued under section 1 of the Act of February 25, 1862 (ch. 33, 12 Stat. 345), the Act of July 11, 1862 (ch. 142, 12 Stat. 532), the resolution of January 17, 1863 (P.R. 9; 12 Stat. 822), section 2 of the Act of March 3, 1863 (ch. 73, 12 Stat. 710), or section 5115 of this title.

(2) The Secretary shall redeem from the general fund of the Treasury and cancel and destroy currency referred to in paragraph (1) of this subsection when the currency is presented to the Secretary.

(c)(1) The Secretary may determine the amount of the following United States currency that will not be presented for redemption because the currency has been destroyed or irretrievably lost:

(A) circulating notes of Federal reserve banks and national banks issued before July 1, 1929, for which the United States Government has assumed liability.

(B) outstanding currency referred to in subsection (b)(1) of this section.

(2) When the Secretary makes a determination under this subsection, the Secretary shall reduce the amount of that currency outstanding by the amount the Secretary determines will not be redeemed and credit the appropriate receipt account.

(d) To provide a historical collection of United States currency, the Secretary may withhold from cancellation and destruction and transfer to a special account one piece of each design, issue, or series of each denomination of each kind of currency (including circulating notes of Federal reserve banks and national banks) after redemption. The Secretary may make appropriate entries in Treasury accounts because of the transfers.

§ 5120. Obsolete, mutilated, and worn coins and currency

(a)(1) The Secretary of the Treasury shall melt obsolete and worn United States coins withdrawn from circulation. The Secretary may use the metal from melting the coins for reminting or may sell the metal. The Secretary shall account for the following in the coinage metal fund under section 5111(b) of this title:

(A) obsolete and worn coins and the metal from melting the coins.

(B) proceeds from the sale of the metal.

(C) losses incurred in the sale of the metal.

(D) losses incurred because of the difference between the face value of the coins melted and the coins minted from the metal.

(2) The Secretary shall reimburse the coinage metal fund for losses under paragraph (1)(C) and (D) of this subsection out of amounts in the coinage profit fund under section 5111(b) of this title. 96 STAT. 987

(b) The Secretary shall—

(1) cancel and destroy (by a secure process) obsolete, mutilated, and worn United States currency withdrawn from circulation; and

(2) dispose of the residue of the currency and notes.

(c) The Comptroller General shall audit the cancellation and destruction of United States currency and the accounting of the cancellation and destruction. Records the Comptroller General considers necessary to make an effective audit easier shall be made available to the Comptroller General. Audit.

§ 5121. Refining, assaying, and valuation of bullion

(a) The Secretary of the Treasury shall—

(1) melt and refine bullion;

(2) as required, assay coins, metal, and bullion;

(3) cast gold and silver bullion deposits into bars; and

(4) cast alloys into bars for minting coins.

(b) A person owning gold or silver bullion may deposit the bullion with the Secretary to be cast into fine, standard fineness, or unrefined bars weighing at least 5 troy ounces. When practicable, the Secretary shall weigh the bullion in front of the depositor. The Secretary shall give the depositor a receipt for the bullion stating the description and weight of the bullion. When the Secretary has to melt the bullion or remove base metals before the value of the bullion can be determined, the weight is the weight after the melting or removal of the metals. The Secretary may refuse a deposit of gold bullion if the deposit is less than $100 in value or the bullion is so base that it is unsuitable for the operations of the Bureau of the Mint.

(c) When the gold and silver are combined in bullion that is deposited and either the gold or silver is so little that it cannot be separated economically, the Secretary may not pay the depositor for the gold or silver that cannot be separated.

(d)(1) Under conditions prescribed by the Secretary, a person may exchange unrefined bullion for fine bars when—

(A) gold and silver are combined in the bullion in proportions that cannot be economically refined; or

(B) necessary supplies of acids cannot be procured at reasonable rates.

(2) The charge for refining in an exchange under this subsection may be not more than the charge imposed in an exchange of unrefined bullion for refined bullion.

(e) The Secretary shall prepare bars for payment of deposits. The Secretary shall stamp each bar with a designation of the weight and fineness of the bar and a symbol the Secretary considers suitable to prevent fraudulent imitation of the bar.

§ 5122. Payment to depositors

(a) The Secretary of the Treasury shall determine the fineness, weight, and value of each deposit and bar under section 5121 of this title. The value and the amount of charges under subsection (b) of this section shall be based on the fineness and weight of the bullion. The Secretary shall give the depositor a statement of the charges and the net amount of the deposit to be paid in money or bars of the same species of bullion as that deposited.

96 STAT. 988

(b) The Secretary shall impose a charge equal to the average cost of material, labor, waste, and use of machinery of a United States mint or assay office for—

(1) melting and refining bullion;

(2) using copper as an alloy when bullion deposited is above standard;

(3) separating gold and silver combined in the bullion; and

(4) preparing bars.

(c) The Secretary shall pay to the depositor or to a person designated by the depositor money or bars equivalent to the bullion deposited as soon as practicable after the value of the deposit is determined. If demanded, the Secretary shall pay depositors in the order in which the bullion is deposited with the Secretary. However, when there is an unavoidable delay in determining the value of a deposit, the Secretary shall pay subsequent depositors. When practicable and convenient, the Secretary shall pay depositors in the denominations requested by the depositor. After the depositor is paid, the bullion is the property of the United States Government.

(d) To allow the Secretary to pay depositors with as little delay as possible, the Secretary shall keep in the mints and assay offices, when possible, money and bullion the Secretary decides are convenient and necessary.

SUBCHAPTER III—BUREAU OF THE MINT

§ 5131. Organization

(a) The Bureau of the Mint has—

(1) a United States mint at Philadelphia, Pennsylvania.

(2) a United States mint at Denver, Colorado.

(3) a United States assay office at New York, New York.

(4) a United States assay office at San Francisco, California.

(b) The Secretary of the Treasury shall carry out duties and powers related to refining and assaying bullion, minting coins, striking medals, and numismatic items at the mints and assay offices, except that only bars may be made at the assay offices. However, until the Secretary decides that the mints are adequate for minting and striking an ample supply of coins and medals, the Secretary may use any facility of the Bureau to mint coins and strike medals and to store coins and medals.

(c) Each mint and the assay office at New York have a superintendent and an assayer appointed by the President, by and with the advice and consent of the Senate. The mint at Philadelphia has an engraver appointed by the President, by and with the advice and consent of the Senate.

(d) Laws on mints, officers and employees of mints, and punishment of offenses related to mints and minting coins apply to assay offices, as applicable.

(e) The Secretary shall operate, maintain, and have custody of, the mint at Philadelphia. However, the Administrator of General Services shall make repairs and improvements to the mint.

§ 5132. Administrative

(a)(1) Except as provided in this chapter, the Secretary of the Treasury shall deposit in the Treasury as miscellaneous receipts amounts the Secretary receives from the operations of the Bureau of the Mint. However, amounts from numismatic items shall be reimbursed to the current appropriation used to pay the cost of preparing and selling the items. The Secretary may not use amounts the Secretary receives from profits on minting coins or from charges on gold or silver bullion under section 5122 of this title to pay officers and employees. The Secretary shall pay the costs of the mints and assay offices not provided for in this subsection out of appropriations.

Limitation.

(2) Not more than $54,706,000 may be appropriated to the Secretary for the fiscal year ending September 30, 1982, to pay costs of the mints and assay offices.

(b) To the extent the Secretary decides is necessary, the Secretary may use amounts received from depositors for refining bullion and the proceeds from the sale of byproducts (including spent acids from surplus bullion recovered in refining processes) to pay the costs of refining the bullion (including labor, material, waste, and loss on the sale of sweeps). The Secretary may not use amounts appropriated for the mints and assay offices to pay those costs.

Annual report.

(c) The Secretary shall make an annual report at the end of each fiscal year on the operation of the Bureau.

§ 5133. Settlement of accounts

(a) The Secretary of the Treasury shall—

(1) charge the superintendent of each mint and the assay office at New York and the officer in charge of the assay office at San Francisco with the amount in weight of standard metal of bullion the superintendent or officer receives from the Secretary;

(2) credit each superintendent and the officer with the amount in weight of coins, clippings, and other bullion the superintendent or officer returns to the Secretary; and

(3) charge separately to each superintendent and the officer, who shall account for, copper to be used in the alloy of gold and silver bullion.

(b) At least once a year, the Secretary shall settle the accounts of the superintendents and the officer in charge. At settlement, each superintendent and the officer shall return to the Secretary coins, clippings, and other bullion in their possession with a statement of bullion received and returned since the last settlement (including bullion returned for settlement). The Secretary shall—

Audit.

(1) audit the accounts and statements of each superintendent and the officer;

(2) allow each superintendent the waste of precious metals, within limitations prescribed by the Secretary, that the Secretary decides is necessary for refining and minting; and

(3) allow the officer the waste, within the limitations prescribed for refining, that the Secretary decides is necessary in casting fine gold and silver bars, except that the waste allowance may not apply to deposit operations.

(c) After settlement, the Secretary shall compare the amount of gold and silver bullion and coins on hand with the total liabilities of the mints and assay offices. The Secretary also shall make a statement of the ordinary expense account.

(d) The Secretary shall procure for each mint and assay office a series of standard weights corresponding to the standard troy pound of the National Bureau of Standards of the Department of Commerce. The series shall include a one pound weight and multiples and subdivisions of one pound from .01 grain to 25 pounds. At least once a year, the Secretary shall test the weights normally used in transactions at the mints and assay offices against the standard weights.

96 STAT. 990

SUBCHAPTER IV—BUREAU OF ENGRAVING AND PRINTING

§ 5141. Operation of the Bureau

Annual budget, submittal to President.

(a) The Secretary of the Treasury shall prepare and submit to the President an annual business-type budget for the Bureau of Engraving and Printing.

(b)(1) The Secretary shall maintain in the Bureau an integrated accounting system with internal controls that—

(A) ensures adequate control over assets and liabilities of the Bureau of Engraving and Printing Fund described in section 5142 of this title;

(B) develops accurate production costs to enable the Bureau to recover those costs on the basis of the work requisitioned;

(C) provides for replacement of capitalized equipment and other fixed assets by maintaining adequate depreciation reserves based on original cost or appraised values;

(D) discloses the financial condition and operations of the Fund on an accrual basis of accounting; and

(E) provides information for the prior fiscal year on the annual budget of the Bureau.

(2) The accounting system shall conform to principles and standards prescribed by the Comptroller General to carry out this subsection. The Comptroller General may review the system to ensure conformity to the principles and standards and its effectiveness of operation.

Pay rate.

(c) An officer or employee in the clerical-mechanical service of the Bureau assigned to an established shift or tour of duty at least half of which occurs between 6 p.m. and 6 a.m. is entitled to pay for the regular 40-hour week (except when on leave) at a rate of pay 15 percent higher than the day rate for the same work.

§ 5142. Bureau of Engraving and Printing Fund

(a) The Department of the Treasury has a Bureau of Engraving and Printing Fund. Amounts—

(1) in the Fund are available to operate the Bureau of Engraving and Printing;

(2) in the Fund remain available until expended; and

(3) may be appropriated to the Fund.

(b) The Fund consists of—

(1) property and physical assets (except buildings and land) acquired by the Bureau;

(2) all amounts received by the Bureau; and

(3) proceeds from the disposition of property and assets acquired by the Fund.

(c) The capital of the Fund consists of—

(1) amounts appropriated to the Fund;

(2) physical assets of the Bureau (except buildings and land) as of the close of business June 30, 1951; and

(3) all payments made after June 30, 1974, under section 5143 of this title at prices adjusted to permit buying capital equipment and to provide future working capital.

96 STAT. 991

(d) The Secretary shall deposit each fiscal year, in the Treasury as miscellaneous receipts, amounts accruing to the Fund in the prior fiscal year that the Secretary decides are in excess of the needs of the Fund. However, the Secretary may use the excess amounts to restore capital of the Fund reduced by the difference between the charges for services of the Bureau and the cost of providing those services.

(e) The Secretary shall maintain a special deposit account in the Treasury for the Fund. The Secretary shall credit the account with amounts appropriated to the Fund and receipts of the Bureau without depositing the receipts in the Treasury as miscellaneous receipts.

§ 5143. Payment for services

The Secretary of the Treasury shall impose charges for Bureau of Engraving and Printing services the Secretary provides to an agency. The charges shall be in amounts the Secretary considers adequate to cover the costs of the services (including administrative costs related to providing the services). The agency shall pay promptly bills submitted by the Secretary.

§ 5144. Providing impressions of portraits and vignettes

The Secretary of the Treasury may provide impressions from an engraved portrait or vignette in the possession of the Bureau of Engraving and Printing. An impression shall be provided—

(1) at the request of—

(A) a member of Congress;

(B) a head of an agency;

(C) an art association; or

(D) a library; and

(2) for a charge and under conditions the Secretary decides are necessary to protect the public interest.

SUBCHAPTER V—MISCELLANEOUS

§ 5151. Conversion of currency of foreign countries

(a) In this section—

"Buying rate."

(1) "buying rate" means the buying rate in the market in New York, New York, for cable transfers payable in the currency of a foreign country to be converted.

(2) when merchandise is exported on a day that banks are generally closed in New York, the buying rate at noon on the last prior business day is deemed to be the buying rate at noon on the day the merchandise is exported.

(b) The value of coins of a foreign country expressed in United States money is the value of the pure metal of the standard coin of the foreign country. The Secretary of the Treasury shall estimate the values of standard coins of the country quarterly and publish the values on the first day of January, April, July, and October of each year.

(c) Except as provided in this section, conversion of currency of a foreign country into United States currency for assessment and collection of duties on merchandise imported into the United States shall be made at values published by the Secretary under subsection (b) of this section for the quarter in which the merchandise is exported.

96 STAT. 992

(d) If the Secretary has not published a value for the quarter in which the merchandise is exported, or if the value published by the Secretary varies by at least 5 percent from a value measured by the buying rate at noon on the day the merchandise is exported, the conversion of the currency of the foreign country shall be made at a value—

(1) equal to the buying rate at noon on the day the merchandise is exported; or

(2) prescribed by regulation of the Secretary for the currency that is equal to the first buying rate certified for that currency by the Federal Reserve Bank of New York under subsection (e) of this section in the quarter in which the merchandise is exported, but only if the buying rate at noon on the day the

merchandise is exported varies less than 5 percent from the buying rate first certified.

(e) The Federal Reserve Bank of New York shall decide the buying rate and certify the rate to the Secretary. The Secretary shall publish the rate at times and to the extent the Secretary considers necessary. In deciding the buying rate, the Bank may—

(1) consider the last ascertainable transactions and quotations (direct or through exchange of other currencies); and

(2) if there is no buying rate, calculate the rate from—

(A) actual transactions and quotations in demand or time bills of exchange; or

(B) the last ascertainable transactions and quotations outside the United States in or for exchange payable in United States currency or foreign currency.

§ 5152. Value of United States money holdings in international institutions

The Secretary of the Treasury shall maintain the value in terms of gold of the holdings of United States money of the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank to the extent provided in the articles of agreement of those institutions. Amounts necessary to maintain the value may be appropriated. Amounts appropriated under this section remain available until expended.

§ 5153. Counterfeit currency

Disbursing officials of the United States Government and officers of national banks shall stamp or mark the word "counterfeit", "altered", or "worthless" on counterfeit notes intended to circulate as currency that are presented to them. An official or officer wrongfully stamping or marking an item of genuine United States currency (including a Federal reserve note or a circulating note of Federal reserve banks and national banks) shall redeem the currency at face value when presented.

§ 5154. State taxation

A State or a territory or possession of the United States may tax United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) as money on hand or on deposit in the same way and at the same rate that the State, territory, or possession taxes United States coins and currency circulating within its jurisdiction. This section does not affect a law taxing national banks. 96 STAT. 993

§ 5155. Providing engraved plates of portraits of deceased members of Congress

On conditions the Secretary of the Treasury decides, the Secretary may send an engraved plate of a portrait of a deceased Senator or Representative to an heir or legal representative of such a Senator or Representative.

CHAPTER 53—MONETARY TRANSACTIONS

SUBCHAPTER I—CREDIT AND MONETARY EXPANSION

Sec.

5301. Buying obligations of the United States Government.
5302. Stabilizing exchange rates and arrangements.
5303. Reserved coins and currencies of foreign countries.
5304. Regulations.

SUBCHAPTER II—RECORDS AND REPORTS ON MONETARY INSTRUMENTS TRANSACTIONS

5311. Declaration of purpose.
5312. Definitions and application.
5313. Reports on domestic coins and currency transactions.
5314. Records and reports on foreign financial agency transactions.

Sec.
5315. Reports on foreign currency transactions.
5316. Reports on exporting and importing monetary instruments.
5317. Search and forfeiture of monetary instruments.
5318. Compliance and exemptions.
5319. Availability of reports.
5320. Injunctions.
5321. Civil penalties.
5322. Criminal penalties.

SUBCHAPTER I—CREDIT AND MONETARY EXPANSION

§ 5301. Buying obligations of the United States Government

(a) The President may direct the Secretary of the Treasury to make an agreement with the Federal reserve banks and the Board of Governors of the Federal Reserve System when the President decides that the foreign commerce of the United States is affected adversely because—

(1) the value of coins and currency of a foreign country compared to the present standard value of gold is depreciating;

(2) action is necessary to regulate and maintain the parity of United States coins and currency;

(3) an economic emergency requires an expansion of credit; or

(4) an expansion of credit is necessary so that the United States Government and the governments of other countries can stabilize the value of coins and currencies of a country.

(b) Under an agreement under subsection (a) of this section, the Board shall permit the banks (and the Board is authorized to permit the banks notwithstanding another law) to agree that the banks will—

(1) conduct through each entire specified period open market operations in obligations of the United States Government or corporations in which the Government is the majority stockholder; and

(2) buy directly and hold an additional $3,000,000,000 of obligations of the Government for each agreed period, unless the Secretary consents to the sale of the obligations before the end of the period.

96 STAT. 994

(c) With the approval of the Secretary, the Board may require Federal reserve banks to take action the Secretary and Board consider necessary to prevent unreasonable credit expansion.

§ 5302. Stabilizing exchange rates and arrangements

(a)(1) The Department of the Treasury has a stabilization fund. The fund is available to carry out this section, section 18 of the Bretton Woods Agreement Act (22 U.S.C. 286e–3), and section 3 of the Special Drawing Rights Act (22 U.S.C. 286o), and for investing in obligations of the United States Government those amounts in the fund the Secretary of the Treasury, with the approval of the President, decides are not required at the time to carry out this section. Proceeds of sales and investments, earnings, and interest shall be paid into the fund and are available to carry out this section. However, the fund is not available to pay administrative expenses.

(2) Subject to approval by the President, the fund is under the exclusive control of the Secretary, and may not be used in a way that direct control and custody pass from the President and the Secretary. Decisions of the Secretary are final and may not be reviewed by another officer or employee of the Government.

(b) Consistent with the obligations of the Government in the International Monetary Fund on orderly exchange arrangements and a stable system of exchange rates, the Secretary or an agency designated by the Secretary, with the approval of the President, may deal in gold, foreign exchange, and other instruments of credit and securities the Secretary considers necessary. However, a loan or credit to a foreign entity or government of a foreign country may be made for more than 6 months in any 12-month period only if the President gives Congress a written statement that unique or emergency circumstances require the loan or credit be for more than 6 months.

(c)(1) By the 30th day after the end of each month, the Secretary shall give the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a detailed financial statement on the stabilization fund showing all agreements made or renewed, all transactions occurring during the month, and all projected liabilities.

Reports to President and Congress.

(2) The Secretary shall report each year to the President and Congress on the operation of the fund.

(d) A repayment of any part of the first subscription payment of the Government to the International Monetary Fund, previously paid from the stabilization fund, shall be deposited in the Treasury as a miscellaneous receipt.

§ 5303. Reserved coins and currencies of foreign countries

An agency may use coins and currencies of a foreign country the United States Government holds that are or may be reserved for a specific program or activity of an agency. The agency shall reimburse the Treasury from appropriations and shall replace the coins and currencies when they are needed for the program or activity for which they were reserved originally.

§ 5304. Regulations

With the approval of the President, the Secretary of the Treasury may prescribe regulations—

96 STAT. 995

(1) to carry out section 5301 of this title; and

(2) the Secretary considers necessary to carry out section 5302 of this title.

SUBCHAPTER II—RECORDS AND REPORTS ON MONETARY INSTRUMENTS TRANSACTIONS

§ 5311. Declaration of purpose

It is the purpose of this subchapter (except section 5315) to require certain reports or records where they have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

§ 5312. Definitions and application

(a) In this subchapter—

(1) "financial agency" means a person acting for a person (except for a country, a monetary or financial authority acting as a monetary or financial authority, or an international financial institution of which the United States Government is a member) as a financial institution, bailee, depository trustee, or agent, or acting in a similar way related to money, credit, securities, gold, or a transaction in money, credit, securities, or gold.

(2) "financial institution" means—

(A) an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));

(B) a commercial bank or trust company;

(C) a private banker;

(D) an agency or branch of a foreign bank in the United States;

(E) an insured institution (as defined in section 401(a) of the National Housing Act (12 U.S.C. 1724(a)));

(F) a thrift institution;

(G) a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

(H) a broker or dealer in securities or commodities;

(I) an investment banker or investment company;

(J) a currency exchange;

(K) an issuer, redeemer, or cashier of travelers' checks, checks, money orders, or similar instruments;

(L) an operator of a credit card system;

(M) an insurance company;

(N) a dealer in precious metals, stones, or jewels;

(O) a pawnbroker;

(P) a loan or finance company;

(Q) a travel agency;

(R) a licensed sender of money;

(S) a telegraph company;

(T) an agency of the United States Government or of a State or local government carrying out a duty or power of a business described in this clause (2); or

(U) another business or agency carrying out a similar, related, or substitute duty or power the Secretary of the Treasury prescribes.

(3) "monetary instruments" means—

(A) United States coins and currency; and

(B) as the Secretary may prescribe by regulation, coins and currency of a foreign country, travelers' checks, bearer negotiable instruments, bearer investment securities, bearer securities, stock on which title is passed on delivery, and similar material.

(4) "person", in addition to its meaning under section 1 of title 1, includes a trustee, a representative of an estate and, when the Secretary prescribes, a governmental entity. 1 USC 1.

(5) "United States" means the States of the United States, the District of Columbia, and, when the Secretary prescribes by regulation, the Commonwealth of Puerto Rico, a territory or possession of the United States, or a military or diplomatic establishment.

(b) In this subchapter—

(1) "domestic financial agency" and "domestic financial institution" apply to an action in the United States of a financial agency or institution.

(2) "foreign financial agency" and "foreign financial institution" apply to an action outside the United States of a financial agency or institution.

§ 5313. Reports on domestic coins and currency transactions

(a) When a domestic financial institution is involved in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes), in an amount, denomination, or amount and denomination, or under circumstances the Secretary prescribes by regulation, the institution and any other participant in the transaction the Secretary may prescribe shall file a report on the transaction at the time and in the way the Secretary prescribes. A participant acting for another person shall make the report as the agent or bailee of the person and identify the person for whom the transaction is being made.

(b) The Secretary may designate a domestic financial institution as an agent of the United States Government to receive a report under this section. However, the Secretary may designate a domestic financial institution that is not insured, chartered, examined, or registered as a domestic financial institution only if the institution consents. The Secretary may suspend or revoke a designation for a violation of this subchapter or a regulation under this subchapter (except a violation of section 5315 of this title or a regulation prescribed under section 5315), section 411 of the National Housing Act (12 U.S.C. 1730d), or section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b).

(c)(1) A person (except a domestic financial institution designated under subsection (b) of this section) required to file a report under this section shall file the report—

(A) with the institution involved in the transaction if the institution was designated;

(B) in the way the Secretary prescribes when the institution was not designated; or

(C) with the Secretary.

(2) The Secretary shall prescribe—

(A) the filing procedure for a domestic financial institution designated under subsection (b) of this section; and

96 STAT. 998

(B) the way the institution shall submit reports filed with it.

§ 5314. Records and reports on foreign financial agency transactions

(a) Considering the need to avoid impeding or controlling the export or import of monetary instruments and the need to avoid burdening unreasonably a person making a transaction with a foreign financial agency, the Secretary of the Treasury shall require a resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency. The records and reports shall contain the following information in the way and to the extent the Secretary prescribes:

(1) the identity and address of participants in a transaction or relationship.

(2) the legal capacity in which a participant is acting.

(3) the identity of real parties in interest.

(4) a description of the transaction.

(b) The Secretary may prescribe—

(1) a reasonable classification of persons subject to or exempt from a requirement under this section or a regulation under this section;

(2) a foreign country to which a requirement or a regulation under this section applies if the Secretary decides applying the requirement or regulation to all foreign countries is unnecessary or undesirable;

(3) the magnitude of transactions subject to a requirement or a regulation under this section;

(4) the kind of transaction subject to or exempt from a requirement or a regulation under this section; and

(5) other matters the Secretary considers necessary to carry out this section or a regulation under this section.

(c) A person shall be required to disclose a record required to be kept under this section or under a regulation under this section only as required by law.

§ 5315. Reports on foreign currency transactions

(a) Congress finds that—

(1) moving mobile capital can have a significant impact on the proper functioning of the international monetary system;

(2) it is important to have the most feasible current and complete information on the kind and source of capital flows, including transactions by large United States businesses and their foreign affiliates; and

(3) additional authority should be provided to collect information on capital flows under section 5(b) of the Trading With the Enemy Act (50 App. U.S.C. 5(b)) and section 8 of the Bretton Woods Agreement Act (22 U.S.C. 286f).

(b) In this section, "United States person" and "foreign person controlled by a United States person" have the same meanings given those terms in section 7(f)(2) (A) and (C), respectively, of the Securities and Exchange Act of 1934 (15 U.S.C. 78g(f)(2)(A), (C)).

Regulations.

(c) The Secretary of the Treasury shall prescribe regulations consistent with subsection (a) of this section requiring reports on foreign currency transactions conducted by a United States person or a foreign person controlled by a United States person. The regulations shall require that a report contain information and be submitted at the time and in the way, with reasonable exceptions and classifications, necessary to carry out this section. 96 STAT. 998

§ 5316. Reports on exporting and importing monetary instruments

(a) Except as provided in subsection (c) of this section, a person or an agent or bailee of the person shall file a report under subsection (b) of this section when the person, agent, or bailee knowingly—

(1) transports or has transported monetary instruments of more than $5,000 at one time—

(A) from a place in the United States to or through a place outside the United States; or

(B) to a place in the United States from or through a place outside the United States; or

(2) receives monetary instruments of more than $5,000 at one time transported into the United States from or through a place outside the United States.

(b) A report under this section shall be filed at the time and place the Secretary of the Treasury prescribes. The report shall contain the following information to the extent the Secretary prescribes:

(1) the legal capacity in which the person filing the report is acting.

(2) the origin, destination, and route of the monetary instruments.

(3) when the monetary instruments are not legally and beneficially owned by the person transporting the instruments, or if the person transporting the instruments personally is not going to use them, the identity of the person that gave the instruments to the person transporting them, the identity of the person who is to receive them, or both.

(4) the amount and kind of monetary instruments transported.

(5) additional information.

(c) This section or a regulation under this section does not apply to a common carrier of passengers when a passenger possesses a monetary instrument, or to a common carrier of goods if the shipper does not declare the instrument.

§ 5317. Search and forfeiture of monetary instruments

(a) The Secretary of the Treasury may apply to a court of competent jurisdiction for a search warrant when the Secretary reasonably believes a monetary instrument is being transported and a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement. The Secretary shall include a statement of information in support of the warrant. On a showing of probable cause, the court may issue a search warrant for a designated person or a designated or described place or physical object. This subsection does not affect the authority of the Secretary under another law.

(b) A monetary instrument being transported may be seized and forfeited to the United States Government when a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement. A monetary instrument transported by mail or a common carrier, messenger, or bailee is being transported under this subsection from the time the instrument is delivered to the United States Postal Service, common carrier, messenger, or bailee through the time it is delivered to the addressee, intended recipient, or agent of the addressee or intended recipient without being transported further in, or taken out of, the United States. 96 STAT. 999

§ 5318. Compliance and exemptions

The Secretary of the Treasury may (except under section 5315 of this title and regulations prescribed under section 5315)—

(1) delegate duties and powers under this subchapter to an appropriate supervising agency;

(2) require a class of domestic financial institutions to maintain appropriate procedures to ensure compliance with this subchapter and regulations prescribed under this subchapter; and

(3) prescribe an appropriate exemption from a requirement under this subchapter and regulations prescribed under this subchapter. The Secretary may revoke an exemption by actually or constructively notifying the parties affected. A revocation is effective during judicial review.

§ 5319. Availability of reports

The Secretary of the Treasury shall make information in a report filed under section 5313, 5314, or 5316 of this title available to an agency on request of the head of the agency. The report shall be available for a purpose consistent with those sections or a regulation prescribed under those sections. However, a report and records of reports are exempt from disclosure under section 552 of title 5. 5 USC 552.

§ 5320. Injunctions

When the Secretary of the Treasury believes a person has violated, is violating, or will violate this subchapter or a regulation prescribed or order issued under this subchapter, the Secretary may bring a civil action in the appropriate district court of the United States or appropriate United States court of a territory or possession of the United States to enjoin the violation or to enforce compliance with the subchapter, regulation, or order. An injunction or temporary restraining order shall be issued without bond.

§ 5321. Civil penalties

(a)(1) A domestic financial institution, and a partner, director, officer, or employee of a domestic financial institution, willfully violating this subchapter or a regulation prescribed under this subchapter (except section 5315 of this title or a regulation prescribed under section 5315) is liable to the United States Government for a civil penalty of not more than $1,000. For a violation of section 5318(2) of this title or a regulation prescribed under section 5318(2), a separate violation occurs for each day the violation continues and at each office, branch, or place of business at which a violation occurs or continues.

(2) The Secretary of the Treasury may impose an additional civil penalty on a person not filing a report, or filing a report containing a material omission or misstatement, under section 5316 of this title or a regulation prescribed under section 5316. A civil penalty under this paragraph may not be more than the amount of the monetary instrument for which the report was required. A civil penalty under this paragraph is reduced by an amount forfeited under section 5317(b) of this title.

(3) A person not filing a report under a regulation prescribed under section 5315 of this title or not complying with an injunction

96 STAT. 1000

under section 5320 of this title enjoining a violation of, or enforcing compliance with, section 5315 or a regulation prescribed under section 5315, is liable to the Government for a civil penalty of not more than $10,000.

(b) The Secretary may bring a civil action to recover a civil penalty under subsection (a)(1) or (2) of this section that has not been paid.

(c) The Secretary may remit any part of a forfeiture under section 5317(b) of this title or civil penalty under subsection (a)(2) of this section.

§ 5322. Criminal penalties

(a) A person willfully violating this subchapter or a regulation prescribed under this subchapter (except section 5315 of this title or a regulation prescribed under section 5315) shall be fined not more than $1,000, imprisoned for not more than one year, or both.

(b) A person willfully violating this subchapter or a regulation prescribed under this subchapter (except section 5315 of this title or a regulation prescribed under section 5315), while violating another law of the United States or as part of a pattern of illegal activity involving transactions of more than $100,000 in a 12-month period, shall be fined not more than $500,000, imprisoned for not more than 5 years, or both.

(c) For a violation of section 5318(2) of this title or a regulation prescribed under section 5318(2), a separate violation occurs for each day the violation continues and at each office, branch, or place of business at which a violation occurs or continues.

SUBTITLE V—GENERAL ASSISTANCE ADMINISTRATION

Chapter		Sec.
61.	PROGRAM INFORMATION	6101
63.	USING PROCUREMENT CONTRACTS AND GRANT AND COOPERATIVE AGREEMENTS.	6301
65.	INTERGOVERNMENTAL COOPERATION	6501
67.	REVENUE SHARING	6701
69.	PAYMENT FOR ENTITLEMENT LAND	6901
71.	JOINT FUNDING SIMPLIFICATION	7101
73.	ADMINISTERING BLOCK GRANTS	7301

CHAPTER 61—PROGRAM INFORMATION

Sec.
6101. Definitions.
6102. Program information requirements.
6103. Access to computer information system.
6104. Catalog of Federal domestic assistance programs.
6105. Authorization of appropriations.

§ 6101. Definitions

In this chapter—

(1) “administering office” means the lowest unit of an agency responsible for managing a domestic assistance program.

(2) “agency” has the same meaning given that term in section 551(1) of title 5.

(3) “assistance”—

96 STAT. 1001

(A) means the transfer of anything of value for a public purpose of support or stimulation authorized by a law of the United States, including—

(i) financial assistance;

(ii) United States Government facilities, services, and property; and

(iii) expert and technical information; and

(B) does not include conventional public information services or procurement of property or services for the direct benefit or use of the Government.

(4) “domestic assistance program”—

(A) means assistance from an agency for—

(i) a State;

(ii) the District of Columbia;

(iii) a territory or possession of the United States;

(iv) a county;

(v) a city;

(vi) a political subdivision or instrumentality of a governmental authority listed in subclauses (i)-(v) of this clause (A);

(vii) a domestic corporation;

(viii) a domestic institution; and

(ix) an individual of the United States; and

(B) does not include a department, agency, or instrumentality of the Government.

§ 6102. Program information requirements

(a) The Director of the Office of Management and Budget shall prepare and maintain information on domestic assistance programs. The information on each domestic assistance program shall include the following:

(1) identification of the program by—

(A) title;

(B) authorizing law;

(C) administering office; and

(D) an identifying number assigned by the Director.

(2) a description of the—

(A) program;

(B) objectives of the program;

(C) types of activities financed under the program;

(D) eligibility requirements;

(E) formulas governing distribution of amounts;

(F) types of assistance;

(G) uses, and restrictions on the use, of assistance; and

(H) duties of recipients under the program.

(3) financial information, including the—

(A) amounts appropriated for the current fiscal year or, if unavailable, the amounts requested by the President and the amounts obligated; and

(B) average amounts of awards made in past years.

(4) identification of information contacts, including the administering office and regional and local offices with their addresses and telephone numbers.

(5) a general description of—

(A) the application requirements and procedures; and

(B) to the extent practical, an estimate of the time required to process the application. 96 STAT. 1002

(b) On request of the Director, an agency shall give to the Director current information on all domestic assistance programs administered by the agency. The Director shall incorporate on a regular basis all relevant information received.

(c) The Director—

(1) shall ensure that information and catalogs under this chapter are made available to the public at reasonable prices; and

(2) may develop information services to assist State and local governments in identifying and obtaining sources of assistance.

§ 6103. Access to computer information system

(a) The Director of the Office of Management and Budget shall maintain a computerized information system providing access to the information described in section 6102 of this title.

(b) To the greatest extent practicable, the Director shall provide for the widespread availability of the information by available computer terminals.

(c) When the Director decides the efficiency of the information system under subsection (a) of this section requires it, the Director may make contracts with private organizations to obtain computer time-sharing services, including—

(1) computer telecommunications networks;

(2) computer software; and

(3) associated services.

§ 6104. Catalog of Federal domestic assistance programs

(a) The Director of the Office of Management and Budget shall prepare and publish each year a catalog of domestic assistance programs.

(b) In a form selected by the Director, the catalog shall contain—

(1) all substantive information on domestic assistance programs that is in the system under section 6102(a) of this title at the time the catalog is prepared;

(2) information the Director decides may be helpful to a potential applicant for or beneficiary of assistance; and

(3) a detailed index.

(c) When the Director decides it is necessary, the Director shall prepare and publish—

(1) supplements to the catalog; and

(2) specialized compilations by function of information in the catalog.

(d) The Director may distribute a catalog without cost to each—

(1) member of Congress;

(2) department, agency, and instrumentality of the United States Government;

(3) State;

(4) general purpose unit of a local government;

(5) Indian tribe recognized by the United States Government;

(6) depository library of Government publications; and

(7) depository designated by the Director.

§ 6105. Authorization of appropriations

Not more than $——,——,—— may be appropriated for the fiscal year ending September 30, 19—, to carry out this chapter.

96 STAT. 1003

CHAPTER 63—USING PROCUREMENT CONTRACTS AND GRANT AND COOPERATIVE AGREEMENTS

Sec.
6301. Purposes.
6302. Definitions.
6303. Using procurement contracts.
6304. Using grant agreements.
6305. Using cooperative agreements.
6306. Authority to vest title in tangible personal property for research.
6307. Interpretative guidelines and exemptions.
6308. Use of multiple relationships for different parts of jointly financed projects.

§ 6301. Purposes

The purposes of this chapter are to—

(1) promote a better understanding of United States Government expenditures and help eliminate unnecessary administrative requirements on recipients of Government awards by characterizing the relationship between executive agencies and contractors, States, local governments, and other recipients in acquiring property and services and in providing United States Government assistance;

(2) prescribe criteria for executive agencies in selecting appropriate legal instruments to achieve—

(A) uniformity in their use by executive agencies;

(B) a clear definition of the relationships they reflect; and

(C) a better understanding of the responsibilities of the parties to them; and

(3) promote increased discipline in selecting and using procurement contracts, grant agreements, and cooperative agreements, maximize competition in making procurement contracts, and encourage competition in making grants and cooperative agreements.

§ 6302. Definitions

In this chapter—

(1) "executive agency" does not include a mixed-ownership Government corporation.

(2) "grant agreement" and "cooperative agreement" do not include an agreement under which is provided only—

(A) direct United States Government cash assistance to an individual;

(B) a subsidy;

(C) a loan;

(D) a loan guarantee; or

(E) insurance.

(3) "local government" means a unit of government in a State, a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, an interstate entity, or another instrumentality of a local government.

(4) "other recipient" means a person or recipient (except a State or local government) authorized to receive United States Government assistance or procurement contracts and includes a charitable or educational institution.

(5) "State" means a State of the United States, the District of Columbia, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State, regional, or interstate entity having governmental duties and powers.

96 STAT. 1004

§ 6303. Using procurement contracts

An executive agency shall use a procurement contract as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

(1) the principal purpose of the instrument is to acquire (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; or

(2) the agency decides in a specific instance that the use of a procurement contract is appropriate.

§ 6304. Using grant agreements

An executive agency shall use a grant agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

(1) the principal purpose of the relationship is to transfer a thing of value to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and

(2) substantial involvement is not expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.

§ 6305. Using cooperative agreements

An executive agency shall use a cooperative agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

(1) the principal purpose of the relationship is to transfer a thing of value to the State, local government, or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and

(2) substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.

§ 6306. Authority to vest title in tangible personal property for research

The head of an executive agency may vest title in tangible personal property in a nonprofit institution of higher education or in a nonprofit organization whose primary purpose is conducting scientific research—

(1) when the property is bought with amounts provided under a procurement contract, grant agreement, or cooperative agreement with the institution or organization to conduct basic or applied scientific research;

(2) when the head of the agency decides the vesting furthers the objectives of the agency;

96 STAT. 1005

(3) without further obligation to the United States Government; and

(4) under conditions the head of the agency considers appropriate.

§ 6307. Interpretative guidelines and exemptions

The Director of the Office of Management and Budget may—

(1) issue supplementary interpretative guidelines to promote consistent and efficient use of procurement contracts, grant agreements, and cooperative agreements; and

(2) exempt a transaction or program of an executive agency from this chapter.

§ 6308. Use of multiple relationships for different parts of jointly financed projects

This chapter does not require an executive agency to establish only one relationship between the United States Government and a State, a local government, or other recipient on a jointly financed project involving amounts from more than one program or appropriation when different relationships would otherwise be appropriate for different parts of the project.

CHAPTER 65—INTERGOVERNMENTAL COOPERATION

Sec.

6501. Definitions.
6502. Information on grants received.
6503. Transfer and deposit requirements.
6504. Use of existing State or multimember agency to administer grant programs.
6505. Authority to provide specialized or technical services.
6506. Development assistance.
6507 Congressional review of grant programs.
6508. Studies and reports.

§ 6501. Definitions

In this chapter—

(1) "assistance" means the transfer of anything of value for a public purpose of support or stimulation that is—

(A) authorized by a law of the United States;

(B) provided by the law of the United States Government through grant or contractual arrangements (including technical assistance programs providing assistance by loan, loan guarantee, or insurance); and

(C) not an annual payment by the United States Government to the District of Columbia government under section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198, 87 Stat. 813, D.C. Code, § 47-3406).

(2) "comprehensive planning" includes, to the extent directly related to area needs or needs of a unit of general local government—

(A) preparation, as a guide for governmental policies and action, of general plans on—

(i) the pattern and intensity of land use;

(ii) providing public facilities (including transportation facilities) and other governmental services; and

(iii) the effective development and use of human and natural resources;

96 STAT. 1006

(B) long-range physical and fiscal plans for an action referred to in subclause (A) of this clause (2);

(C) a program for capital improvements and other major expenditures based on their relative urgency, and definitive financing plans for the expenditures in the earlier years of the program;

(D) coordination of related plans and activities of States and local governments and agencies concerned; and

(E) preparation of regulatory and administrative measures to support the items referred to in subclauses (A)–(D) of this clause (2).

(3) "executive agency" does not include a mixed-ownership Government corporation.

(4)(A) "grant" (except as provided in subclause (C) of this clause (4)) means money, or property provided instead of money, that is paid or provided by the United States Government under a fixed annual or total authorization, to a State, to a local government, or to a beneficiary under a plan or program administered by a State or a local government that is subject to approval by an executive agency, if the authorization—

(i) requires the State or local government to expend non-Government money as a condition of receiving money or property from the United States Government; or

(ii) specifies directly, or establishes by means of a formula, the amount that may be provided to the State or local government, or the amount to be allotted for use in each State by the State, local government, and beneficiaries.

(B) "grant" (except as provided in subclause (C) of this clause (4)) also means money, or property provided instead of money, that is paid or provided by the United States Government to a private, nonprofit community organization eligible to receive amounts under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

(C) "grant" does not include—

(i) shared revenue;

(ii) payment of taxes;

(iii) payment instead of taxes;

(iv) a loan or repayable advance;

(v) surplus property or surplus agricultural commodities provided as surplus property;

(vi) a payment under a research and development procurement contract or grant awarded directly and on similar terms to all qualifying organizations; or

(vii) a payment to a State or local government as complete reimbursement for costs incurred in paying benefits or providing services to persons entitled to them under a law of the United States.

(5) "head of a State agency" includes the designated delegate of the head of the agency.

(6) "local government" means a unit of general local government, a school district, or other special district established under State law.

(7) "special-purpose unit of local government" means a special district, public-purpose local government of a State except a school district.

(8) "State" means a State of the United States, the District of 96 STAT. 1007 Columbia, a territory or possession of the United States, and an agency or instrumentality of a State but does not mean a local government of a State.

(9) "unit of general local government" means a county, city, town, village, or other general purpose political subdivision of a State.

§ 6502. Information on grants received

On request of a chief executive officer of a State, a State legislature, or an official designated by either of them, an executive agency carrying out a grant program to States and local governments shall provide the requesting officer or legislature with written information on the purpose and amounts of grants provided to the State or local government.

§ 6503. Transfer and deposit requirements

(a) Consistent with program purposes and regulations of the Secretary of the Treasury, the head of an executive agency carrying out a grant program shall schedule the transfer of grant money to minimize the time elapsing between transfer of the money from the Treasury and the disbursement by a State, whether disbursement occurs before or after the transfer. A State is not accountable for interest earned on grant money pending its disbursement for program purposes.

(b) A State may not be required by a law or regulation of the United States to deposit grant money received by it in a separate bank account. However, a State shall account for grant money made available to the State as United States Government grant money in the accounts of the State. The head of the State agency concerned shall make periodic authenticated reports to the head of the appropriate executive agency on the status and the application of the money, the liabilities and obligations on hand, and other information required by the head of the executive agency. Records related to the grant received by the State shall be made available to the head of the executive agency and the Comptroller General for auditing.

§ 6504. Use of existing State or multimember agency to administer grant programs

Notwithstanding a law of the United States providing that one State agency or multimember agency must be established or designated to carry out or supervise the administration of a grant program, the head of the executive agency carrying out the program may, when requested by the executive or legislative authority of the State responsible for the organizational structure of a State government—

(1) waive the one State agency or multimember agency provision on an adequate showing that the provision prevents the establishment of the most effective and efficient organizational arrangement within the State government; and

(2) approve another State administrative structure or arrangement after deciding that the objectives of the law authorizing the grant program will not be endangered by using another State structure or arrangement.

§ 6505. Authority to provide specialized or technical services

(a) The President may prescribe statistical and other studies and compilations, development projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and other similar services that an executive agency is especially competent and authorized by law to provide. The services prescribed must be consistent with and further the policy of the United States Government of relying on the private enterprise system to provide services reasonably and quickly available through ordinary business channels.

96 STAT. 1008

(b) The head of an executive agency may provide services prescribed by the President under this section to a State or local government when—

(1) written request is made by the State or local government; and

(2) payment of pay and all other identifiable costs of providing the services is made to the executive agency by the State or local government making the request.

(c) Payment received by an executive agency for providing services under this section shall be deposited to the credit of the principal appropriation from which the cost of providing the services has been paid or will be charged.

(d) The authority under this section is in addition to authority under another law in effect on October 16, 1968.

§ 6506. Development assistance

(a) The economic and social development of the United States and the achievement of satisfactory levels of living depend on the sound and orderly development of urban and rural areas. When urbanization proceeds rapidly, the sound and orderly development of urban communities depends to a large degree on the social and economic health and the sound development of smaller communities and rural areas.

Regulations.

(b) The President shall prescribe regulations governing the formulation, evaluation, and review of United States Government programs and projects having a significant impact on area and community development (including programs and projects providing assistance to States and localities) to serve most effectively the basic objectives of subsection (a) of this section. The regulations shall provide for the consideration of concurrently achieving the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between the objectives when they conflict:

(1) appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes.

(2) wise development and conservation of all natural resources.

(3) balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other means to move people and goods.

(4) adequate outdoor recreation and open space.

(5) protection of areas of unique natural beauty and historic and scientific interest.

(6) properly planned community facilities (including utilities for supplying power, water, and communications) for safely disposing of wastes, and for other purposes.

(7) concern for high standards of design.

(c) To the extent possible, all national, regional, State, and local viewpoints shall be considered in planning development programs and projects of the United States Government or assisted by the Government. State and local government objectives and the objectives of regional organizations shall be considered within a framework of national public objectives expressed in laws of the United States. Available projections of future conditions in the United States and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

96 STAT. 1009

(d) To the maximum extent possible and consistent with national objectives, assistance for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

(e) To the maximum extent practicable, each executive agency carrying out a development assistance program shall consult with and seek advice from all other significantly affected executive agencies in an effort to ensure completely coordinated programs. To the extent possible, systematic planning required by individual United States Government programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning.

(f) When a law of the United States provides that both a special-purpose unit of local government and a unit of general local government are eligible to receive a loan or grant, the head of an executive agency shall make the loan or grant to the unit of general local government instead of the special-purpose unit of local government in the absence of substantial reasons to the contrary.

(g) The President may designate an executive agency to prescribe regulations to carry out this section.

§ 6507. Congressional review of grant programs

(a) The committees of Congress having jurisdiction over a grant program authorized by a law of the United States without a speci-

Studies and reports.

fied expiration date for the program shall study the program. The committees may conduct studies separately or jointly and shall report the results of their findings to their respective Houses of Congress not later than the end of each period specified in subsection (b) of this section. The committees shall give special attention to—

(1) the extent to which the purposes of the grants have been met;

(2) the extent to which the objective of the program can be carried on without further assistance;

(3) whether a change in the purpose, direction, or administration of the original program, or in procedures and requirements applicable to the program, should be made; and

(4) the extent to which the program is adequate to meet the growing and changing needs that it was designed to support.

(b)(1) A study under subsection (a) of this section of a grant program authorized by a law of the United States enacted before October 16, 1968, shall be conducted before the end of each 4th calendar year after the year during which a study of the program was last conducted under this section.

(2) A study under subsection (a) of this section of a grant program authorized by a law of the United States enacted after October 16, 1968, shall be conducted before the end of the 4th calendar year after the year of enactment of the law and before the end of each 4th calendar year thereafter.

96 STAT. 1010

§ 6508. Studies and reports

(a)(1) When requested by a committee of Congress having jurisdiction over a grant program, the Comptroller General shall study the program. The study shall include a review of—

(A) the extent to which—

(i) the program conflicts with or duplicates other grant programs; and

(ii) more effective, efficient, economical, and uniform administration of the program may be achieved by changing the requirements and procedures applicable to it; and

(B) budgetary, accounting, reporting, and administrative procedures of the program.

(2) The Comptroller General shall submit to Congress a report on a study made under this subsection and any recommendations. To the extent practicable, a report on an expiring program shall be submitted in the year before the year in which a program ends.

(b)(1) When requested by a committee of Congress having jurisdiction over a grant program, the Advisory Commission on Intergovernmental Relations shall study the intergovernmental relations aspects of the program, including—

(A) the impact of the program on the structural organization of States and local governments and on Federal-State-local fiscal relations; and

(B) the coordination of administration of the program by the United States Government and State and local governments.

(2) The Commission shall submit to the committee requesting the study and to Congress a report and any recommendations.

CHAPTER 67—REVENUE SHARING

Sec.
6701. Definitions and application.
6702. Payments to governments.
6703. State and Local Government Fiscal Assistance Trust Fund.
6704. Qualifications.
6705. State government allocations.
6706. Reductions in State government allocations.
6707. State allocations for units of general local government.
6708. County area and county government allocations.
6709. Other local government allocations.
6710. Separate law enforcement officer allocations for Louisiana.

Sec.
6711. State variation of local government allocations.
6712. Adjustments of local government allocations.
6713. Information used in allocation formulas.
6714. Public hearings.
6715. Prohibition on using payments to influence legislation.
6716. Prohibited discrimination.
6717. Discrimination proceedings.
6718. Suspension and termination of payments in discrimination proceedings.
6719. Compliance agreements.
6720. Enforcement by the Attorney General of prohibitions on discrimination.
6721. Civil action by a person adversely affected.
6722. Judicial review.
6723. Audits, investigations, and reviews.
6724. Reports.

§ 6701. Definitions and application

96 STAT. 1011

(a) In this chapter—

(1) "entitlement period" means each one-year period beginning on October 1, 1981, and October 1, 1982.

(2) "finding of discrimination" means a decision by the Secretary of the Treasury about a complaint described in section 6721(b) of this title, a decision by a State or local administrative agency, or other information (under regulations prescribed by the Secretary) that it is more likely than not that a State government or unit of general local government has not complied with section 6716(a) or (b) of this title.

5 USC 3105.

(3) "holding of discrimination" means a holding by a United States court, a State court, or an administrative law judge appointed under section 3105 of title 5, that a State government or unit of general local government expending amounts received under this chapter has—

(A) excluded a person in the United States from participating in, denied the person the benefits of, or subjected the person to discrimination under, a program or activity because of race, color, national origin, or sex; or

(B) violated a prohibition against discrimination described in section 6716(b) of this title.

(4) "income" means the total money income received from all sources as determined by the Secretary of Commerce for general statistical purposes.

(5) "unit of general local government" means—

(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes;

(B) except under sections 6708(b), 6709, 6711, and 6712(a)(2) and (3) of this title, the recognized governing body of an Indian tribe or Alaskan native village that carries out substantial governmental duties and powers; and

(C) except under this section and sections 6702, 6703, and 6705–6713(c)(1) of this title, the office of the separate law enforcement officer under section 6710 of this title.

(6) "State and local taxes" means taxes imposed by a State government or unit of general local government or other political subdivision of the State government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay) as determined by the Secretary of Commerce for general statistical purposes.

(7) "township" includes an equivalent political subdivision having different designations as determined on the same basis used by the Secretary of Commerce for general statistical purposes.

(b) In a State in which a unit of general local government (except a county government) is the next level of government below the State government, the geographic area of the unit of general local government is deemed to be a county area in the State, and the unit of general local government is deemed to be a county government.

However, this subsection does not apply to a county area of a State not governed by a county government that has at least 2 units of general local government.

(c) When the entire geographic area of a unit of general local government is located in a larger entity, the unit of general local government is deemed to be located in the larger entity. When only part of the geographic area of a unit is located in a larger entity, each part is deemed to be located in the larger entity and to be a separate unit of general local government in determining allocations under this chapter. Except as provided in regulations of the Secretary of the Treasury, the Secretary shall allocate amounts based on the ratio of the estimated population of the part to the population of the unit of general local government.

96 STAT. 1012

(d) When a boundary line change, a State statutory or constitutional change, a governmental reorganization, or other circumstance results in the application of subsections (a)(5) and (7), (b), and (c) of this section and sections 6708-6712 of this title in a way that does not carry out the purposes of this section and sections 6702, 6703, and 6705-6713(c)(1) of this title, the Secretary shall apply subsections (a)(5) and (7), (b), and (c) and sections 6708-6712 under regulations of the Secretary in a way that is consistent with those purposes.

(e) In this chapter, the District of Columbia is deemed to be—

(1) a State; and

(2) a county area having one unit of general local government.

§ 6702. Payments to governments

(a) Each unit of general local government is entitled to an amount equal to any amount allocated to the government under this chapter for each entitlement period. Each State government shall be paid an amount equal to any allocation made for each entitlement period. The Secretary of the Treasury shall pay each amount out of the State and Local Government Fiscal Assistance Trust Fund under section 6703 of this title.

(b) Except as provided under regulations of the Secretary, the Secretary shall determine allocations under this chapter for an entitlement period by the first day of the 3d month before the beginning of the period. The Secretary shall pay each amount under this section in installments. An installment shall be paid at least once a quarter by the 5th day after the end of the quarter. The Secretary initially may estimate the amount of each installment.

(c) The Secretary shall adjust a payment under this chapter to a State government or unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid. However, the Secretary may increase or decrease a payment to the government only when the Secretary or the government demands the increase or decrease within one year after the end of the entitlement period for which the payment was made.

(d) The Secretary may reserve a percentage (of not more than 0.5 percent) of the amount under this section for an entitlement period for a State government and all units of general local government in the State when the Secretary considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

§ 6703. State and Local Government Fiscal Assistance Trust Fund

(a) The Department of the Treasury has a State and Local Government Fiscal Assistance Trust Fund. The Secretary of the Treasury personally is the trustee of the Trust Fund. Amounts in the Trust Fund—

96 STAT. 1013

(1) except as provided in this chapter, may be used only for payments to State governments and units of general local government under this chapter; and

(2) remain available until expended.

(b) The Trust Fund consists of amounts appropriated to the Trust Fund. The following amounts may be appropriated to the Trust Fund:

(1) $2,300,000,000 for each entitlement period to pay amounts allocated to State governments for that period under section 6705 of this title.

(2) $4,566,700,000 for each entitlement period to pay entitlement amounts allocated to units of general local government for that period under sections 6708–6710 of this title.

(c) The Secretary shall transfer to the general fund of the Treasury amounts in the Trust Fund the Secretary decides are not necessary for payments to State governments and units of general local government under this chapter.

§ 6704. Qualifications

(a) Under regulations of the Secretary of the Treasury, a State government or unit of general local government qualifies for payment under this chapter for an entitlement period only after establishing to the satisfaction of the Secretary that—

(1) the government will establish a trust fund in which the government will deposit all payments received;

(2) the government will use amounts in the trust fund (including interest) during a reasonable period provided in the regulations of the Secretary;

(3) the government will expend the payments received under laws and procedures applicable to the expenditure of revenues of the government;

(4) if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

(5) if at least 25 percent of the costs of a construction project are paid out of the trust fund, laborers and mechanics employed by contractors or subcontractors on the project will receive pay at least equal to the prevailing rate of pay for similar construction in the locality as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a et seq.), and the Secretary of Labor shall act on labor standards under this clause in a way that is consistent with Reorganization Plan No. 14 of 1950 (64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

(6) the government will use accounting, audit, and fiscal procedures conforming to guidelines prescribed by the Secretary of the Treasury (after the Secretary consults with the Comptroller General);

(7) after reasonable notice to the government, the government will make available to the Secretary of the Treasury and the Comptroller General, with the right to inspect, records the Secretary reasonably requires to review compliance with this
96 STAT. 1014 chapter or the Comptroller General reasonably requires to review compliance and operations under section 6723(b) of this title; and

(8) the government will make reports the Secretary of the Treasury reasonably requires, in addition to the annual reports required under section 6724(b) of this title.

(b) A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (a) of this section.

Notification of noncompliance.

(c)(1) When the Secretary of the Treasury decides that a State government or unit of general local government has not complied substantially with subsection (a) of this section or regulations prescribed under subsection (a), the Secretary shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Secretary will withhold additional payments to the government for the current entitlement period and later entitlement periods until the Secretary is satisfied that the government—

(A) has taken the appropriate corrective action; and.

(B) will comply with subsection (a) of this section and regulations prescribed under subsection (a).

(2) Before giving notice under paragraph (1) of this subsection, the Secretary shall give the chief executive officer of the State or unit of general local government reasonable notice and an opportunity for a proceeding.

(3) The Secretary may make a payment to the government notified under paragraph (1) of this subsection only when the Secretary is satisfied that the government—

(A) has taken the appropriate corrective action; and

(B) will comply with subsection (a) of this section and regulations prescribed under subsection (a).

§ 6705. State government allocations

For each entitlement period for which an amount is appropriated under section 6703(b)(1) of this title, the Secretary of the Treasury shall allocate to each State government out of the amount appropriated an amount bearing the same ratio to the amount appropriated as the amount allocated to the State under section 6707 of this title bears to the total amount allocated to States under section 6707. However, the Secretary may pay the amount allocated to the State government only when the Secretary determines (under regulations prescribed by the Secretary) that the State government has declined to receive or has refunded to the United States Government an amount available to the State government under any United States Government categorical grant program identified under the regulations that is equal to the amount allocated. The Secretary shall transfer from the State and Local Government Fiscal Assistance Trust Fund to the general fund of the Treasury an amount allocated to a State government but not paid under this section.

§ 6706. Reductions in State government allocations

(a)(1) Except as provided in this section, the Secretary of the Treasury shall reduce the amount allocated to a State government under section 6705 of this title for an entitlement period by the amount by which—

(A) 50 percent of the total amount the State government transfers from its own sources to units of general local government in the State during the 24-month period ending on the last day of the last fiscal year of the State for which relevant information is available on the first day of the entitlement period to which the allocation applies; is less than

(B) 50 percent of the similar total amount for the 24-month period ending the day before the beginning of the 24-month period described in clause (A) of this paragraph.

(2) In applying this subsection, the amount by which the Secretary reduces an amount allocated to a State government for an entitlement period is, in a later entitlement period, an amount transferred by the State government from its own sources to units of general local government during the period to which the reduction applies.

(b) When a State government satisfies the Secretary that after June 29, 1972, the State government assumed responsibility for a category of expenditures that before July 1, 1972, was the responsibility of local governments in the State, the Secretary shall reduce the total amount under subsection (a)(1)(B) of this section to the extent that increased State government expenditures from its own sources for the category have replaced corresponding amounts that the State government transferred to units of general local government during the 24-month period under subsection (a)(1)(B).

(c)(1) When a State government satisfies the Secretary that after June 29, 1972, at least one unit of general local government in the State was given new taxing authority, the Secretary shall reduce the total amount under subsection (a)(1)(B) of this section to the extent of the larger of an amount equal to the—

(A) taxes collected by the units of general local government under the new taxing authority; or

(B) loss of revenue to the State government because of the new taxing authority.

(2) The Secretary may consider under paragraph (1)(A) of this subsection an amount collected because of new taxing authority that is an increase in the tax rate under a previously authorized kind of tax only when the State government has decreased a related State tax.

(d) When the State government satisfies the Secretary that during a part of the 24-month period under subsection (a)(1)(A) of this section the United States Government has assumed responsibility for a category of expenditures for which the State government transferred amounts that (but for this subsection) would be included in the total amount taken into account under subsection (a)(1)(B) of this section, the Secretary shall reduce the total amount under subsection (a)(1)(B) to the extent that increased Government expenditures have replaced corresponding amounts that the State government had transferred to units of general local government during the period under subsection (a)(1)(B).

(e) When the Secretary believes that a reduction of an amount allocated to a State government is required under this section, the Secretary shall give the State government reasonable notice and opportunity for a proceeding. If the Secretary decides that a reduction is required, the Secretary shall—

(1) determine the amount of the reduction;

(2) notify the chief executive officer of the State of the determination; and

96 STAT. 1016

(3) withhold the amount of the reduction from payments to the State government under this chapter.

(f) On the day a reduction under this section in an amount allocated to a State government is final, the Secretary shall transfer an amount equal to the reduction from the State and Local Government Fiscal Assistance Trust Fund to the general fund of the Treasury.

Regulations.

(g) The Secretary shall prescribe regulations to carry out this section.

§ 6707. State allocations for units of general local government

(a) For each entitlement period, the Secretary of the Treasury shall allocate to each State out of the amount authorized for the period under section 6703(b)(2) of this title an amount bearing the same ratio to the amount authorized as the amount allocated to the State under this section bears to the total amount allocated to all States under this section. The Secretary shall—

(1) determine the amount allocated to the State under subsection (b) or (c) of this section and allocate the larger amount to the State; and

(2) allocate the amount allocated to the State to units of general local government in the State under sections 6708–6710 of this title.

(b)(1) The amount allocated to a State under this subsection for an entitlement period is the amount bearing the same ratio to $5,300,000,000 as—

(A) the population of the State, multiplied by the general tax effort factor of the State (determined under paragraph (2) of this subsection), multiplied by the relative income factor of the State (determined under paragraph (3) of this subsection); bears to

(B) the sum of the products determined under subclause (A) of this paragraph for all States.

(2) The general tax effort factor of a State for an entitlement period is—

(A) the net amount of State and local taxes of the State collected during the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of the entitlement period; divided by

(B) the total income of individuals, as determined by the Secretary of Commerce for national income accounts purposes, attributed to the State for the same years.

(3) The relative income factor of a State is a fraction in which—

(A) the numerator is the per capita income of the United States; and

(B) the denominator is the per capita income of the State.

(c) The amount allocated to a State under this subsection for an entitlement period is the amount the State would receive if—

(1) $1,166,666,667 were allocated among the States on the basis of population by allocating to each State an amount bearing the same ratio to the total amount to be allocated as the population of the State bears to the population of all States;

(2) $1,166,666,667 were allocated among the States on the basis of population inversely weighted for per capita income, by allocating to each State an amount bearing the same ratio to the total amount to be allocated as—

(A) the population of the State, multiplied by a fraction in which—

(i) the numerator is the per capita income of all States; and

(ii) the denominator is the per capita income of the State; bears to

(B) the sum of the products determined under subclause (A) of this clause (2) for all States;

(3) $900,000,000 were allocated among the States on the basis of income tax collections by allocating to each State an amount bearing the same ratio to the total amount to be allocated as the income tax amount of the State (determined under subsection (d)(1) of this section) bears to the total amount of the income tax amounts of all States;

(4) $900,000,000 were allocated among the States on the basis of general tax effort by allocating to each State an amount bearing the same ratio to the total amount to be allocated as the general tax effort amount of the State (determined under subsection (d)(2) of this section) bears to the total amount of the general tax effort amounts of all States; and

(5) $1,166,666,667 were allocated among the States on the basis of urbanized population by allocating to each State an amount bearing the same ratio to the total amount to be allocated as the urbanized population of the State bears to the urbanized population of all States. In this clause, "urbanized population" means the population of an area consisting of a central city or cities of at least 50,000 inhabitants and the surrounding closely settled area for the city or cities considered as an urbanized area by the Secretary of Commerce for general statistical purposes.

"Urbanized population."

(d)(1) The income tax amount of a State for an entitlement period is 15 percent of the net amount collected during the calendar year ending before the beginning of the entitlement period from the tax imposed on the income of individuals by the State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 164(a)(3)). The income tax amount for an entitlement period shall be at least one percent but not more than 6 percent of the United States Government individual income tax liability attributed to the State for the taxable years ending during the last calendar year ending before the beginning of the entitlement period. The Secretary of the Treasury shall determine the Government income tax liability attributed to the State on the same basis as the Secretary determines that liability for general statistical purposes.

(2) The general tax effort amount of a State for an entitlement period is the amount determined by multiplying—

(A) the net amount of State and local taxes of the State collected during the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of the entitlement period; by

(B) the general tax effort factor of the State determined under subsection (b)(2) of this section.

§ 6708. County area and county government allocations

96 STAT. 1018

(a)(1) The Secretary of the Treasury first shall allocate among the county areas in the State the amount allocated to the State for an entitlement period under section 6707 of this title. Each county area shall receive an amount bearing the same ratio to the amount allocated to the State as—

(A) the population of the county area, multiplied by the general tax effort factor of the county area (determined under paragraph (2) of this subsection), multiplied by the relative income factor of the county area (determined under paragraph (3) of this subsection); bears to

(B) the sum of the products determined under clause (A) of this paragraph for all county areas in the State.

(2) The general tax effort factor of a county area for an entitlement period is—

(A) the amount of the adjusted taxes of the county government and units of general local government in the county area; divided by

(B) the total income attributed to the county area.

(3) The relative income factor of a county area is a fraction in which—

(A) the numerator is the per capita income of the State in which the area is located; and

(B) the denominator is the per capita income of the county area.

(b) The Secretary shall allocate to the county government an amount out of the amount allocated to the county area under subsection (a) of this section bearing the same ratio to the amount allocated to the county area as the adjusted taxes of the county government bears to the adjusted taxes of the county government and all other units of general local government in the county area.

Indian tribes and Alaskan native villages.

(c) When a county area includes an Indian tribe or Alaskan native village having a recognized governing body carrying out substantial governmental duties and powers, the Secretary shall allocate to the tribe or village an amount out of the amount allocated to the county area under subsection (a) of this section bearing the same ratio to the amount allocated to the county area as the population of the tribe or village bears to the population of the county area. The Secretary shall allocate an amount to the tribe or village before allocating an amount to the county government under subsection (b) of this section. The Secretary shall reduce the amount to be allocated to the county government under subsection (b) by an amount allocated under this subsection.

§ 6709. Other local government allocations

(a)(1) After allocating an amount to a county government under section 6708 of this title, the Secretary of the Treasury shall allocate the amount remaining for allocation in a county area among the units of general local government (except the county government and township governments) in the county area. Each of those units of general local government shall receive an amount bearing the same ratio to the total amount to be allocated to the units of general local government as—

(A) the population of the unit of general local government, multiplied by the general tax effort factor of the unit of general local government (determined under paragraph (2) of this subsection), multiplied by the relative income factor of the unit of general local government (determined under paragraph (4) of this subsection); bears to

96 STAT. 1019

(B) the sum of the products determined under clause (A) of this paragraph for all units of the general local government.

(2) The general tax effort factor of a unit of general local government for an entitlement period is—

(A) the taxes imposed by the unit of general local government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay) determined by the Secretary of Commerce for general statistical purposes and adjusted (under regulations of the Secretary of the Treasury) to exclude amounts properly allocated to education expenses; divided by

(B) the total income attributed to the unit of general local government.

(3) The Secretary of the Treasury shall include that part of sales taxes transferred to a unit of general local government that are imposed by a county government in a geographic area of a unit of general local government as taxes of the unit of general local government under paragraph (2) of this subsection when—

(A) the county government transfers any part of the revenue from the taxes to the unit of general local government without specifying the purpose for which the unit of general local government may expend the revenue; and

(B) the chief executive officer of the State notifies the Secretary that the taxes satisfy the requirements of this paragraph.

(4) The relative income factor of a unit of general local government is a fraction in which—

(A) the numerator is the per capita income of the county area in which the unit of general local government is located; and

(B) the denominator is the per capita income of the geographic area of the unit of general local government.

(b) When a county area includes at least one township government, the Secretary of the Treasury shall set aside for allocation to township governments in the county area an amount out of the amount allocated to the county area under section 6708(a) of this title bearing the same ratio to the amount allocated to the county area as the total adjusted taxes of all township governments in the county area bears to the total adjusted taxes of the county government, the township governments, and other units of general local government in the county area. The amount for allocation to a township government is set aside before an amount is allocated to a unit of general local government under subsection (a) of this section. The Secretary shall allocate an amount to the township government on the same basis as the Secretary allocates an amount to a unit of general local government under subsection (a). The Secretary shall reduce the amount of the allocation to other units of general local government under subsection (a) by the amount set aside for allocation under this subsection.

(c) When the Secretary of the Treasury decides that information available for a county area for an entitlement period is inadequate in allocating an amount under subsection (a) or (b) of this section for a unit of general local government (except a county government) with a population below a number (of not more than 500) prescribed for the county area by the Secretary, the Secretary may apply subsection (a) or (b) by allocating to the unit of general local government an amount bearing the same ratio to the total amount 96 STAT. 1020 to be allocated under subsection (a) or (b) for the entitlement period as the population of the unit of general local government in the county area receiving an amount allocated under subsection (a) or (b). When the Secretary allocates an amount under this subsection, the Secretary shall reduce the total amount to be allocated under subsection (a) or (b) to other units of general local government in the county area for the entitlement period by the amount allocated under this subsection.

§ 6710. Separate law enforcement officer allocations for Louisiana

(a) Except as provided in subsection (d) of this section—

(1) the office of the separate law enforcement officer for—

(A) a county area in Louisiana (except the parishes of East Baton Rouge and Orleans) shall receive for each entitlement period an amount equal to 15 percent of the amount the county area government would receive for the period but for this section; and

(B) the parish of East Baton Rouge shall receive for each entitlement period an amount equal to 7.5 percent of the total amount of the amounts the governments of Baton Rouge, Baker, and Zachary, Louisiana, would receive for the period but for this section; and

(2) the parish of Orleans, Louisiana, shall receive for each entitlement period an additional amount equal to 7.5 percent of the amount the parish otherwise would receive.

(b) Except as provided in subsection (d) of this section, the Secretary of the Treasury shall reduce—

(1) the amount allocated to a county area government in Louisiana for an entitlement period by an amount equal to 50 percent of the amount allocated to the office of the separate law officer for the county area for the period; and

(2) in applying clause (1) of this subsection to the parish of East Baton Rouge, the amounts allocated to the governments of Baton Rouge, Baker, and Zachary, Louisiana, for an entitlement period by an amount equal to 3.75 percent of the amount each government would receive for the period but for this subsection.

(c) For each entitlement period for which an amount is appropriated under section 6703(b)(1) of this title, the Secretary shall reduce the amount allocated to the Louisiana government under section 6705 of this title by an amount equal to the total reductions under subsection (b) of this section of amounts allocated to county area governments in Louisiana for the period. In this subsection—

(1) reductions in the amounts allocated to the governments of Baton Rouge, Baker, and Zachary, Louisiana, under subsection (b) are deemed reductions in the amounts allocated to county area governments; and

(2) the amount allocated to the parish of Orleans, Louisiana, is deemed to have been reduced by the additional amount received under subsection (a)(2) of this section.

(d) For an entitlement period for which an amount under section 6703(b)(1) of this title is not appropriated—

(1) the percentage under subsection (a)(1)(A) of this section is 13.5 percent;

(2) the percentages under subsections (a)(1)(B) and (b)(2) of this section are 6.75 percent;

(3) the Secretary shall disregard the percentage under subsection (b)(1) of this section; and

(4) subsections (a)(2) and (c) of this section do not apply.

§ 6711. State variation of local government allocations

96 STAT. 1021

(a) A State government may provide by law for the allocation of amounts among county areas or units of general local government (except county governments) in the State on the basis of population multiplied by the general tax effort factors or relative income factors of the county areas or units of general local government (determined under sections 6708(a) and 6709 (a) and (b) of this title), or a combination of those factors. A State government providing for a variation on an allocation formula provided under section 6708(a) or 6709 (a) or (b) shall notify the Secretary of the Treasury of the variation by the 30th day before the beginning of the first entitlement period in which the variation applies. A variation shall—

(1) provide for allocating the total amount allocated under section 6708(a) or 6709 (a) or (b) of this title;

(2) apply uniformly in the State; and

(3) apply only to entitlement periods beginning before October 1, 1983.

(b) A variation by a State government under this section may apply only when the Secretary certifies that the variation complies with this section. The Secretary may certify a variation only when the Secretary is notified of the variation at least 30 days before the first entitlement period in which the variation applies.

§ 6712. Adjustments of local government allocations

(a)(1) Subject to paragraphs (2) and (3) of this subsection, the per capita amount allocated to a county area or unit of general local government (except a county government) in a State for an entitlement period shall be at least 20 percent but not more than 145 percent of the amount allocated to the State under section 6707 of this title, divided by the State population.

(2) The amount allocated to a unit of general local government for an entitlement period may be not more than 50 percent of the amount of the—

(A) adjusted taxes of the unit of general local government; and

(B) transfers (except transfers under this chapter) of revenue to the unit of general local government from another government as a share in financing, or a reimbursement for, the carrying out of governmental duties and powers, as determined by the Secretary of Commerce for general statistical purposes.

(3) When the amount allocated to a unit of general local government (except a county government, an Indian tribe, or an Alaskan native village) for an entitlement period would be less than $200 but for this paragraph or is waived by the governing authority of the unit of general local government, the Secretary of the Treasury shall add the amount for that period to the amount allocated to the county government in the county area in which the unit of general local government is located, instead of paying the amount allocated to the unit of general local government. The Secretary shall add the amount of allocation waived by a governing body of an Indian tribe or an Alaskan native village to the amount allocated to the county government in the county area in which the tribe or village is located.

(b) When the Secretary makes an adjustment in an amount allocated to a county area or unit of general local government, the Secretary shall make adjustments in the following order:

96 STAT. 1022

(1) under subsection (a)(1) of this section.

(2) under subsection (a)(2) of this section.

(3) under subsection (a)(3) of this section.

(4) under section 6710 of this title.

(c) The Secretary shall adjust the amounts allocated to county areas and units of general local government to bring the amounts into compliance with subsection (a)(1) of this section. The Secretary shall make adjustments in the amounts allocated to county areas before adjusting amounts allocated to units of general local government.

(d)(1) When the Secretary makes a reduction under subsection (a)(2) of this section in the amount allocated to a unit of general local government, the amount of the reduction—

(A) if a unit of general local government (except a county government), shall be added to the amount allocated to the county government in which the unit of general local government is located; and

(B) if a county government, shall be reallocated under subsection (e) of this section.

(2) When a county government may not receive an additional amount under paragraph (1)(A) of this subsection because of subsection (a) of this section, the Secretary shall reallocate the amount of the reduction under subsection (e) of this section.

(e) The Secretary shall reallocate an amount referred to in subsection (d) (1)(B) or (2) of this section—

(1) by adding the amount to the amounts allocated to units of general local government in the State to the extent the units of general local government may receive the additional amount after adjustments under subsection (a) of this section; and

(2) if a unit of general local government may not receive the reallocated amount because of subsection (a) of this section, by allocating the amount among units of general local government in the State on a prorated basis.

§ 6713. Information used in allocation formulas

(a) Except as provided in this section, the Secretary of the Treasury shall use the most recent available information provided by the Secretary of Commerce to determine an allocation under this chapter. When the Secretary of the Treasury decides that the information is not current or complete enough to provide for a fair allocation, the Secretary of the Treasury may use additional information (including information based on estimates) as provided under regulations of the Secretary of the Treasury.

(b) The Secretary of the Treasury shall determine population on the same basis that the Secretary of Commerce determines resident population for general statistical purposes. The Secretary of the Treasury shall request the Secretary of Commerce to adjust the population information provided to the Secretary of the Treasury as soon as practicable to include a reasonable estimate of the number of resident individuals not counted in the 1980 census or revisions of the census. The Secretary of the Treasury shall use the estimates in determining allocations for the entitlement period beginning after the Secretary of the Treasury receives the estimates. The Secretary of the Treasury shall adjust population information to reflect adjustments made under section 118 of the Act of October 1, 1980 (Public Law 96-369, 94 Stat. 1357).

96 STAT. 1023 (c) The Secretary of the Treasury may not—

(1) in determining an allocation for an entitlement period, use information on tax collections for years more recent than the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of that period; and

(2) consider a change in information used to determine an allocation for a period of 60 months when the change—

(A) results from a major disaster declared by the President under section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141); and

(B) reduces the amount of an allocation.

§ 6714. Public hearings

(a)(1) A State government or unit of general local government expending payments received under this chapter shall hold at least one public hearing for each fiscal period of the government at which persons are given an opportunity to present written and oral views on the possible uses of the payments. The government shall give adequate notice of the hearing and hold the hearing at least 7 calendar days before presenting its budget to the governmental authority responsible for enacting the budget.

(2) A State government or unit of general local government expending payments under this chapter shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

Senior citizens.

(3) A State government or unit of general local government holding a hearing required under this subsection or by the budget process of the government shall try to provide senior citizens and senior citizen organizations with an opportunity to present views at the hearing before the government makes a final decision on the use of the payment.

(b)(1) By the 10th day before a hearing required under subsection (a)(2) of this section is held, a State government or unit of general local government shall—

(A) make available for inspection by the public at the principal office of the government a statement of the proposed use of the payment and a summary of the proposed budget of the government; and

(B) publish in at least one newspaper of general circulation the proposed use of the payment with the summary of the proposed budget and a notice of the time and place of the hearing.

(2) By the 30th day after adoption of the budget under State or local law, the government shall—

(A) make available for inspection by the public at the principal office of the government a summary of the adopted budget, including the proposed use of the payment; and

(B) publish in at least one newspaper of general circulation a notice that the information referred to in clause (A) of this paragraph is available for inspection.

Waivers.

96 STAT. 1024

(c) Under regulations of the Secretary of the Treasury, a requirement—

(1) under subsection (a)(1) of this section may be waived when the cost of the requirement would be unreasonably burdensome in relation to the amount allocated to the State government or unit of general local government to amounts available for payment under this chapter;

(2) under subsection (a)(2) of this section may be waived if the budget process required under the applicable State or local law or charter provisions—

(A) ensures the opportunity for public attendance and participation contemplated by subsection (a) of this section; and

(B) includes a hearing on the proposed use of a payment received under this chapter in relation to the entire budget of the government; and

(3) under subsection (b) (1)(B) and (2)(B) of this section may be waived if the cost of publishing the information would be unreasonably burdensome in relation to the amount allocated to the government to amounts available for payment under this chapter, or when publication is otherwise impracticable.

(d) When the Secretary is satisfied that the State government or unit of general local government will provide adequate notice of the proposed use of a payment received under this chapter, the 10-day period under subsection (b)(1) of this section may be changed to the greatest extent necessary to comply with applicable State or local law.

Regulations.

(e) The Secretary shall prescribe regulations for applying this section to State governments and units of general local government that do not adopt budgets.

§ 6715. Prohibition on using payments to influence legislation

A State government or unit of general local government may not use a part of a payment received under this chapter for activities intended to influence legislation about this chapter. Dues paid by a government to a national or State association are deemed not to have been paid from payments received under this chapter.

§ 6716. Prohibited discrimination

(a) No person in the United States shall be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a program or activity of a State government or unit of general local government because of race, color, national origin, or sex when the government receives a payment under this chapter.

(b) The following prohibitions and exemptions also apply to a program or activity of a State government or unit of general local government when the government receives a payment under this chapter:

(1) a prohibition against discrimination because of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

(2) a prohibition against discrimination against an otherwise qualified handicapped individual under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(3) a prohibition against discrimination because of religion, or an exemption from that prohibition, under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) or title VIII of the Act of April 11, 1968 (known as the Civil Rights Act of 1968) (42 U.S.C. 3601 et seq.).

96 STAT. 1025

(c)(1) Subsection (a) and (b) of this section do not apply when the government shows, by clear and convincing evidence, that a payment received under this chapter is not used to pay for any part of the program or activity.

(2) Subsection (b)(2) of this section does not apply to construction projects begun before January 1, 1977.

Noncompliance investigation agreements.

(d) The Secretary of the Treasury shall try to make agreements with heads of agencies of the United States Government and State agencies to investigate noncompliance with this section. An agreement shall—

(1) describe the cooperative efforts to be taken (including sharing civil rights enforcement personnel and resources) to obtain compliance with this section; and

(2) provide for notifying immediately the Secretary of actions brought by the United States Government or State agencies against a State government or unit of general local government alleging a violation of a civil rights law or a regulation prescribed under a civil rights law.

§ 6717. Discrimination proceedings

Noncompliance notice.

(a) By the 10th day after the Secretary of the Treasury makes a finding of discrimination or receives a holding of discrimination about a State government or unit of general local government, the Secretary shall submit a notice of noncompliance to the government. The notice shall state the basis of the finding or holding.

(b) The State government or unit of general local government may present evidence informally to the Secretary within 30 days after the Secretary submits a notice of noncompliance to the government. Except as provided in subsection (e) of this section, the government may present evidence on whether—

(1) a person in the United States has been excluded or denied benefits of, or discriminated against under, the program or activity of the government, in violation of section 6716(a) of this title;

(2) the program or activity of the government violated a prohibition described in section 6716(b) of this title; and

(3) a part of that program or activity has been paid for with a payment received under this chapter.

(c) By the end of the 30-day period under subsection (b) of this section, the Secretary shall decide whether the State government or unit of general local government has not complied with section 6716 (a) or (b) of this title, except when the government has made a compliance agreement under section 6719 of this title. When the Secretary decides that the government has not complied, the Secretary shall suspend payments to the government under this chapter unless by the 10th day after the decision the government—

(1) makes a compliance agreement under section 6719 of this title; or

(2) requests a proceeding under subsection (d)(1) of this section.

(d)(1) A proceeding requested under subsection (c)(2) of this section shall begin by the 30th day after the Secretary receives a request for the proceeding. The hearing shall be before an administrative law judge appointed under section 3105 of title 5. By the 30th day after the beginning of the proceeding, the judge shall issue a preliminary decision based on the record at the time on whether the State government or unit of general local government is likely to prevail in showing compliance with section 6716 (a) or (b) of this title.

5 USC 3105.

96 STAT. 1026

(2) When the administrative law judge decides at the end of a proceeding under paragraph (1) of this subsection that the State government or unit of general local government has—

(A) not complied with section 6716 (a) or (b) of this title, the judge may order payments to the government under this chapter terminated; or

(B) complied with section 6716 (a) or (b) of this title, a suspension under section 6718(a)(1)(A) of this title shall be discontinued promptly.

(3) An administrative law judge may not issue a preliminary decision that the government is not likely to prevail when the judge has issued a decision described in paragraph (2)(A) of this subsection.

(e) In a proceeding under subsections (b)–(d) of this section on a program or activity of a State government or unit of general local government about which a holding of discrimination has been made, the Secretary or administrative law judge may consider only whether a payment under this chapter was used to pay for any part of the program or activity. The holding is conclusive. If the holding is reversed by an appellate court, the Secretary or judge shall end the proceeding.

§ 6718. Suspension and termination of payments in discrimination proceedings

(a)(1) The Secretary of the Treasury shall suspend payment under this chapter to a State government or unit of general local government—

(A) if an administrative law judge appointed under section 3105 of title 5 issues a preliminary decision in a proceeding under section 6717(d)(1) of this title that the government is not likely to prevail in showing compliance with section 6716 (a) and (b) of this title;

5 USC 3105.

(B) except as provided in section 6717(d)(2)(B) of this title, when the administrative law judge decides at the end of the proceeding that the government has not complied with section 6716 (a) or (b) of this title, unless the government makes a compliance agreement under section 6719 of this title by the 30th day after the decision; or

(C) when required under section 6717(c) of this title.

(2) Except as provided in section 6717(d)(2) of this title, a suspension already ordered under paragraph (1)(A) of this subsection continues in effect when the administrative law judge makes a decision under paragraph (1)(B) of this subsection.

(b) When a holding of discrimination is reversed by an appellate court, a suspension or termination of payments in a proceeding about the holding shall be discontinued.

(c) The Secretary may resume payment to a State government or unit of general local government of payments suspended by the Secretary only—

(1) at the time and under the conditions stated in—

(A) the approval by the Secretary of a compliance agreement under section 6719(a)(1) of this title; or

(B) a compliance agreement under section 6719(a) of this title;

96 STAT. 1027

(2) when the government complies completely with an order of a United States court, a State court, or administrative law judge that covers all matters raised in a notice of noncompliance submitted by the Secretary under section 6717(a) of this title;

(3) when a United States court, a State court, or an administrative law judge decides (including a judge in a proceeding under section 6717(d)(1) of this title), that the government has complied with section 6716 (a) and (b) of this title; or

(4) when a suspension is discontinued under subsection (b) of this section.

Restitution.

(d) Compliance by the government under subsection (c) of this section may include paying restitution to the person injured because the government did not comply with section 6716 (a) or (b) of this title.

(e) The Secretary may resume payment to a State government or unit of general local government of payments terminated under section 6717(d)(2) of this title only when the decision resulting in the termination is reversed by an appellate court.

§ 6719. Compliance agreements

(a) A compliance agreement is an agreement—

(1) approved by the Secretary of the Treasury between the governmental authority responsible for prosecuting a claim or complaint that is the basis of a holding of discrimination and the chief executive officer of the State government or unit of general local government that has not complied with section 6716 (a) or (b) of this title; or

(2) between the Secretary and the chief executive officer.

(b) A compliance agreement—

(1) shall state the conditions the State government or unit of general local government has agreed to comply with that would satisfy the obligations of the government under section 6716 (a) and (b) of this title;

(2) shall cover each matter that has been found not to comply, or would not comply, with section 6716 (a) or (b) of this title; and

(3) may be a series of agreements that dispose of those matters.

(c) The Secretary shall submit a copy of the compliance agreement to each person who filed a complaint referred to in section 6721(b) of this title, or, if an agreement under subsection (a)(1) of this section, each person who filed a complaint with a governmental authority, about a failure to comply with section 6716 (a) or (b) of this title. The Secretary shall submit the copy by the 15th day after an agreement is made. However, when the Secretary approves an agreement under subsection (a)(1) of this section after the agreement is made, the Secretary may submit the copy by the 15th day after approval of the agreement.

§ 6720. Enforcement by the Attorney General of prohibitions on discrimination

The Attorney General may bring a civil action in an appropriate district court of the United States against a State government or unit of general local government that the Attorney General has reason to believe has engaged or is engaging in a pattern or practice in violation of section 6716 (a) or (b) of this title. The court may grant—

(1) a temporary restraining order;
(2) an injunction; or 96 STAT. 1028
(3) an appropriate order to ensure enjoyment of rights under section 6716 (a) or (b) of this title, including an order suspending, terminating, or requiring repayment of, payments under this chapter or placing additional payments under this chapter in escrow pending the outcome of the action.

§ 6721. Civil action by a person adversely affected

(a) When a State government, a unit of general local government, or an officer or employee of a State government or unit of general local government acting in an official capacity, engages in a practice prohibited by this chapter, a person adversely affected by the practice may bring a civil action in an appropriate district court of the United States or a State court of general jurisdiction. Before bringing an action under this section, the person must exhaust administrative remedies under subsection (b) of this section.

(b) A person adversely affected must file an administrative complaint with the Secretary of the Treasury or the head of another agency of the United States Government or the State agency with which the Secretary has an agreement under section 6716(d) of this title. Administrative remedies are deemed to be exhausted after the 90th day after the complaint was filed if the Secretary, the head of the Government agency, or the State agency—
(1) issues a decision that the government has not failed to comply with this chapter; or
(2) does not issue a decision on the complaint.

(c) In an action under this section, the court—
(1) may grant—
(A) a temporary restraining order;
(B) an injunction; or
(C) another order, including suspension, termination, or repayment of, payments under this chapter or placement of additional payments under this chapter in escrow pending the outcome of the action; and
(2) to enforce compliance with section 6716 (a) or (b) of this title, may allow a prevailing party (except the United States Government) a reasonable attorney's fee.

(d) In an action under this section to enforce compliance with section 6716 (a) or (b) of this title, the Attorney General may intervene in the action when the Attorney General certifies that the action is of general public importance. The United States Government is entitled to the same relief as if the Government had brought the action and is liable for the same fees and costs as a private person.

§ 6722. Judicial review

(a) A State government or unit of general local government receiving notice from the Secretary of the Treasury about withholding payments under section 6704(c) of this title, suspending payments under section 6718(a)(1)(B) of this title, or terminating payments under section 6717(d)(2)(A) of this title, may apply for review of the action of the Secretary by filing a petition for review with the court of appeals of the United States for the circuit in which the government is located. The petition must be filed by the 60th day after the notice is received. The clerk of the court immediately shall send a copy of the petition to the Secretary and the Attorney General. 96 STAT. 1029

(b) The Secretary shall file with the court a record of the proceeding on which the Secretary based the action. The court may consider only objections to the action of the Secretary that were presented before the Secretary.

(c) The court may affirm, change, or set aside any part of the action of the Secretary. The findings of fact by the Secretary are conclusive if supported by substantial evidence in the record. When a finding is not supported by substantial evidence in the record, the court may remand the case to the Secretary to take additional evidence. The Secretary may make new or modified findings and shall certify additional proceedings to the court.

(d) A judgment of the court under this section may be reviewed only by the Supreme Court under section 1254 of title 28. 28 USC 1254.

§ 6723. Audits, investigations, and reviews

(a)(1) Except as provided in this section, a State government or unit of general local government expecting to receive a payment under this chapter shall have an independent audit made of the financial statements of the government at least once every 3 years to determine compliance with this chapter. The audit shall be carried out under generally accepted auditing standards.

(2) Paragraph (1) of this subsection does not apply to a government for a fiscal year in which the government receives less than $25,000 under this chapter. However, an audit of the financial statements of the government for that fiscal year that is required under State or local law is deemed to be compliance with paragraph (1).

(3) An audit of financial statements of a government carried out under another law of the United States for a fiscal year is deemed to be compliance with paragraph (1) for that year when the audit substantially complies with the requirements of paragraph (1).

Waiver.

(b)(1) A State government or unit of general local government may elect to waive application of subsection (a)(1) of this section when—

(A) the financial statements of the government are audited by independent auditors under State or local law at least once every 3 years;

(B) the government certifies that the audit is carried out under generally accepted auditing standards; and

(C) the auditing provisions of the State or local law are applicable to the entitlement period to which the waiver applies.

(2) The election by the government shall include a brief description of the auditing standards used under the State or local law and specify the entitlement period to which the waiver applies.

Waiver.

(c) Under regulations of the Secretary of the Treasury, the Secretary may waive a requirement of subsections (a)(1) and (b) of this section for a State government or unit of general local government for a fiscal year when the Secretary decides that the financial statements of the government for the year—

(1) cannot be audited, and the government shows substantial progress in making the statements auditable; or

(2) have been audited by a State agency that does not follow generally accepted auditing standards or that is not independent, and the State agency shows progress in meeting generally accepted auditing standards or in becoming independent.

96 STAT. 1030

(d) A series of audits carried out over a period of not more than 3 years covering the total amount in the financial accounts of a State government or unit of general local government is deemed to be a single audit under subsections (a)(1) and (b) of this section.

(e) An opinion on an audit carried out under this section shall be provided to the Secretary in the form and at times required by the Secretary.

(f)(1) The Secretary shall maintain regulations providing reasonable and specific time limits for the Secretary to—

(A) carry out an investigation and make a finding after receiving a complaint referred to in section 6721(b) of this title, a determination by a State or local administrative agency, or other information about a possible violation of this chapter;

(B) carry out audits and reviews (including investigations of allegations) about possible violations of this chapter; and

(C) advise a complainant of the status of an audit, investigation, or review of an allegation by the complainant of a violation of section 6716 (a) or (b) of this title or other provision of this chapter.

(2) The maximum time limit under paragraph (1)(A) of this subsection is 90 days.

(g) The Comptroller General shall carry out reviews of the activities of the Secretary, State governments, and units of general local government necessary for Congress to evaluate compliance and operations under this chapter.

§ 6724. Reports

(a) Before June 2 of each year, the Secretary of the Treasury personally shall report to Congress on—

(1) the status and operation of the State and Local Government Fiscal Assistance Trust Fund during the prior fiscal year; and

(2) the administration of this chapter, including a complete and detailed analysis of—

(A) actions taken to comply with sections 6716–6720 of this title, including a description of the kind and extent of noncompliance and the status of pending complaints;

(B) the extent to which State governments and units of general local government receiving payments under this chapter have complied with sections 6704, 6715, and 6723 (a)–(e) and (g) of this title, including a description of the kind and extent of noncompliance and actions taken to ensure the independence of audits conducted under section 6723 (a)–(e) and (g);

(C) the way in which payments under this chapter have been distributed in the jurisdictions receiving payments; and

(D) significant problems in carrying out this chapter and recommendations for legislation to remedy the problems.

(b)(1) At the end of each fiscal year, each State government and each unit of general local government receiving a payment under this chapter shall submit a report to the Secretary. The report shall be submitted in the form and at a time prescribed by the Secretary and shall be available to the public for inspection. The report shall state—

(A) the amounts and purposes for which the payment has been appropriated, expended, or obligated during the fiscal year;

96 STAT. 1031

(B) the relationship of the payment to the relevant functional items in the budget of the government; and

(C) the differences between the actual and proposed use of the payment.

(2) The Secretary shall provide a copy of a report submitted under paragraph (1) of this subsection by a unit of general local government to the chief executive officer of the State in which the government is located. The Secretary shall provide the report in the way and form prescribed by the Secretary.

(c) The Secretary shall prescribe regulations for applying this section to State governments and units of general local government that do not adopt budgets. Regulations.

CHAPTER 69—PAYMENT FOR ENTITLEMENT LAND

Sec.

6901. Definitions.
6902. Authority and eligibility.
6903. Payments.
6904. Additional payments.
6905. Redwood National Park and the Lake Tahoe Basin.
6906. Authorization of appropriations.

§ 6901. Definitions

In this chapter—

(1) "entitlement land" means land owned by the United States Government—

(A) that is in the National Park System or the National Forest System, including wilderness areas and lands described in section 2 of the Act of June 22, 1948 (16 U.S.C. 577d), and section 1 of the Act of June 22, 1956 (16 U.S.C. 577d-1);

(B) the Secretary of the Interior administers through the Bureau of Land Management;

(C) dedicated to the use of the Government for water resource development projects;

(D) on which are located semi-active or inactive installations (except industrial installations) that the Secretary of the Army keeps for mobilization and for reserve component training;

(E) that is a dredge disposal area under the jurisdiction of the Secretary of the Army;

(F) that is located in the vicinity of Purgatory River Canyon and Pinon Canyon, Colorado, and acquired after December 23, 1981, by the United States Government to expand the Fort Carson military installation; or

(G) that is a reserve area (as defined in section 401(g)(3) of the Act of June 15, 1935 (16 U.S.C. 715s(g)(3))).

(2) "unit of general local government" means—

(A) a county, city, township, borough existing in Alaska on October 20, 1976, or other political subdivision of a State that the Secretary of the Interior, on the same basis that the Secretary of Commerce uses for general statistical purposes, decides is a general purpose political subdivision of a State;

(B) the Commonwealth of Puerto Rico;

96 STAT. 1032

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands; and

(E) the Virgin Islands.

§ 6902. Authority and eligibility

(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located. A unit may use the payment for any governmental purpose.

(b) A unit of general local government may not receive a payment for land for which payment under this chapter otherwise may be received if the land was owned or administered by a State or unit and was exempt from real estate taxes when the land was conveyed to the United States Government. This subsection does not apply to payments for land a State or unit acquires from a private party to donate to the Government within 8 years of acquisition.

(c) A unit of general local government receiving payment for a fiscal year for land under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), or the Act of May 24, 1939 (ch. 144, 53 Stat. 753), may not receive a payment under this chapter for the land for that fiscal year. This chapter does not apply to either Act.

(d) If the total payment to a unit of general local government for a fiscal year would be less than $100, the Secretary may not make the payment.

§ 6903. Payments

(a) In this section—

"Payment law."

(1) "payment law" means—

(A) the Act of June 20, 1910 (ch. 310, 36 Stat. 557);

(B) section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012);

(C) the Act of May 23, 1908 (16 U.S.C. 500);

(D) section 5 of the Act of June 22, 1948 (16 U.S.C. 577g, 577g-1);

(E) section 401(c)(2) of the Act of June 15, 1935 (16 U.S.C. 715s(c)(2));

(F) section 17 of the Federal Power Act (16 U.S.C. 810);

(G) section 35 of the Act of February 25, 1920 (30 U.S.C. 191);

(H) section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355);

(I) section 3 of the Act of July 31, 1947 (30 U.S.C. 603); and

(J) section 10 of the Act of June 28, 1934 (known as the Taylor Grazing Act) (43 U.S.C. 315i).

(2) population shall be determined on the same basis that the Secretary of Commerce determines resident population for general statistical purposes.

(3) a unit of general local government may not be credited with a population of more than 50,000.

(4) if any part of a smaller unit is located within another unit, entitlement land within both units is deemed to be located within the smaller unit.

(b)(1) A payment under section 6902 of this title is equal to the greater of—

(A) 75 cents for each acre of entitlement land located within a unit of general local government (but not more than the limitation determined under subsection (c) of this section) reduced (but not below 0) by amounts the unit received in the prior fiscal year under a payment law; or

96 STAT. 1033

(B) 10 cents for each acre of entitlement land located in the unit (but not more than the limitation determined under subsection (c) of this section).

(2) The chief executive officer of a State shall submit to the Secretary of the Interior a statement on the amounts of payments the State transfers to each unit of general local government in the State out of amounts received under a payment law.

(c)(1) The limitation for a unit of general local government with a population of not more than 4,999 is $50 times the population.

(2) The limitation for a unit of general local government with a population of at least 5,000 is the following amount (rounding the population off to the nearest thousand):

If population equals—	the limitation is equal to the population times—
5,000	$50.00
6,000	47.00
7,000	44.00
8,000	41.00
9,000	38.00
10,000	35.00
11,000	34.00
12,000	33.00
13,000	32.00
14,000	31.00
15,000	30.00
16,000	29.50
17,000	29.00
18,000	28.50
19,000	28.00
20,000	27.50
21,000	27.20
22,000	26.90
23,000	26.60
24,000	26.30
25,000	26.00
26,000	25.80
27,000	25.60
28,000	25.40
29,000	25.20
30,000	25.00
31,000	24.75
32,000	24.50
33,000	24.25
34,000	24.00
35,000	23.75
36,000	23.50
37,000	23.25
38,000	23.00
39,000	22.75
40,000	22.50

If population equals—	the limitation is equal to the population times—
41,000	22.25
42,000	22.00
43,000	21.75
44,000	21.50
45,000	21.25
46,000	21.00
47,000	20.75
48,000	20.50
49,000	20.25
50,000	20.00

§ 6904. Additional payments

(a) In addition to payments the Secretary of the Interior makes under section 6902 of this title, the Secretary shall make a payment for each fiscal year to a unit of general local government collecting and distributing real property taxes (including a unit in Alaska outside the boundaries of an organized borough) in which is located an interest in land that— 96 STAT. 1034

(1) the United States Government acquires for—

(A) the National Park System; or

(B) the National Forest Wilderness Areas; and

(2) was subject to local real property taxes within the 5-year period before the interest is acquired.

(b) The Secretary shall make payments only for the 5 fiscal years after the fiscal year in which the interest in land is acquired. Under guidelines the Secretary prescribes, the unit of general local government receiving the payment from the Secretary shall distribute payments proportionally to units and school districts that lost real property taxes because of the acquisition of the interest. A unit receiving a distribution may use a payment for any governmental purpose.

(c) Each yearly payment by the Secretary under this section is equal to one percent of the fair market value of the interest in land on the date the Government acquires the interest. However, a payment may not be more than the amount of real property taxes levied on the property during the last fiscal year before the fiscal year in which the interest is acquired. A decision on fair market value under this section may not include an increase in the value of an interest because the land is rezoned when the rezoning causes the increase after the date of enactment of a law authorizing the acquisition of an interest under subsection (a) of this section.

(d) The Secretary may prescribe regulations under which payments may be made to units of general local government when subsections (a) and (b) of this section will not carry out the purpose of subsections (a) and (b).

§ 6905. Redwood National Park and the Lake Tahoe Basin

(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which an interest in land owned by the United States Government in the Redwood National Park is located. A unit may use the payment for any governmental purpose. The payment shall be made as provided in section 6903 of this title and shall include an amount payable under section 6903.

(b)(1) In addition to payments the Secretary makes under subsection (a) of this section, the Secretary shall make a payment for each fiscal year to each unit of general local government in which is located an interest in land—

(A) owned by the Government in the Redwood National Park; or

(B) acquired in the Lake Tahoe Basin under the Act of December 23, 1980 (Public Law 96-586, 94 Stat. 3383).

(2) The payment shall be made as provided in section 6904 of this title and shall include an amount payable under section 6904. However, an amount computed but not paid because of the first sentence of subsection (b) and the 2d sentence of subsection (c) of section 6904 shall be carried forward and applied to future years in

which the payment would not otherwise equal the amount of real property taxes assessed and levied on the land during the last fiscal year before the fiscal year in which the interest was acquired until the amount is applied completely. 96 STAT. 1035

(3) The unit of general local government may use the payment for any governmental purpose.

(4) The Redwoods Community College District is a school district under section 6904(b) of this title.

§ 6906. Authorization of appropriations

Necessary amounts may be appropriated to the Secretary of the Interior to carry out this chapter. Amounts are available only as provided in appropriation laws.

CHAPTER 71—JOINT FUNDING SIMPLIFICATION

Sec.
7101. Purposes.
7102. Definitions.
7103. Authority of the President and heads of executive agencies.
7104. Processing project requests to be financed by at least 2 assistance programs.
7105. Prescribing uniform technical and administrative provisions.
7106. Delegation of supervision of assistance.
7107. Joint management funds.
7108. Limitation on authority under sections 7105–7107.
7109. Appropriations available for joint financing.
7110. Use of joint financing provisions for Federal-State assisted projects.
7111. Report to Congress.
7112. Expiration date.

§ 7101. Purposes

The purposes of this chapter are to—

(1) enable States, local governments, and private nonprofit organizations to use assistance of the United States Government more effectively and efficiently;

(2) adapt the assistance more readily to particular needs through wider use of projects that are supported by more than one executive agency, assistance program, or appropriation of the United States Government; and

(3) encourage Federal-State arrangements under which local governments and private nonprofit organizations may more effectively and efficiently combine Federal and State resources to support projects of common interest to those local governments and those organizations.

§ 7102. Definitions

In this chapter—

(1) "applicant" means a State, local government, or private nonprofit organization applying for assistance for one project.

(2) "assistance program" means a program of the United States Government providing assistance through a grant or contract but does not include revenue sharing, a loan, a loan guarantee, or insurance.

(3) "local government" means a county, city, political subdivision of a county or city, or other general purpose politicial subdivision of a State, a school district, a council of governments, or other instrumentality of a local government.

(4) "project" means an undertaking that includes components that contribute materially to carrying out one purpose or closely related purposes and are proposed or approved for assistance under—

(A) more than one United States Government program; or 96 STAT. 1036

(B) at least one Government program and at least one State program.

(5) "State" means a State of the United States, the District of Columbia, a territory or possession of the United States, an agency or instrumentality of a State, and a tribe as defined in section 3(c) of the Indian Financing Act of 1974 (25 U.S.C. 1452(c)).

§ 7103. Authority of the President and heads of executive agencies

Regulations.

(a) The President shall prescribe necessary regulations to carry out section 7101 of this title and to ensure that this chapter is applied by all executive agencies consistently. The regulations may require executive agencies to adopt or prescribe procedures requiring applicants for assistance for a project to be jointly financed under this chapter to take steps to—

(1) get the views and recommendations of States and local governments that may be significantly affected by the project; and

(2) resolve questions of common interest to those States and local governments before making application.

(b) Subject to regulations prescribed under subsection (a) of this section and other law, the head of an executive agency may do the following by an order of the agency head or by agreement with another executive agency:

(1) identify related programs likely to be particularly suitable in providing joint financing for specific kinds of projects.

(2) to assist in planning and developing a project financed from different programs, develop and prescribe—

(A) guidelines;

(B) model or illustrative projects;

(C) joint or common application forms; and

(D) other materials or guidance.

(3) review administrative program requirements to identify requirements that may impede joint financing of a project and modify the requirements when appropriate.

(4) establish common technical or administrative regulations for related programs to assist in providing joint financing to support a specific project or class of projects.

(5) establish joint or common application processing and project supervision procedures, including procedures for designating—

(A) a lead agency responsible for processing applications; and

(B) a managing agency responsible for project supervision.

(c) The head of an executive agency shall—

(1) take maximum action to carry out section 7101 of this title in conducting an assistance program of the agency; and

(2) consult and cooperate with the heads of other executive agencies to carry out section 7101 of this title in conducting assistance programs of different executive agencies that may be used jointly to finance projects undertaken by States, local

96 STAT. 1037

governments, or private nonprofit organizations.

§ 7104. Processing project requests to be financed by at least 2 assistance programs

In processing an application or request for assistance for a project to be financed by at least 2 assistance programs, the head of an executive agency shall take action that will ensure that—

(1) required reviews and approvals are handled expeditiously;

(2) complete account is taken of special considerations of timing that are made known by the applicant that would affect the feasibility of a jointly financed project;

(3) an applicant is required to deal with a minimum number of representatives of the United States Government;

(4) an applicant is promptly informed of a decision or special problem that could affect the feasibility of providing joint assistance under the application; and

(5) an applicant is not required to get information or assurances from one executive agency for a requesting executive agency when the requesting agency may get the information or assurances directly.

§ 7105. Prescribing uniform technical and administrative provisions

(a) To make participation in a project easier than would be possible because of varying or conflicting technical or administrative regulations and procedures not required by law, the head of an executive agency may prescribe uniform provisions about inconsistent or conflicting requirements on—

(1) financial administration of the project (including accounting, reporting and auditing, and maintaining a separate bank account), to the extent consistent with section 7108 of this title;

(2) the timing of payments by the United States Government for the project when one schedule or a combined schedule is to be established for the project;

(3) providing assistance by grant rather than procurement contract or by procurement contract rather than by grant; and

(4) accountability for, or the disposition of, records, property, or structures acquired or constructed with assistance from the Government when common regulations are established for the project.

(b) To make easier the processing of applications for assistance, the head of an executive agency may provide for review of proposals for a project by one panel, board, or committee where reviews by separate panels, boards, or committees are not specifically required by law.

Waiver.

(c) Notwithstanding a requirement that one public agency or a specific public agency be established or designated to carry out or supervise that part of the assistance from the Government under an assistance program for a jointly financed project, the head of the executive agency carrying out the program may waive the requirement when—

(1) administration by another public agency is consistent with State or local law and the objectives of the assistance program; and

(2)(A) the waiver is requested by the head of a unit of general government certifying jurisdiction over the public agencies concerned; or

96 STAT. 1038

(B) the State or local public agencies concerned agree to the waiver.

§ 7106. Delegation of supervision of assistance

With the approval of the President, the head of an executive agency may delegate or otherwise arrange to have another executive agency carry out or supervise a project or class of projects jointly financed under this chapter. A delegation—

(1) shall be made under conditions ensuring that duties and powers delegated are exercised consistent with law; and

(2) may not relieve the head of an executive agency of responsibility for the proper and efficient management of a project for which the agency provides assistance.

§ 7107. Joint management funds

(a) In supporting a project, a joint management fund may be established to administer more effectively amounts received from more than one assistance program or appropriation. A proportional share of the amount required to pay a grantee shall be transferred periodically to the fund from each program or appropriation. When a project is completed, the grantee shall return to the fund an amount not expended.

(b) An account in a joint management fund is subject to an agreement made by the heads of the executive agencies providing assistance for the project about the responsibilities of each agency. An agreement shall—

(1) ensure the availability of necessary information to the executive agencies and Congress;

(2) provide that the agency administering a fund is responsible and accountable by program and appropriation for the amounts provided for the purposes of each account in the fund; and

(3) include procedures for returning, subject to fiscal year limitations, an excess amount to participating executive agencies under the applicable appropriation. An excess amount of an expired appropriation lapses from the fund.

Recordkeeping.

(c) For each project financed through an account in a joint management fund, a recipient of an amount from the fund shall keep records prescribed by the head of the executive agency responsible for administering the fund. The records shall include—

(1) the amount and disposition by the recipient of assistance received under each program and appropriation;

(2) the total cost of the project for which assistance was given or used;

(3) that part of the cost of the project provided from other sources; and

(4) other records that will make it easier to carry out an audit.

Audit.

(d) Records of a recipient related to an amount received from a joint management fund shall be made available to the head of the executive agency responsible for administering the fund and the Comptroller General for inspection and audit.

(e) For a project subject to a joint management fund, one non-Government share may be established conforming to—

(1) the proportional shares applicable to the assistance programs involved; and

(2) the proportional shares of an amount transferred to the project account from each of the programs.

96 STAT. 1039

§ 7108. Limitation on authority under sections 7105–7107

Under regulations prescribed by the President, the head of an executive agency may act under sections 7105–7107 of this title for a project assisted under at least 2 assistance programs. The regulations shall ensure that the head of an executive agency acts under those sections only—

(1) when a problem cannot be adequately solved through other action under this chapter or other law;

(2) when necessary to promote expeditious processing of applications or effective and efficient administration of the project; and

(3) in a way consistent with protecting the interest of the United States Government and with the program purposes and requirements of law.

§ 7109. Appropriations available for joint financing

An appropriation available for technical assistance or personnel training under an assistance program is available for technical assistance and training for a project proposed or approved for joint financing involving the program and another assistance program.

§ 7110. Use of joint financing provisions for Federal-State assisted projects

Under regulations prescribed by the President, the head of an executive agency may make an agreement with a State to extend the benefits of this chapter to a project involving assistance from at least one executive agency and at least one State agency. The agreement may include arrangements to process requests or administer assistance on a joint basis.

§ 7111. Report to Congress

By February 3, 1984, the President shall submit to Congress a report on actions taken under this chapter and make recommendations for its continuation, amendment, or termination. The report shall include a detailed evaluation of the operation of the chapter, including information on the benefits and costs of jointly financed projects that accrue to participating States, local governments, private nonprofit organizations, and the United States Government.

§ 7112. Expiration date

This chapter expires on February 3, 1985.

CHAPTER 73—ADMINISTERING BLOCK GRANTS

Sec.
7301. Purpose.
7302. Definitions.
7303. Reports and public hearings on proposed uses of amounts.
7304. Availability of records.
7305. State auditing requirements.

§ 7301. Purpose

It is the purpose of this chapter to ensure that—

(1) block grant amounts are allocated for programs of special importance to meet the needs of local governments, residents of local governments, and other eligible entities; and

96 STAT. 1040

(2) all eligible local governments, residents of local governments, and other eligible entities are treated fairly in distributing block grant amounts.

§ 7302. Definitions

In this chapter—

(1) "block grant amounts" means amounts received for a program that—

(A) directly allocates amounts to States only, except for amounts allocated for use by the agency administering the program; and

(B) provides that the State may use any part of the amounts at its discretion to continue to support activities financed on August 12, 1981, under programs whose authorizations were discontinued by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357) and that were financed on August 12, 1981, by allocations by the United States Government to local governments or other eligible entities, or both local governments and other eligible entities.

(2) "State" includes the District of Columbia and territories and possessions of the United States.

§ 7303. Reports and public hearings on proposed uses of amounts

(a)(1) The chief executive officer of each State shall prepare for each fiscal year a report on the proposed use during the fiscal year of block grant amounts received by the State. The report shall include—

(A) a statement of goals and objectives;

(B) information on the types of activities to be supported, geographic areas to be served, and categories or characteristics of individuals to be served; and

(C) the criteria for, and way of, distributing the amounts, including details on the way amounts will be distributed on the basis of need to carry out the purposes of the block grant amounts.

Effective date.

(2) Beginning with the fiscal year ending September 30, 1983, each report shall describe how the State met the goals, objectives, and needs in using the amounts described in the report for the prior fiscal year.

(b) A State may not receive block grant amounts for a fiscal year until the State conducts a public hearing, after adequate public notice, on the proposed use and distribution of the amounts set out in the report prepared under subsection (a) of this section for the fiscal year.

Information disclosure.

(c) Each report prepared under subsection (a) of this section and changes to the report shall be made public in the State on a timely basis and in a way that encourages comments from interested local government and persons.

§ 7304. Availability of records

To evaluate and review the use of block grant amounts, consolidated assistance, and other grant programs established or provided for in the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357), records related to the amounts, assistance, or programs that are in the possession, custody, or control of a State, a political subdivision of a State, or a grantee of a State or political subdivision of a State shall be made available to the Comptroller General.

96 STAT. 1041

§ 7305. State auditing requirements

(a) The chief executive officer of each State shall conduct financial and compliance audits of block grant amounts received under the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357) and amounts received under a consolidated assistance program established or provided for in the Act. An audit shall be conducted for the 2-year period beginning on October 1, 1981, and for each 2-year period thereafter. As far as practicable, the audit shall be conducted consistent with standards the Comptroller General prescribes for the audit of governmental entities, programs, activities, and functions.

(b) An audit under subsection (a) of this section is in place of other financial and compliance audits of those amounts that the chief executive officer of the State is required to conduct under another provision of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357) unless the other provision, by explicit reference to this section, provides otherwise.

SUBTITLE VI—MISCELLANEOUS

Chapter		Sec.
91.	GOVERNMENT CORPORATIONS	9101
93.	SURETIES AND SURETY BONDS	9301
95.	GOVERNMENT PENSION PLAN PROTECTION	9501
97.	MISCELLANEOUS	9701

CHAPTER 91—GOVERNMENT CORPORATIONS

Sec.
9101. Definitions.
9102. Establishing and acquiring corporations.
9103. Budgets of wholly owned Government corporations.
9104. Congressional action on budgets of wholly owned Government corporations.
9105. Audits.
9106. Audit reports.
9107. Accounts.
9108. Obligations.
9109. Exclusion of a wholly owned Government corporation from this chapter.

§ 9101. Definitions

In this chapter—

(1) "Government corporation" means a mixed-ownership Government corporation and a wholly owned Government corporation.

(2) "mixed-ownership Government corporation" means—

(A) Amtrak.

(B) the Central Bank for Cooperatives.

(C) the Federal Deposit Insurance Corporation.

(D) the Federal Home Loan Banks.

(E) the Federal Intermediate Credit Banks.

(F) the Federal Land Banks.

(G) the National Credit Union Administration Central Liquidity Facility.

(H) the Regional Banks for Cooperatives.

(I) the Rural Telephone Bank when the ownership, control, and operation of the Bank are converted under section 96 STAT. 1042 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a)).

(J) the United States Railway Association.

(K) the National Consumer Cooperative Bank.

(3) "wholly owned Government corporation" means—

(A) the Commodity Credit Corporation.

(B) the Export-Import Bank of the United States.

(C) the Federal Crop Insurance Corporation.

(D) Federal Prison Industries, Incorporated.

(E) the Federal Savings and Loan Insurance Corporation.

(F) the Government National Mortgage Association.

(G) the Overseas Private Investment Corporation.

(H) the Pennsylvania Avenue Development Corporation.

(I) the Pension Benefit Guaranty Corporation.

(J) the Rural Telephone Bank until the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a)).

(K) the Saint Lawrence Seaway Development Corporation.

(L) the Secretary of Housing and Urban Development when carrying out duties and powers related to the Federal Housing Administration Fund.

(M) the Tennessee Valley Authority.

§ 9102. Establishing and acquiring corporations

An agency may establish or acquire a corporation to act as an agency only by or under a law of the United States specifically authorizing the action.

§ 9103. Budgets of wholly owned Government corporations

(a) Each wholly owned Government corporation shall prepare and submit each year to the President a business-type budget in a way, and before a date, the President prescribes by regulation for the budget program.

(b) The budget program for each wholly owned Government corporation shall—

(1) contain estimates of the financial condition and operations of the corporation for the current and following fiscal years and the condition and results of operations in the last fiscal year;

(2) contain statements of financial condition, income and expense, and sources and use of money, an analysis of surplus or deficit, and additional statements and information to make known the financial condition and operations of the corporation, including estimates of operations by major activities, administrative expenses, borrowings, the amount of United States Government capital that will be returned to the Treasury during the fiscal year, and appropriations needed to restore capital impairments; and

(3) provide for emergencies and contingencies and otherwise be flexible so that the corporation may carry out its activities.

(c) The President shall submit the budget programs submitted by wholly owned Government corporations (as changed by the President) as part of the budget submitted to Congress under section 1105 of this title. The President thereafter may submit changes in a budget program of a corporation at any time.

96 STAT. 1043

§ 9104. Congressional action on budgets of wholly owned Government corporations

(a) Congress shall—

(1) consider budget programs for wholly owned Government corporations the President submits;

(2) make necessary appropriations authorized by law;

(3) make corporate financial resources available for operating and administrative expenses; and

(4) provide for repaying capital and the payment of dividends.

(b) This section does not—

(1) prevent a wholly owned Government corporation from carrying out or financing its activities as authorized under another law;

(2) affect section 26 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831y); or

(3) affect the authority of a wholly owned Government corporation to make a commitment without fiscal year limitation.

§ 9105. Audits

(a)(1) Under regulations of the Comptroller General, the Comptroller General shall audit financial transactions of—

(A) wholly owned Government corporations; and

(B) mixed-ownership Government corporations during periods in which capital of the United States Government is invested in a mixed-ownership Government corporation.

Contract authority.

(2) The Comptroller General shall audit each Government corporation at least once every 3 years. The Comptroller General shall audit the Federal Savings and Loan Insurance Corporation and Federal home loan banks on a calendar year basis.

(b) In conducting an audit under subsection (a) of this section, the Comptroller General—

(1) to the greatest extent the Comptroller General considers practicable, shall use reports of examinations of a Government corporation that a supervising administrative agency makes; and

(2) without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), may make a contract for professional services with a firm or organization for a temporary period or special purpose.

(c) An audit under subsection (a) of this section shall be conducted consistent with principles and procedures applicable to commercial corporate transactions where the accounts of a Government corporation usually are kept. A Government corporation shall—

(1) make available to the Comptroller General for audit all records and property of, or used by, the corporation that are necessary for the audit; and

(2) provide the Comptroller General with facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, or custodians.

(d) Regulations prescribed under subsection (a) of this section may provide that any part of an account of an accountable official about a financial transaction of a wholly owned Government corporation sent to the Comptroller General for settlement may be kept at the office of the corporation and that the Comptroller General may settle any part of the account on the basis of an examination during an audit. This subsection does not affect the authority of the Tennessee Valley Authority under section 9(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831h(b)).

96 STAT. 1044

(e) The Comptroller General shall pay the cost of an audit under this section. A Government corporation shall reimburse the Comptroller General for the cost of the audit as determined by the Comptroller General. The Comptroller General shall deposit the reimbursement in the Treasury as miscellaneous receipts. Except as expressly provided by law, a Government corporation may not pay the cost of a private audit of the financial records of the corporation.

(f) An audit under subsection (a) of this section is in place of an audit of the financial transactions of a Government corporation the Comptroller General is required to make in reporting to Congress or the President under another law.

(g) Necessary amounts are authorized to be appropriated to the Comptroller General to carry out this section.

§ 9106. Audit reports

(a) The Comptroller General shall submit to Congress a report on each audit of a Government corporation under section 9105 of this title not later than 6.5 months after the end of the last year covered by the audit. The report shall state the scope of the audit and include—

(1) a statement (showing intercorporate relations) of assets, liabilities, capital, and surplus or deficit;

(2) a statement of surplus or deficit analysis;

(3) a statement of income and expenditures;

(4) a statement of sources and the use of money;

(5) specifically each financial transaction or undertaking the Comptroller General believes was carried out or made without authority of law;

(6) comments and information the Comptroller General considers necessary to keep Congress informed about the operations and financial condition of the Government corporation, including a statement of impaired capital noticed and recommendations for the return of capital of the United States Government or the payment of dividends the Comptroller General believes should be made; and

(7) other recommendations the Comptroller General considers advisable.

(b) The Comptroller General shall give the President, the Secretary of the Treasury, and the Government corporation a copy of the report when it is submitted to Congress.

§ 9107. Accounts

(a) With the approval of the Comptroller General, a Government corporation may consolidate its cash into an account if the cash will be expended as provided by law.

(b) The Secretary of the Treasury shall keep the accounts of a Government corporation. If the Secretary approves, a Federal reserve bank or a bank designated as a depositary or fiscal agent of the United States Government may keep the accounts. The Secretary may waive the requirements of this subsection.

Waiver.

(c)(1) Subsection (b) of this section does not apply to maintaining a temporary account of not more than $50,000 in one bank.

(2) Subsection (b) of this section does not apply to a mixed-ownership Government corporation when the corporation has no capital of the Government.

96 STAT. 1045

(3) Subsection (b) of this section does not apply to the Federal Intermediate Credit Banks, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, the National Consumer Cooperative Bank, or the Federal Land Banks. However, the head of each of those banks shall report each year to the Secretary the names of depositaries where accounts are kept. If the Secretary considers it advisable when an annual report is received, the Secretary may make a written report to the corporation, the President, and Congress.

§ 9108. Obligations

(a) Before a Government corporation issues obligations and offers obligations to the public, the Secretary of the Treasury shall prescribe—

(1) the form, denomination, maturity, interest rate, and conditions to which the obligations will be subject;

(2) the way and time the obligations are issued; and

(3) the price for which the obligations will be sold.

(b) A Government corporation may buy or sell a direct obligation of the United States Government, or an obligation on which the principal, interest, or both, is guaranteed, of more than $100,000 only when the Secretary approves the purchase or sale. The Secretary may waive the requirement of this subsection under conditions the Secretary may decide. Waiver.

(c) The Secretary may designate an officer or employee of an agency to carry out this section if the head of the agency agrees.

(d)(1) This section does not apply to a mixed-ownership Government corporation when the corporation has no capital of the Government.

(2) Subsections (a) and (b) of this section do not apply to the Rural Telephone Bank (when the ownership, control, and operation of the Bank are converted under section 410(a) of the Rural Electrification Act of 1936 (7 U.S.C. 950(a))), the Federal Intermediate Credit Banks, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, the National Consumer Cooperative Bank, and the Federal Land Banks. However, the head of each of those banks shall consult with the Secretary before taking action of the kind described in subsection (a) or (b). If agreement is not reached, the Secretary may make a written report to the corporation, the President, and Congress on the reasons for the Secretary's disagreement.

§ 9109. Exclusion of a wholly owned Government corporation from this chapter

When the President considers it practicable and in the public interest, the President shall include in the budget submitted to Congress under section 1105 of this title a recommendation that a wholly owned Government corporation be deemed to be an agency (except a corporation) under chapter 11 of this title and for fiscal matters. If Congress approves the recommendation, the corporation is deemed to be an agency (except a corporation) under chapter 11 and for fiscal matters for fiscal years beginning after the fiscal year of approval and is not subject to this chapter. The corporate entity is not affected by this section.

Ante, p. 907.

96 STAT. 1046

CHAPTER 93—SURETIES AND SURETY BONDS

Sec.
9301. Definitions.
9302. Prohibition against surety bonds for United States Government personnel.
9303. Use of Government obligations instead of surety bonds.
9304. Surety corporations.
9305. Authority and revocation of authority of surety corporations.
9306. Surety corporations acting outside area of incorporation and place of principal office.
9307. Civil actions and judgments against surety corporations.
9308. Civil penalty.
9309. Priority of sureties.

§ 9301. Definitions

In this chapter—

(1) "person" means an individual, a trust, an estate, a partnership, and a corporation.

(2) "Government obligation" means a public debt obligation of the United States Government and an obligation whose principal and interest is unconditionally guaranteed by the Government.

§ 9302. Prohibition against surety bonds for United States Government personnel

An agency (except a mixed-ownership Government corporation) may not require or obtain a surety bond for a member of the uniformed services or an officer or employee of the United States Government in carrying out official duties. This section does not affect the personal financial liability of the member, officer, or employee.

§ 9303. Use of Government obligations instead of surety bonds

(a) If a person is required under a law of the United States to give a surety bond, the person may give a Government obligation as security instead of a surety bond. The obligation shall—

(1) be given to the official having authority to approve the surety bond;

(2) be in an amount equal at par value to the amount of the required surety bond; and

(3) authorize the official receiving the obligation to collect or sell the obligation if the person defaults on a required condition.

(b)(1) An official receiving a Government obligation under subsection (a) of this section may deposit it with—

(A) the Secretary of the Treasury;

(B) a Federal reserve bank; or

(C) a depositary designated by the Secretary.

(2) The Secretary, bank, or depositary shall issue a receipt that describes the obligation deposited.

(c) Using a Government obligation instead of a surety bond for security is the same as using—

(1) a personal or corporate surety bond;

(2) a certified check;

(3) a bank draft;

(4) a post office money order; or

(5) cash.

(d) When security is no longer required, a Government obligation given instead of a surety bond shall be returned to the person giving the obligation. If a person, supplying labor or material to a contractor defaulting under the Act of August 24, 1935 (known as the Miller Act) (40 U.S.C. 270a–270d), files with the United States Government the application and affidavit provided under section 3 of the Act (40 U.S.C. 270c), the Government— 96 STAT. 1047

(1) may return to the contractor the Government obligation given as security (or proceeds of the Government obligation given) under the Act of August 24, 1935 (known as the Miller Act) (40 U.S.C. 270a–270d), only after the 90-day period for bringing a civil action under section 2 of the Act (40 U.S.C. 270b); and

(2) if a civil action is brought in the 90-day period, shall hold the Government obligation or the proceeds subject to the order of the court having jurisdiction of the action.

(e) This section does not affect the—

(1) priority of a claim of the Government against a Government obligation given under this section;

(2) right or remedy of the Government for default on an obligation provided under—

(A) the Act of August 24, 1935 (known as the Miller Act) (40 U.S.C. 270a–270d); or

(B) this section;

(3) authority of a court over a Government obligation given as security in a civil action; and

(4) authority of an official of the Government authorized by another law to receive a Government obligation as security.

(f) To avoid frequent substitution of Government obligations, the Secretary may prescribe regulations limiting the effect of this section to a Government obligation maturing more than one year after the date the obligation is given as security.

§ 9304. Surety corporations

(a) When a law of the United States Government requires or permits a person to give a surety bond through a surety, the person satisfies the law if the surety bond is provided for the person by a corporation—

(1) incorporated under the laws of—

(A) the United States; or

(B) a State, the District of Columbia, or a territory or possession of the United States;

(2) that may under those laws guarantee—

(A) the fidelity of persons holding positions of trust; and

(B) bonds and undertakings in judicial proceedings; and

(3) complying with sections 9305 and 9306 of this title.

(b) Each surety bond shall be approved by the official of the Government required to approve or accept the bond. The official may not require that the surety bond be given through a guaranty corporation or through any particular guaranty corporation.

§ 9305. Authority and revocation of authority of surety corporations

(a) Before becoming a surety under section 9304 of this title, a surety corporation must file with the Secretary of the Treasury—

(1) a copy of the articles of incorporation of the corporation; and

(2) a statement of the assets and liabilities of the corporation signed and sworn to by the president and secretary of the corporation.

96 STAT. 1048

(b) The Secretary may authorize in writing a surety corporation to provide surety bonds under section 9304 of this title if the Secretary decides that—

(1) the articles of incorporation of the corporation authorize the corporation to do business described in section 9304(a)(2) of this title;

(2) the corporation has paid-up capital of at least $250,000 in cash or its equivalent; and

(3) the corporation is able to carry out its contracts.

(c) A surety corporation authorized under subsection (b) of this section to provide surety bonds shall file with the Secretary each January, April, July, and October a statement of the assets and liabilities of the corporation signed and sworn to by the president and secretary of the corporation.

(d) The Secretary—

(1) shall revoke the authority of a surety corporation to do new business if the Secretary decides the corporation is insolvent or is in violation of this section or section 9304 or 9306 of this title;

(2) may investigate the solvency of a surety corporation at any time; and

(3) may require additional security from the person required to provide a surety bond if the Secretary decides that a surety corporation no longer is sufficient security.

(e) A surety corporation providing a surety bond under section 9304 of this title may not provide any additional bond under that section if—

(1) the corporation does not pay a final judgment or order against it on the bond; and

(2) no appeal or stay of the judgment or order is pending 30 days after the judgment or order is entered.

§ 9306. Surety corporations acting outside area of incorporation and place of principal office

(a) A surety corporation may provide a surety bond under section 9304 of this title in a judicial district outside the State, the District of Columbia, or a territory or possession of the United States under whose laws it was incorporated and in which its principal office is located only if the corporation designates a person by written power of attorney to be the resident agent of the corporation for that district. The designated person—

(1) may appear for the surety corporation;

(2) may receive service of process for the corporation;

(3) must reside in the jurisdiction of the district court for the district in which a surety bond is to be provided; and

(4) must be a domiciliary of the State, the District of Columbia, territory, or possession in which the court sits.

(b) The surety corporation shall file a certified copy of the power of attorney with the clerk of the district court for the district in which a surety bond is to be given at each place the court sits. A copy of the power of attorney may be used as evidence in a civil action under section 9307 of this title.

(c)(1) If a resident agent is removed, resigns, dies, or becomes disabled, the surety corporation shall appoint another agent as described in this section.

(2) Until an appointment is made under paragraph (1) of this subsection or during an absence of an agent from the district in which the surety bond is given, service of process may be made on the clerk of the court in which a civil action against the corporation is brought. The official serving process on the clerk of the court—

96 STAT. 1049

(A) immediately shall mail a copy of the process to the corporation; and

(B) shall state in the official's return that the official served the process on the clerk of the court.

(3) A judgment or order of a court entered or made after service of process under this section is as valid as if the corporation were served in the judicial district of the court.

§ 9307. Civil actions and judgments against surety corporations

(a)(1) A surety corporation providing a surety bond under section 9304 of this title may be sued in a court of the United States having jurisdiction of civil actions on surety bonds in—

(A) the judicial district in which the surety bond was provided; or

(B) the district in which the principal office of the corporation is located.

(2) Under sections 9304–9308 of this title, a surety bond is deemed to be provided in the district—

(A) in which the principal office of the surety corporation is located;

(B) to which the surety bond is returnable;

(C) in which the surety bond is filed; and

(D) in which the person required to provide a surety bond resided when the bond was provided.

(b) In a proceeding against a surety corporation providing a surety bond under section 9304 of this title, the corporation may not deny its power to provide a surety bond or to assume liability.

§ 9308. Civil penalty

A surety corporation is liable to the United States Government for a civil penalty of at least $500 but not more than $5,000 for violating section 9304, 9305, or 9306 of this title. A civil action under this section may be brought in a judicial district in which a civil action may be brought against the corporation under section 9307 of this title. A penalty imposed under this section does not affect the validity of a contract made by the surety corporation.

§ 9309. Priority of sureties

When a person required to provide a surety bond given to the United States Government is insolvent or dies having assets insufficient to pay debts, the surety, or the executor, administrator, or assignee of the surety paying the Government the amount due under the bond—

(1) has the same priority to amounts from the assets and estate of the person as are secured for the Government; and

(2) personally may bring a civil action under the bond to recover amounts paid under the bond.

CHAPTER 95—GOVERNMENT PENSION PLAN PROTECTION

Sec.
9501. Purpose.
9502. Definitions.
9503. Reports about Government pension plans.
9504. Review and recommendations.

96 STAT. 1050

§ 9501. Purpose

The purpose of this chapter is to protect the interests of the United States and of the participants and their beneficiaries in Government pension plans by requiring complete disclosure of the financial condition of those plans.

§ 9502. Definitions

In this chapter—

(1) "Government pension plan"—

(A) means a pension, annuity, retirement, or similar plan (except a plan covered under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or a plan or program financed by contributions required under chapter 21 or 22 of the Internal Revenue Code of 1954 (26 U.S.C. 3101 et seq., 3201 et seq.)) established or maintained by an agency, for any of its officers or employees, regardless of the number of participants covered by the plan; and

(B) includes—

(i) the Civil Service Retirement System.

(ii) the Coast Guard Retirement System.

(iii) the Commissioned Corps of the Public Health Service Retirement System.

(iv) the Farm Credit District Retirement Plans.

(v) the Federal Home Loan Bank Board Retirement Systems.

(vi) the Federal Home Loan Mortgage Corporation Plan.

(vii) the Federal Reserve Employees Retirement Plans.

(viii) the Foreign Service Retirement and Disability System.

(ix) judicial plans.

(x) the Military Retirement System.

(xi) the National Oceanic and Atmospheric Administration Retirement System.

(xii) nonappropriated fund plans.

(xiii) the Tennessee Valley Authority Retirement System.

(2) "plan year" means the calendar, policy, or fiscal year chosen by the Government pension plan on which the records of the plan are kept.

§ 9503. Reports about Government pension plans

(a) A Government pension plan is subject to section 103 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023) in the same way that an employee pension benefit plan is subject to section 103. However, section 103 applies to a Government pension plan for officers or employees of the Central Intelligence Agency only if the President specifically approves application of the requirements of section 103 in writing. In applying section 103 to a Government pension plan—

(1) the annual report shall be—

(A) in the form and include information the President, in consultation with the Comptroller General, prescribes or, if the pension plan is referred to in section 9502(1)(B) (iv)–(vii) or (ix) of this title, the Comptroller General prescribes; and

(B) submitted to Congress and to the Comptroller General by the end of the 210-day period beginning on the day after the last day of the plan year involved;

Waiver.

(2) a provision providing for waiver of, relief from, or exception to a requirement otherwise applicable to an employee pension benefit plan applies to a Government pension plan only if specifically authorized by the Comptroller General;

(3) section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)) does not apply;

(4) the report required by this chapter is in addition to other reports or projections required by law; and

Audits.

(5) except for a Government pension plan referred to in section 9502(1)(B)(iv)–(vii) of this title, the Comptroller General shall conduct audits when appropriate instead of complying with the requirements for the independent qualified public accountant.

(b) This chapter does not prevent a Government pension plan from using the services of an enrolled actuary employed by an agency administering the plan.

§ 9504. Review and recommendations

When necessary or when requested by either House of Congress or a committee of Congress, the Comptroller General shall—

(1) review financial and actuarial statements provided under section 9503 of this title to decide whether the reporting requirements of section 9503 are adequate to carry out section 9501 of this title; and

(2) submit to Congress recommendations for legislation necessary to carry out section 9501 of this title.

CHAPTER 97—MISCELLANEOUS

Sec.
9701. Fees and charges for Government services and things of value.
9702. Investment of trust funds.

§ 9701. Fees and charges for Government services and things of value

(a) It is the sense of Congress that each service or thing of value provided by an agency (except a mixed-ownership Government corporation) to a person (except a person on official business of the United States Government) is to be self-sustaining to the extent possible.

(b) The head of each agency (except a mixed-ownership Government corporation) may prescribe regulations establishing the charge for a service or thing of value provided by the agency. Regulations prescribed by the heads of executive agencies are subject to policies prescribed by the President and shall be as uniform as practicable. Each charge shall be—

(1) fair; and

(2) based on—

(A) the costs to the Government;

(B) the value of the service or thing to the recipient;

(C) public policy or interest served; and

(D) other relevant facts.

(c) This section does not affect a law of the United States—

(1) prohibiting the determination and collection of charges and the disposition of those charges; and

(2) prescribing bases for determining charges, but a charge may be redetermined under this section consistent with the prescribed bases.

§ 9702. Investment of trust funds

Except as required by a treaty of the United States, amounts held in trust by the United States Government (including annual interest earned on the amounts)—

(1) shall be invested in Government obligations; and

(2) shall earn interest at an annual rate of at least 5 percent.

CONFORMING PROVISIONS

SEC. 2. (a) Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Additional officers, Office of Management and Budget (6).".

(b) Title 10, United States Code, is amended as follows:

(1)(A) In sections 1479(2), 2206, 4592, and 9592, strike out "officer" and substitute "official".

(B) In section 2309(b), strike out "disbursing officer" and substitute "disbursing official".

(2)(A) Add immediately below item 1042 in the analysis of chapter 53 the following new item:

"1042. Copy of certificate of service.".

(B) Add at the end of chapter 53 the following new section:

10 USC 1042.

"§ 1042. Copy of certificate of service

"A fee for a copy of a certificate showing service in the armed forces may not be charged to—

"(1) a person discharged or released from the armed forces honorably or under honorable conditions;

"(2) the next of kin of the person; or

"(3) a legal representative of the person.".

(3)(A) Add immediately below item 2360 in the analysis of chapter 139 the following new item:

"2361. Availability of appropriations.".

(B) Add at the end of chapter 139 the following new section:

10 USC 2361.

"§ 2361. Availability of appropriations

"Funds appropriated to the Department of Defense for research and development remain available for obligation for a period of two consecutive years.".

(4)(A) Add immediately below item 2393 in the analysis of chapter 141 the following new items:

"2394. Availability of appropriations for military equipment and supplies and construction of military public works.

"2395. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, and pay and supplies of armed forces of friendly foreign countries.".

96 STAT. 1053

(B) Add at the end of chapter 141 the following new sections:

10 USC 2394.

"§ 2394. Availability of appropriations for procurement of technical military equipment and supplies and construction of military public works

"Funds appropriated to the Department of Defense for the procurement of technical military equipment and supplies and the construction of military public works remain available until spent.

10 USC 2395.

"§ 2395. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, and pay and supplies of armed forces of friendly foreign countries

"(a) An advance under an appropriation to the Department of Defense may be made to pay for—

"(1) compliance with laws and ministerial regulations of a foreign country;

"(2) rent in a foreign country for periods of time determined by local custom; and

"(3) tuition.

"(b)(1) Under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy, an officer of an armed force of the United States accountable for public money may advance amounts to a disbursing official of a friendly foreign country or members of an armed force of a friendly foreign country for—

"(A) pay and allowances to members of the armed force of that country; and

"(B) necessary supplies and services.

"(2) An advance may be made under this subsection only if the President has made an agreement with the foreign country—

"(A) requiring reimbursement to the United States for amounts advanced;

"(B) requiring the appropriate authority of the country to advance amounts reciprocally to members of the armed forces of the United States; and

"(C) containing another provision the President considers necessary to carry out this subsection and to safeguard the interests of the United States.".

(5)(A) Add immediately below item 2635 in the analysis of chapter 157 the following new item:

"2636. Deductions from carriers because of loss or damage to material in transit.".

(B) Add at the end of chapter 157 the following new section:

"§ 2636. Deductions from carriers because of loss or damage to material in transit

10 USC 2636.

"An amount deducted from an amount due a carrier because of loss of or damage to material in transit for a military department shall be credited to the proper appropriation, account, or fund from which the same or similar material may be replaced.".

(6)(A) Insert between items 2661 and 2662 in the analysis of chapter 159 the following new item:

"2661a. Appropriations for advance planning of military public works.".

(B) Insert between sections 2661 and 2662 the following new section:

"§ 2661a. Appropriations for advance planning of military public works

10 USC 2661a.

"(a) There are authorized to be appropriated to the Department of Defense, to remain available until spent, funds for advance planning, construction design, and architectural services for—

"(1) military public works projects not otherwise authorized; and

"(2) construction management of projects funded by governments of foreign countries directly or through international organizations for which the armed forces of the United States are the sole or primary user.

"(b) The Secretary of Defense may not enter into a transaction for a military public works project for which estimated advance planning, construction design, and architectural services costs of at least $225,000 will be funded under this section until after the expiration of 30 days from the date on which a report of the project and the estimated costs is submitted to the Committees on Armed Services of the Senate and the House of Representatives.".

(7)(A) Amend item 2773 in the analysis of chapter 165 to read as follows:

"2773. Designation, powers, and accountability of deputy disbursing officials.".

(B) Amend section 2773 to read as follows:

10 USC 2773.

"§ 2773. Designation, powers, and accountability of deputy disbursing officials

"(a)(1) With the approval of a Secretary of a military department when the Secretary considers it necessary, a disbursing official of the military department may designate a deputy disbursing official—

"(A) to make payments as the agent of the disbursing official;

"(B) to sign checks drawn on disbursing accounts of the Secretary of the Treasury; and

"(C) to carry out other duties required under law.

"(2) The penalties for misconduct that apply to a disbursing official apply to a deputy disbursing official designated under this subsection.

"(b)(1) If a disbursing official of any military department dies, becomes disabled, or is separated from office, a deputy disbursing official may continue the accounts and payments in the name of the former disbursing official until the last day of the 2d month after the month in which the death, disability, or separation occurs. The accounts and payments shall be allowed, audited, and settled as provided by law. The Secretary of the Treasury shall honor checks signed in the name of the former disbursing official in the same way as if the former disbursing official had continued in office.

"(2) The deputy disbursing official, and not the former disbursing official or the estate of the former disbursing official, is liable for the actions of the deputy disbursing official under this subsection.".

(8)(A) Add immediately below item 2775 in the analysis of chapter 165 the following new items:

"2776. Use of receipts of public money for current expenditures.

"2777. Requisitions for advances and removal of charges outstanding in accounts of advances.

96 STAT. 1055

"2778. Accounts of the military departments.

"2779. Use of funds because of fluctuations in currency exchange rates of foreign countries.".

(B) Add at the end of chapter 165 the following new sections:

10 USC 2776.

"§ 2776. Use of receipts of public money for current expenditures

"Without deposit to the credit of the Secretary of the Treasury and without withdrawal on money requisitions, a disbursing official of the Department of Defense may use receipts of public money charged in the disbursing official's accounts (except receipts to be credited to river, harbor, and flood control appropriations) for current expenditures, with necessary bookkeeping adjustments being made.

10 USC 2777.

"§ 2777. Requisitions for advances and removal of charges outstanding in accounts of advances

"(a) The Secretary of a military department may issue to a disbursing official or agent of the department a requisition for an advance of not more than the total appropriation for the department. The amount advanced shall be—

"(1) under an 'account of advances' for the department;

"(2) on a proper voucher;

"(3) only for obligations payable under specific appropriations;

"(4) charged to, and within the limits of, each specific appropriation; and

"(5) returned to the account of advances.

"(b) A charge outstanding in an account of advances of a military department shall be removed by crediting the account of advances of the department and deducting the amount of the charge from an appropriation made available for advances to the department when—

"(1) relief has been granted or may be granted later to a disbursing official or agent of the department operating under an account of advances and under a law having no provision for removing charges outstanding in an account of advances; or

"(2) the charge has been—

"(A) outstanding in the account of advances of the department for 2 complete fiscal years; and

"(B) certified by the head of the department to the Comptroller General as uncollectable.

"(c) Subsection (b) of this section does not affect the financial liability of a disbursing official or agent.

"§ 2778. Accounts of the military departments 10 USC 2778.

"The Comptroller General shall—

"(1) maintain all accounts of—

"(A) receipts and expenditures of public money in the military departments; and

"(B) debts due the United States on moneys advanced for the department;

"(2) preserve settled accounts, vouchers, and certificates;

"(3) record all requisitions drawn by the Secretary of the department;

"(4) each year on the first Monday in November, report to the Secretary of the Treasury on the application of money appropriated for the military departments; and

"(5) report on the accounts of the military departments as the Secretary of the department requires.

"§ 2779. Use of funds because of fluctuations in currency exchange rates of foreign countries 10 USC 2779.

"(a)(1) Funds transferred from the appropriation 'Foreign Currency Fluctuations, Defense' may be transferred back to the appropriation—

"(A) when the funds are not needed to pay obligations incurred because of fluctuations in currency exchange rates of foreign countries in the appropriation to which the funds were originally transferred; and

"(B) because of subsequent favorable fluctuations in the rates or because other funds are, or become, available to pay the obligations.

"(2) A transfer back to the Foreign Currency Fluctuations, Defense appropriation may not be made after the end of the 2d fiscal year after the fiscal year that the appropriation to which the funds were originally transferred is available for obligation.

Appropriation.

"(b)(1) One hundred million dollars, plus $25,000,000 from Family Housing, Defense, are appropriated to the Secretary of Defense, to remain available until spent. The appropriation is available only to provide funds to eliminate losses in military construction or expenses of family housing for the Department of Defense caused by fluctuations in currency exchange rates of foreign countries that changed after a budget request was submitted to Congress.

"(2) Funds provided under this subsection are merged with and are available for the same purpose and for the same time period as the appropriation to which they are applied. An authorization or limitation limiting the amount that may be obligated or spent is increased to the extent necessary to reflect fluctuations in exchange rates from those used in preparing the budget submission.

"(3) An obligation payable in the currency of a foreign country may be recorded as an obligation based on exchange rates used in preparing a budget submission. A change reflecting fluctuations in the exchange rate may be recorded as a disbursement is made.

Report to Congress.

"(4) The Secretary each year shall report to Congress on funds made available under this subsection.".

(9)(A) Add immediately below item 4540 in the analysis of chapter 433 the following new item:

"4541. Gratuitous services of officers of the Army Reserve.".

(B) Add at the end of chapter 433 the following new section:

"§ 4541. Gratuitous services of officers of the Army Reserve 10 USC 4541.

"The Secretary of the Army may accept the gratuitous services of officers of the Army Reserve in enrolling, organizing, and training members of the Army Reserve or the Reserve Officers' Training Corps, or in consulting on matters related to the armed forces.".

(10)(A) Add immediately below item 4840 in the analysis of chapter 453 the following new items:

"4841. Payment of small amounts to public creditors.
"4842. Settlement of accounts of line officers.".

(B) Add at the end of chapter 453 the following new sections:

10 USC 4841.

"§ 4841. Payment of small amounts to public creditors

"When authorized by the Secretary of the Army, a disbursing official of Army subsistence funds may keep a limited amount of those funds in the personal possession and at the risk of the disbursing official to pay small amounts to public creditors.

96 STAT. 1057

10 USC 4842.

"§ 4842. Settlement of accounts of line officers

"The Comptroller General shall settle the account of a line officer of the Army for pay due the officer even if the officer cannot account for property entrusted to the officer or cannot make a monthly report or return, when the Comptroller General is satisfied that the inability to account for property or make a report or return was the result of the officer having been a prisoner, or of an accident or casualty of war.".

(11)(A) Add immediately below item 7230 in the analysis of chapter 631 the following new item:

"7231. Accounting for expenditures for obtaining information.".

(B) Add at the end of chapter 631 the following new section:

10 USC 7231.

"§ 7231. Accounting for expenditures for obtaining information

"When the Secretary of the Navy decides that an expenditure by the Department of the Navy from an appropriation for obtaining information from anywhere in the world may be made public, the expenditure shall be accounted for specifically. When the Secretary decides that an expenditure should not be made public, the Secretary shall make a certificate on the amount of the expenditure. The certificate is a sufficient voucher for the amount stated to have been spent.".

(12)(A) Add immediately below item 659 in the analysis of subtitle C the following new item:

"661. Accountability and responsibility .... 7861".

(B) Add at the end of subtitle C the following new chapter:

"CHAPTER 661—ACCOUNTABILITY AND RESPONSIBILITY

"Sec.
"7861. Accounts of paymasters of lost or captured public vessels.
"7862. Disbursements by order of commanding officer.

10 USC 7861.

"§ 7861. Accounts of paymasters of lost or captured public vessels

"When settling the account of a paymaster of a lost or captured naval vessel, the Comptroller General in settling money accounts, and the Secretary of the Navy in settling property accounts, shall credit the account of the paymaster for the amount of provisions, clothing, small stores, and money for which the paymaster is charged that the Comptroller General or Secretary believes was lost inevitably because of the loss or capture. The paymaster is then free of liability for the provisions, clothing, small stores, and money.

10 USC 7862.

"§ 7862. Disbursements by order of commanding officer

"When settling an account of a disbursing official, the Comptroller General shall allow disbursements of public moneys or disposal of public stores the disbursing official made under an order of a commanding officer when presented with satisfactory evidence that the order was made and that the money was paid or the stores disposed of as the order provided. The commanding officer is accountable for the disbursement or disposal.".

96 STAT. 1058

(13)(A) Add immediately below item 9540 in the analysis of chapter 933 the following new item:

"9541. Gratuitous services of officers of the Air Force Reserve.".

(B) Add at the end of chapter 933 the following new section:

"§ 9541. Gratuitous services of officers of the Air Force Reserve

10 USC 9541.

"The Secretary of the Air Force may accept the gratuitous services of officers of the Air Force Reserve in enrolling, organizing, and training members of the Air Force Reserve or the Reserve Officers' Training Corps, or in consulting on matters related to the armed forces.".

(14)(A) Add immediately below item 9840 in the analysis of chapter 953 the following new items:

"9841. Payment of small amounts to public creditors.
"9842. Settlement of accounts of line officers.".

(B) Add at the end of chapter 953 the following new sections:

"§ 9841. Payment of small amounts to public creditors

10 USC 9841.

"When authorized by the Secretary of the Air Force, a disbursing official of Air Force subsistence funds may keep a limited amount of those funds in the personal possession and at the risk of the disbursing official to pay small amounts to public creditors.

"§ 9842. Settlement of accounts of line officers

10 USC 9842.

"The Comptroller General shall settle the account of a line officer of the Air Force for pay due the officer even if the officer cannot account for property entrusted to the officer or cannot make a monthly report or return, when the Comptroller General is satisfied that the inability to account for property or make a report or return was the result of the officer having been a prisoner, or of an accident or casualty of war.".

(c) The first section of the Federal Reserve Act (12 U.S.C. 221) is amended by adding at the end the following new paragraph:

Definitions.

"The terms 'bonds and notes of the United States', 'bonds and notes of the Government of the United States', and 'bonds or notes of the United States' used in this Act shall be held to include certificates of indebtedness and Treasury bills issued under section 3104 of title 31.".

31 USC 3104.

(d) Title 18, United States Code, is amended as follows:

(1)(A) In the analysis of chapter 33, strike out item 714.

(B) Strike out section 714.

Repeal.
18 USC 714.

(2)(A) Insert at the beginning of section 3059 the designation "(a)(1)".

(B) Insert before the word "If" the designation "(2)".

(C) Add at the end of the section the following new subsection:

"(b) The Attorney General each year may spend not more than $10,000 for services or information looking toward the apprehension of narcotic law violators who are fugitives from justice.".

(3)(A) Insert between items 3150 and 3151 in the analysis of chapter 207 the following new item:

"3150a. Refund of forfeited bail.".

(B) Insert between sections 3150 and 3151 the following new section:

96 STAT. 1059

"§ 3150a. Refund of forfeited bail

18 USC 3150a.

"Appropriations available to refund money erroneously received and deposited in the Treasury are available to refund any part of forfeited bail deposited into the general fund of the Treasury and ordered remitted under the Federal Rules of Criminal Procedure.".

18 USC app.

(4)(A) Add immediately below item 4042 in the analysis of chapter 303 the following new item:

"4043. Acceptance of gifts and bequests to the Commissary Funds, Federal Prisons.".

(B) Add at the end of chapter 303 the following new section:

18 USC 4043.

"§ 4043. Acceptance of gifts and bequests to the Commissary Funds, Federal Prisons

"The Attorney General may accept gifts or bequests of money for credit to the 'Commissary Funds, Federal Prisons'. A gift or bequest under this section is a gift or bequest to or for the use of the United States under the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.).".

(e) The Act of April 25, 1940 (22 U.S.C. 2668), is amended—

(1) by inserting at the beginning of the text of the Act the subsection designation "(a)"; and

State Department account of advances.

(2) by adding at the end of the Act the following new subsections:

"(b) A charge outstanding in the 'State account of advances' shall be removed by crediting the account of advances and deducting the amount of the charge from an appropriation made available for advances to the Department of State when—

"(1) relief has been granted or may be granted later to a disbursing official or agent of the Department operating under the account of advances and under a law having no provision for removing charges outstanding in the account of advances; or

"(2) the charge has been—

"(A) outstanding in the account of advances for 2 complete fiscal years; and

"(B) certified by the Secretary of State to the Comptroller General as uncollectable.

"(c) Subsection (b) of this section does not affect the financial liability of a disbursing official or agent.".

(f) The Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) is amended as follows:

26 USC 7801.

(1) In section 7801(c), insert immediately after "in this section" the following: "or section 301(f) of title 31".

26 USC 7802.

(2) In section 7802(b)—

(A) insert immediately before "There" the following: "(1) Establishment of Office.—".

Appropriation authorization.

(B) Add at the end of section 7802(b) the following new paragraph:

"(2) Authorization of appropriations.—There is authorized to be appropriated to the Department of the Treasury to carry out the functions of the Office an amount equal to the sum of—

26 USC 4940.

"(A) so much of the collections from taxes imposed under section 4940 (relating to excise tax based on investment income) as would have been collected if the rate of tax under such section was 2 percent during the second preceding fiscal year; and

96 STAT. 1060

"(B) the greater of—

"(i) an amount equal to the amount described in paragraph (A); or

"(ii) $30,000,000.".

(g) Title 28, United States Code, is amended as follows:

(1)(A) In the analysis of chapter 31, strike out—

"524. Appropriations for administrative expenses; notarial fees; meals and lodging of bailiffs."

and substitute—

"524. Availability of appropriations.".

(B) In the catchline of section 524, strike out—

"Appropriations for administrative expenses; notarial fees; meals and lodging of bailiffs"

and substitute—

"Availability of appropriations".

(C) Insert at the beginning of the text of section 524 the subsection designation "(a)".

(D) Add at the end of section 524 the following new subsection:

"(b) Except as provided in subsection (a) of this section, a claim of not more than $500 for expenses related to litigation that is beyond the control of the Department may be paid out of appropriations currently available to the Department for expenses related to litigation when the Comptroller General settles the payment.".

(2) Add at the end of section 571 the following new subsection:

"(d) Appropriations for salaries, expenses, and fees of marshals are available for advances with the approval of the Attorney General.".

(3)(A) Insert between items 572 and 573 in the analysis of chapter 37 the following new item:

"572a. Depositing public moneys.".

(B) Insert between sections 572 and 573 the following new section:

"§ 572a. Depositing public moneys 28 USC 572a.

"Except for public moneys deposited under section 2041 of this title, each United States marshal shall deposit public moneys that the marshal collects into a checking account in the Treasury, subject to disbursement by the marshal. At the end of each accounting period, the earned part of public moneys accruing to the United States shall be deposited in the Treasury to the credit of the appropriate receipt accounts.". 28 USC 2041.

(4)(A) In the analysis of chapter 129, strike out—

"2041. Deposit."

and substitute—

"2041. Deposit of moneys in pending or adjudicated cases.".

(B) Add immediately below item 2042 in the analysis of the chapter the following new item:

"2043. Deposit of other moneys.".

96 STAT. 1061

(C) In the catchline of section 2041, strike out— 28 USC 2041.

"Deposit"

and substitute—

"Deposit of moneys in pending or adjudicated cases".

(D) In section 2042, insert the words— 28 USC 2042.

(i) "under section 2041 of this title" immediately after "No money deposited" in the first paragraph; and

(ii) "under section 2041" immediately after "deposited in court" in the last paragraph.

(E) Add at the end of chapter 129 the following new section:

"§ 2043. Deposit of other moneys 28 USC 2043.

"Except for public moneys deposited under section 2041 of this title, each clerk of the United States courts shall deposit public moneys that the clerk collects into a checking account in the Treasury, subject to disbursement by the clerk. At the end of each accounting period, the earned part of public moneys accruing to the United States shall be deposited in the Treasury to the credit of the appropriate receipt accounts.". 28 USC 2041.

(5) Effective on the later of October 1, 1982, or the date of enactment of this Act, amend section 2516(b) to read as follows: Effective date. 28 USC 2516.

"(b) Interest on a judgment against the United States affirmed by the Supreme Court after review on petition of the United States is paid at a rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before the date of the judgment.".

National Guard pay and allowances.

(h) Section 107 of title 32, United States Code, is amended by adding at the end the following new subsection:

10 USC 3496, 8496.

"(c) The pay and allowances for the Chief of the National Guard Bureau and officers of the Army National Guard of the United States or the Air National Guard of the United States called to active duty under section 3496 or 8496 of title 10 shall be paid from appropriations for the pay of the Army National Guard or Air National Guard.".

Transportation allowances for uniformed services.

(i) Title 37, United States Code, is amended as follows:

(1) Add at the end of section 406 the following new subsection.

"(j) A member traveling under orders who is relieved from a duty station is entitled to transportation for his dependents, baggage, and household effects, regardless of the time the dependents, baggage, or household effects arrive at their destination. Appropriations of the Department of Defense available for travel or transportation that are current when the member is relieved may be used to pay for the transportation.".

(2)(A) Add immediately below item 1011 in the analysis of chapter 19 the following new item:

"1012. Disbursement and accounting.".

(B) Add at the end of chapter 19 the following new section:

37 USC 1012.

"§ 1012. Disbursement and accounting

37 USC 206, 301, 309, 402, 1002.

"Amounts appropriated under sections 206 (a), (b), and (d), 301(f), 309, 402(b) (last sentence), and 1002 of this title for pay of enlisted members of the Army National Guard of the United States or the

96 STAT. 1062

Air National Guard of the United States for attending regular periods of duty and instruction shall be disbursed and accounted for by the Secretary concerned. Disbursements shall be made for 3-month periods for units of the Army National Guard or Air National Guard under regulations prescribed by the Secretary concerned, and on pay rolls prepared and authenticated under the regulations.".

(j) Section 203 of title 38, United States Code, is amended—

(1) by inserting at the beginning of the text of the section the subsection designation "(a)"; and

Appropriation.

(2) by adding at the end of the section the following new subsection:

"(b) An appropriation may be used for a settlement of more than $1,000,000 on a construction contract only if the settlement is audited independently for reasonableness and appropriateness of expenditures and the settlement is not provided for specifically in an appropriation law.".

(k) Section 409 of title 39, United States Code, is amended by adding at the end the following new subsection:

"(e) A judgment against the Government of the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to the Postal Service.".

Effective date. 31 USC 9101 note. 95 Stat. 439.

(l) Effective on the date prescribed by section 396(i) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 441), the following sections of title 31 (enacted by section 1 of this Act), United States Code, are amended as follows:

(1) In section 9101(2), strike out—

"(K) the National Consumer Cooperative Bank.".

(2) In sections 9107(c)(3) and 9108(d)(2), strike out "the National Consumer Cooperative Bank,".

Effective date. 28 USC 1961 note.

(m) Effective on the later of October 1, 1982, or the date of enactment of this Act—

(1) section 1961(b) of title 28, United States Code, as added by section 302(a)(3) of the Federal Courts Improvement Act of 1982 (Public Law 97-164; 96 Stat. 56), is amended by striking out "title 28, United States Code, and section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a)" and substituting "this title and section 1304(b)(1) of title 31";

Ante, p. 55.

(2) section 1304 of title 31 (as enacted by section 1 of this Act), United States Code, is amended—

(A) in subsection (b)(1)(A), by striking out the words "under section 2411(b) of title 28"; and

(B) in subsection (b)(1)(B), by striking out the words "Court of Claims" and substituting "Court of Appeals for the Federal Circuit or the United States Claims Court"; and

(3) sections 155, 160(11), and 302(c) and (d) of the Federal Courts Improvement Act of 1982 (Public Law 97-164, 96 Stat. 47, 48, 56) are repealed.

Repeal.

Ante, p. 55.

CONFORMING CROSS-REFERENCES

SEC. 3. (a) Title 5, United States Code, is amended as follows:

(1) In section 575(c)(13), strike out "section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))" and substitute "section 1342 of title 31".

96 STAT. 1063

(2) In section 1205(j), strike out "section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11)" and substitute "section 1105 of title 31".

(3) In section 3102(b)(1)(C), strike out "section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))" and substitute "section 1342 of title 31".

(4) In section 3109(a)(2), strike out "section 849 of title 31" and substitute "section 9104 of title 31".

(5) In section 3111(b), strike out "section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))" and substitute "section 1342 of title 31".

(6) In section 3374(c)(2), strike out "section 638a of title 31" and substitute "sections 1343, 1344, and 1349(b) of title 31".

(7) In section 3381(d), strike out "section 529 of title 31" and substitute "section 3324(a) and (b) of title 31".

(8) In section 4101(1)(C), strike out "sections 846-852 or 856-859 of title 31" and substitute "chapter 91 of title 31".

(9) In section 4109(a)(2), strike out "section 529 of title 31" and substitute "section 3324(a) and (b) of title 31".

(10) In section 5307(a), strike out "section 665 of title 31" and substitute "sections 1341, 1342, and 1349-1351 and subchapter II of chapter 15 of title 31".

(11) In section 5349(b), strike out "section 180 of title 31" and substitute "section 5141 of title 31".

(12) In section 5514(b), strike out "section 581d of title 31" and substitute "section 3530(d) of title 31".

(13) In section 5545(a), strike out "section 180 of title 31" and substitute "section 5141 of title 31".

(14) In section 5721(5), strike out "section 849 of title 31" and substitute "section 9104 of title 31".

(15) In sections 5923(2) and 5924(4)(A), strike out "section 529 of title 31" and substitute "section 3324(a) and (b) of title 31".

(16) In section 7903, strike out "section 849 of title 31" and substitute "section 9104 of title 31".

(17) In section 8147(c), strike out "section 856 of title 31" and "sections 841-869 of title 31" and substitute "section 9101(2) of title 31" and "chapter 91 of title 31", respectively.

(b) Title 10, United States Code, is amended as follows:

(1) In section 139(a), strike out "section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11)" and substitute "section 1105 of title 31".

(2) Strike out the last sentence of section 140a.

(3) In section 2127(b), strike out "section 3648 of the Revised Statutes (31 U.S.C. 529)" and substitute "section 3324(a) and (b) of title 31".

(4) In section 2205, strike out "the Act of March 4, 1915 (31 U.S.C. 686)" and substitute "sections 1535 and 1536 of title 31".

(5) In section 2212, strike out "section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11)" and substitute "section 1105 of title 31".

(6) In section 2388(c), strike out "section 529 of title 31" and substitute "section 3324(a) and (b) of title 31".

(7) In section 2633(a), strike out "section 3678 of the Revised Statutes (31 U.S.C. 628)" and substitute "section 1301(a) of title 31".

(8) In section 6154, strike out "section 529 of title 31" and substitute "section 3324(a) and (b) of title 31".

96 STAT. 1064

(9) In section 7522(b), strike out "Section 3648 of the Revised Statutes (31 U.S.C. 529)" and substitute "Section 3324(a) and (b) of title 31".

(10) In section 7605, strike out "sections 3639 and 3651 of the Revised Statutes (31 U.S.C. 521 and 543)" and substitute "section 3302(a) of title 31".

(c) Sections 345 and 15345 of title 11, United States Code, are each amended by striking out "section 15 of title 6" and substituting "section 9303 of title 31".

(d) Section 659 of title 14, United States Code, is amended by striking out "section 1 of the Act of July 25, 1956, as amended (31 U.S.C. 701)" and substituting "section 1352(a) of title 31".

(e) Title 18, United States Code, is amended as follows:

(1) In section 1906, strike out "section 117(e) of the Accounting and Auditing Act of 1950" wherever it appears and substitute "section 714 of title 31".

(2) In section 4109(2), strike out "section 3648 of the revised statutes as amended (31 U.S.C. 529)" and substitute "section 3324(a) and (b) of title 31".

(3) In section 4204(b)(1), strike out "section 3648 of the Revised Statutes of the United States (31 U.S.C. 529)" and substitute "section 3324(a) and (b) of title 31".

(4) In section 4204(b)(2), strike out "section 3679 of the Revised Statutes of the United States (31 U.S.C. 665(b))" and substitute "section 1342 of title 31".

(5) In section 4284(a), strike out "(31 U.S.C. 725s(22))" and substitute "in section 1321(a)(22) of title 31".

(f) The Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) is amended as follows:

26 USC 170, 2055.

(1) In sections 170(k)(7) and 2055(f)(6), strike out "section 2 of the Act of May 15, 1952, as amended by the Act of July 9, 1952 (31 U.S.C. 725s-4)" and substitute "section 4043 of title 18, United States Code".

(2) In section 2055(f)(7), strike out "section 24 of the Second Liberty Bond Act (31 U.S.C. 757e)" and substitute "section 3113(e) of title 31, United States Code".

26 USC 5177, 5403.

(3) In sections 5177(b)(1) and 5403(3), strike out "6 U.S.C. 15" and substitute "section 9303 of title 31, United States Code".

26 USC 6103.

(4) In section 6103(i)(6)(A)(i), strike out "section 117 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 67)" and substitute "section 713 of title 31, United States Code".

(5) In section 6103(l)(4)(A)(ii), strike out "section 3 of the Act of July 7, 1884 (23 Stat. 258; 31 U.S.C. 1026)" and substitute "section 330 of title 31, United States Code".

(6) In section 6103(m)(2), strike out "section 3 of the Federal Claims Collection Act of 1966" and substitute "section 3711 of title 31, United States Code".

26 USC 6326.

(7) In section 6326(6), strike out "R.S. 3466 (31 U.S.C. 191)" and substitute "section 3713(a) of title 31, United States Code".

(8) In section 6422(10), strike out "R.S. 3477 (31 U.S.C. 203)" and substitute "section 3727 of title 31, United States Code". 26 USC 6422.

(9) In section 6422(11), strike out "the Act of March 3, 1875, as amended by section 13 of the Act of March 3, 1933 (31 U.S.C. 227)" and substitute "section 3728 of title 31, United States Code".

96 STAT. 1065

(10) In section 6901(a)(1)(B), strike out "section 3467 of the Revised Statutes (31 U.S.C. 192)" and substitute "section 3713(b) of title 31, United States Code". 26 USC 6901.

(11) In section 7101(2), strike out "6 U.S.C. 15" and substitute "section 9303 of title 31, United States Code". 26 USC 7101.

(12) In section 7123— 26 USC 7123.

(A) strike out of subsection (a) the following:

"(a) Criminal penalties"; and

(B) strike out subsection (b).

(13) In section 7421(b)(2), strike out "section 3467 of the Revised Statutes (31 U.S.C. 192)" and substitute "section 3713(b) of title 31, United States Code". 26 USC 7421.

(14) In section 7430(6), strike out "R.S. 3466 (31 U.S.C. 191)" and substitute "section 3713(a) of title 31, United States Code". 26 USC 7430.

(15) In section 7485(b)(2), strike out "6 U.S.C. 15" and substitute "section 9303 of title 31, United States Code". 26 USC 7485.

(g) Section 1828(b) of title 28, United States Code, is amended by striking out "section 501 of the Act of August 31, 1951 (ch. 376, title 5, 65 Stat. 290; 31 U.S.C. 483a)" and substituting "section 9701 of title 31".

(h) Title 32, United States Code, is amended as follows:

(1) In section 334(a), strike out "section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a)" and substitute "section 1304 of title 31".

(2) In section 710(d), strike out "(31 U.S.C. 725c(b)(22))".

(i) Section 42(b) of title 35, United States Code, is amended by striking out ", the provisions of section 725e of title 31, United States Code, notwithstanding".

(j) Section 1006(h) of title 37, United States Code, is amended by striking out "section 3648 of the Revised Statutes (31 U.S.C. 529)" and substituting "section 3324(a) and (b) of title 31".

(k) Title 38, United States Code, is amended as follows:

(1) In section 620A(d)(1), strike out "the Act of March 4, 1915 (31 U.S.C. 686)" and substitute "sections 1535 and 1536 of title 31".

(2) In section 1632, strike out—

(A) "subsection (a) of section 725s of title 31" and substitute "section 1322(a) of title 31"; and

(B) "the last proviso of that subsection" and substitute "section 1322(a)".

(3) In section 1820(a)(6), strike out "section 3617, Revised Statutes (31 U.S.C. 484)" and substitute "section 3302(b) of title 31".

(4) In sections 3021(a) and 3109(a), strike out "sections 123-128 of title 31" and substitute "sections 3329 and 3330 of title 31".

(5) In section 3204, strike out "the last proviso of subsection (a) of section 725s of title 31" and substitute "section 1322(a) of title 31".

(6) In section 4118(g)(3), strike out "section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11)" and substitute "section 1105 of title 31".

(7) In section 4142(f)(2), strike out "section 3648 of the Revised Statutes of the United States (31 U.S.C. 529)" and substitute "section 3324(a) and (b) of title 31".

(8) In the first sentence of section 4206, strike out "corporations by sections 841-869 of title 31," and substitute "corporations by chapter 91 of title 31,".

38 USC 5202, 5220.

96 STAT. 1066

(9) In sections 5202(d) and 5220(a), strike out "section 725s(a)(45) of title 31" and substitute "section 1321(a)(45) of title 31".

(l) Title 39, United States Code, is amended as follows:

(1) In section 2003(e)(1), strike out "section 665 of title 31" and substitute "subchapter II of chapter 15 of title 31".

(2) In section 2009, strike out "section 11 of title 31" and substitute "section 1105 of title 31".

(m) Title 44, United States Code, is amended as follows:

(1) In section 308(c)(1), strike out "section 244 of title 31" and substitute "section 3726 of title 31".

(2) In section 309(d), strike out "section 849 of title 31" and substitute "section 9104 of title 31".

(3) In section 3519, strike out "section 313 of the Budget and Accounting Act of 1921, as amended" and substitute "section 716 of title 31".

(n) Section 11706(f) of title 49, United States Code, is amended by striking out "section 244 of title 31" and substituting "section 3726 of title 31".

(o)(1) Rule XLIX of the Rules of the House of Representatives is amended as follows:

(A) In clause 2—

(i) strike out "the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b)" and substitute "section 3101(b) of title 31, United States Code,"; and

(ii) strike out "section 21 of the Second Liberty Bond Act" and substitute "section 3101(b) of title 31".

(B) In clause (5)—

(i) strike out "the Second Liberty Bond Act" and substitute "chapter 31 of title 31, United States Code,";

(ii) strike out "section 21 of such Act" and substitute "section 3101(b) of title 31"; and

(iii) strike out "the second sentence thereof" and substitute "section 3101(a) of title 31".

96 STAT. 1067

(2) This subsection—

(A) is enacted as an exercise of the rulemaking power of the House of Representatives; and

(B) may be changed by the House at any time, in the same way, and to the same extent as any other rule of the House, under the constitutional right of the House to change its rules.

LEGISLATIVE PURPOSE AND CONSTRUCTION

31 USC note prec.101.

SEC. 4. (a) Sections 1-3 of this Act restate, without substantive change, laws enacted before April 16, 1982, that were replaced by those sections. Those sections may not be construed as making a substantive change in the laws replaced. Laws enacted after April 15, 1982, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) A reference to a law replaced by sections 1-3 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) An order, rule, or regulation in effect under a law replaced by sections 1-3 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) An action taken or an offense committed under a law replaced by sections 1-3 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline of the provision.

(f) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

REPEALS

31 USC note prec. 101.

SEC. 5. (a) The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1874				
Jan. 29	19		18	6
May 12	168		18	45
June 20	328	1 (4th par. under heading "Mint at Denver, Colorado"), 4, 5.	18	97, 109
	343	6	18	124
June 22	419		18	202
June 23	455	1 (3d par. under heading "National Currency", par. immediately before heading "Smithsonian Institution").	18	206, 216
	476		18	275
1875				
Jan. 14	15		18	296
Feb. 18	80	1 (3d, 4th complete pars. on p. 317, 11th par. on p. 319).	18	317, 319
Mar. 3	129	1 (6th par. 3d sentence under heading "War Department").	18	359
	130	2 (pars. for the offices of the Auditors)	18	397
	149		18	481
1876				
June 30	156	5	19	64
July 22	P.R. 17	1 (words after last semicolon)	19	215
1877				
Feb. 27	69	(3d-9th, 11th, 13th complete pars. on p. 249).	19	249
Mar. 3	105	(provisos in par. under heading "Bureau of Engraving and Printing").	19	353
1878				
Feb. 28	20		20	25
May 31	146		20	87
June 8	170		20	102
June 19	312		20	167
	329	1 (1st, 2d sentences on p. 191, last par. under heading "Mint at Denver, Colorado", par. immediately before heading "Office of the Attorney General").	20	191, 205
1879				
Feb. 14	68	(2d par. words after 1st semicolon under heading "Bureau of Provisions and Clothing").	20	288
June 9	12		21	7
June 21	34	3 (last sentence words after semicolon)	21	30
Dec. 22	2		21	59
1881				
Feb. 1	33		21	322
Mar. 1	95		21	374
Mar. 3	133	2	21	457

96 STAT. 1069

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1882				
May 26	190		22	97
June 22	236		22	108
July 12	290	12	22	165
Aug. 5	389	5	22	256
Aug. 7	433	1 (2d, 6th complete pars. on p. 312)	22	312
1883				
Mar. 3	143	(2d proviso on p. 616)	22	616
1884				
July 5	217	(last par.)	23	113
July 7	334	3 (proviso and sentence immediately after proviso under heading "War Department").	23	258
1885				
Feb. 16	128		23	306
1886				
Mar. 31	41		24	9
1887				
Mar. 3	362	(last par. under heading "Engraving and Printing").	24	515
	396	3	24	635
1889				
Mar. 2	411	1 (5th proviso under heading "Engraving and Printing", par. under heading "Vaults for Storage of Silver").	25	945, 955
1890				
June 30	640	(1st par. last sentence under heading "Bureau of Provisions and Clothing").	26	197
July 11	667	1 (1st par. under heading "Treasury Department").	26	236
July 14	708		26	289
Aug. 30	837	1 (3d proviso under heading "Pay"), 4	26	399, 413
Sept. 26	944		26	484
	945		26	485
Oct. 1	1256	9	26	646
1891				
Feb. 24	284	(par. under heading "Military Telegraph Lines").	26	779
Mar. 3	541	1 (1st par. words between 1st and 2d semicolons under heading "Auditor of the Treasury for the Post Office Department"), 3.	26	920, 948
1892				
July 16	196	1 (par. immediately before heading "Third Auditor").	27	194
1893				
Feb. 27	168	(2d proviso on p. 479)	27	479
Nov. 1	8		28	4
1894				
Mar. 29	49		28	47
July 31	174	4, 5 (1st par.), 6, 7 (less par. amending § 456), 8–16, 19–27.	28	205, 206, 207, 210
Aug. 13	281		28	278
Aug. 27	349	25	28	552
1895				
Mar. 2	177	4	28	807
	187	(1st par. under heading "Treasury Department").	28	844

96 STAT. 1070

Date	Chapter or Public Law	Section	Volume	Page
1896				
May 28	252	1 (par. immediately before heading "Treasury Department"), 5.	29	148, 179
June 8	373	(last par. under heading "Engraving and Printing").	29	275
June 11	420	1 (6th par. on p. 414)	29	414
1897				
Feb. 19	265	1 (2d par. under heading "Office of Comptroller of the Treasury").	29	550
Mar. 3	376		29	624
June 4	2	1 (4th proviso on p. 18, 1st par. under heading "Recoinage, Reissue, and Transportation of Minor Coins").	30	18, 27

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1898				
Mar. 11	57		30	274
May 21	348		30	420
June 13	448	32, 34	30	466, 467
July 7	571	(7th par. under heading "Mints and Assay Offices").	30	661
1900				
Mar. 14	41	1, 3-8, 11, 14	31	45, 46, 48, 49
June 6	791	1 (proviso in par. under heading "Back Pay and Bounty").	31	637
1901				
Mar. 2	800		31	877
	803	(3d par. on p. 910)	31	910
Mar. 3	867		31	1446
1902				
May 27	887	(1st par. under heading "State Claims")	32	235
June 3	985	(last par.)	32	303
June 28	1301	1 (8th par. related to supplies for U.S. courts and judicial officers).	32	476
	1302	8 (words between 6th comma and proviso)	32	484
1903				
Feb. 14	552	2	32	826
Mar. 3	1010	(par. under heading "Clothing and Small-Stores Fund").	32	1191
1904				
Mar. 18	716	1 (proviso on p. 109)	33	109
Apr. 13	1253	6	33	178
Apr. 28	1762	1 (proviso immediately before heading "Revenue-Cutter Service").	33	460
1905				
Mar. 3	1484	4	33	1257
Dec. 21	3	1	34	5
1906				
Feb. 27	510	3	34	48
Mar. 23	1129		34	84
Apr. 24	1861		34	132
May 26	2558		34	202
June 12	3078	(4th par. under heading "National Trophy and Medals for Rifle Contests").	34	258
June 19	3434		34	301
June 30	3914	3, 7-10	34	762, 763
1907				
Feb. 26	1635	1 (2d par. under heading "Treasury Department").	34	949
Mar. 2	2507	(par. immediately before heading "Board of Ordnance and Fortification").	34	1062
	2511	(proviso on p. 1166, proviso words before 1st semicolon under heading "Incidental Expenses").	34	1166, 1167
Mar. 4	2913	1, 2	34	1289
	2918	1 (1st par. under heading "Back Pay and Bounty", 3d par. under heading "United States Courts").	34	1356, 1360
1908				
May 18	173		35	164
May 26	198	1 (last par. on p. 295)	35	295
May 27	206	(last par. on p. 411, par. beginning on p. 415 amending §§ 3646, 3647).	35	411, 415
May 30	223		35	474
1909				
Feb. 23	174		35	643
Mar. 3	252	(last par. beginning on p. 750)	35	750
	269	10	35	842
Mar. 4	297	1 (proviso on p. 866)	35	866
	299	7-9	35	1027
	314		35	1065
Aug. 5	6	39, 40	36	117
1910				
Feb. 4	25		36	192
Mar. 2	71		36	231
June 17	297	1 (par. immediately before heading "Office of the Supervising Architect").	36	487
June 25	384	7, 8	36	778
	385	(last par. on p. 776, 1st-3d pars. immediately before heading "Bureau of Navigation").	36	776, 792

96 STAT. 1071

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1911				
Mar. 2	190		36	964
	195		36	1018
Mar. 3	209	(par. immediately before heading "Ordnance Department").	36	1056
Mar. 4	237	1 (last par. under heading "Office of Comptroller of the Treasury").	36	1190
	239	(2d proviso, 3d proviso 1st-24th words under heading "Contingent, Navy", last par. on p. 1279).	36	1267, 1279
	242	(par. immediately before heading "Board of Ordnance and Fertification").	36	1344
	267		36	1354
	268		36	1354
	285	1 (par. immediately before heading "Life-Saving Service").	36	1387
1912				
Aug. 23	350	1 (last par. under heading "Office of the Comptroller of the Treasury", last par. under heading "Assay Office at Salt Lake City, Utah", 2d par. under heading "Department of Justice"), 6, 7, 9.	37	375, 384, 404, 414, 415
Aug. 24	355	1 (4th par. under heading "Engraving and Printing"), 7.	37	430, 487
Aug. 26	408	1 (2d par. words before 1st proviso under heading "Treasury Department").	37	595
1913				
Mar. 2	93	(1st, 2d provisos on p. 710)	37	710
Mar. 4	141	2 (last sentence)	37	737
	142	4	37	790
June 23	3	3	38	75
Dec. 23	6	11(n), 26	38	251, 274
1914				
Apr. 27	72	(last proviso beginning on p. 363, par. immediately before heading "Ordnance Department").	38	363, 369
June 30	130	(par. immediately before heading "Bureau of Construction and Repair", 5th par. under heading "Increase of the Navy").	38	405, 413
July 6	136		38	454
July 16	141	1 (12th complete par. on p. 471), 5	38	471, 508
1915				
Mar. 4	142	10	38	1054
	143	1 (last proviso beginning on p. 1078, 3d proviso on p. 1080, 3d proviso on p. 1084).	38	1078, 1080, 1084
	147	4	38	1161
1916				
Mar. 21	52		39	37
June 3	134	124 (proviso)	39	216
June 12	142		39	225
July 1	209	1 (3d par. on p. 275, 2d par. on p. 277)	39	275, 277
Aug. 11	313	(last proviso on p. 491)	39	491
	314	(1st proviso on p. 504)	39	504
Aug. 29	417	(2d proviso under heading "Pay, Miscellaneous").	39	557
	418	1 (5th proviso on p. 622, 1st proviso on p. 635).	39	622, 635
Sept. 7	451	13 (proviso)	39	733
Sept. 8	464	1 (pars. under heading "United States Employees' Compensation Commission").	39	821
1917				
Mar. 3	159	400 (last proviso), 401	39	1003
	163	1 (1st par. under heading "Treasury Department").	39	1083
Apr. 24	4		40	35
May 12	12	(3d proviso on p. 72)	40	72
June 12	27	1 (4th par. under heading "Miscellaneous Objects, Treasury Department").	40	118
July 9	36		40	242
Sept. 24	56		40	288
Oct. 6	79	1 (1st par. under heading "Office of the Secretary").	40	347
1918				
Apr. 4	44		40	502
Apr. 23	63		40	535
June 1	91		40	594

96 STAT. 1072

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
July 1	114	(2d proviso under heading "Bureau of Ordnance").	40	721
July 9	142		40	844
	143	ch. III (1st par.), ch. XVIII (last par.)	40	878, 892
Sept. 24	176	2, 7	40	966, 967
Nov. 4	201	1 (last par. under heading "Post Office Department").	40	1035
Dec. 2	1		40	1051
1919				
Mar. 3	99	6	40	1309
	100		40	1309
Dec. 24	15		41	370
1920				
May 10	176		41	595
	177		41	595
May 12	182		41	597
May 21	194	7	41	613
May 29	214	1 (last par. under heading "Office of Comptroller of the Treasury", 1st–4th pars. under heading "Independent Treasury").	41	647, 654
June 5	240	(para. under heading "Advances to Disbursing Officers").	41	975
1921				
Feb. 22	70	7	41	1144
Mar. 1	89	1 (2d par. under heading "Bureau of Supplies and Accounts", 2d par. on p. 1170).	41	1169, 1170
Mar. 3	124	1 (words after last semicolon under heading "Bureau of Engraving and Printing").	41	1271
Mar. 4	153		41	1363
	161	1 (1st par. under heading "Miscellaneous Objects, Treasury Department").	41	1374
May 27	14	403	42	17
June 10	18		42	20
June 16	23	1 (last par. last sentence under heading "Office of the Secretary").	42	36
July 12	44	1 (last par. words after 1st proviso under heading "Contingent, Bureau of Ordnance"), 3.	42	128, 139
Nov. 23	136	1401, 1402	42	321
1922				
Feb. 2	45		42	362
Feb. 17	55	(related to appointment and duties of Deputy and Under Secretaries, vacancy in office of Secretary of the Treasury, 2d proviso and sentence after proviso on p. 368).	42	366, 367, 368
June 19	228		42	662
Sept. 22	427	7	42	1042
Dec. 28	17		42	1066
1923				
Jan. 3	22	(related to appointment and duties of Deputy and Under Secretaries, vacancy in office of Secretary of the Treasury, 2d par. under heading "Bureau of Engraving and Printing", 2d proviso and sentence after proviso on p. 1100).	42	1087, 1099, 1100
Jan. 24	38		42	1172
Feb. 13	71		42	1226
	72	(last par. under heading "General Accounting Office").	42	1231
Feb. 26	113		42	1287
Feb. 28	146		42	1325
Mar. 2	178	(1st complete par. on p. 1391)	42	1391
	179		42	1427
1924				
Mar. 17	58		43	23
Apr. 4	84	(related to appointment and duties of Deputy and Under Secretaries, vacancy in office of Secretary of the Treasury, 1st par. on p. 69, 2d proviso and sentence after proviso on p. 83).	43	64, 69, 83
May 28	203	(2d par. under heading "Fuel and Transportation").	43	195
Dec. 5	4	1 (5th par. under heading "Marshals, District Attorneys, Clerks, and Other Expenses of United States Courts").	43	687

96 STAT. 1074

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1925				
Jan. 14	79	5, 6	43	749
Jan. 21	86		43	763
Jan. 22	87	(words before 1st proviso under heading "Office of the Secretary", 2d par. under heading "Division of Bookkeeping and Warrants", last proviso beginning on p. 781 and sentence after proviso).	43	764, 767, 781
Feb. 24	302		43	965
Mar. 3	482		43	1253
1926				
Feb. 26	27	1125, 1200	44	122, 125
Mar. 2	43	1 (last proviso and sentence after proviso on p. 154).	44	154
Apr. 15	146	101 (proviso on p. 267)	44	267
May 17	307		44	559
May 21	355	(1st, 2d complete pars. on p. 605)	44	605
June 22	650		44	761
July 3	775		44	888
1927				
Jan. 26	58	1 (last proviso and sentence after proviso on p. 1045).	44	1045
1928				
Mar. 7	135		45	198
Apr. 10	334		45	413
May 29	901	1(1), (6), (7), (10), (11), (17), (20), (21), (23), (58), (89), (106).	45	986, 987, 990, 992, 994
1929				
Feb. 20	274		45	1249
Mar. 2	483	(last proviso under heading "Maintenance, Bureau of Supplies and Accounts").	45	1461
June 17	26		46	19
1930				
Apr. 11	131		46	154
June 12	470		46	580
June 17	497	522	46	739
1931				
Mar. 3	433		46	1506
1932				
June 30	314	501, 601, 602	47	415, 417
July 21	520	308	47	724
1933				
Mar. 3	212	1 (last par. on p. 1492), 13	47	1492, 1516
Mar. 9	1	3	48	2
May 12	25	43–45	48	51
June 5	48		48	113
June 15	82		48	149
1934				
Jan. 30	6	(less 2(b))	48	337
Mar. 15	70	1 (2d complete par. on p. 428)	48	428
May 9	265		48	679
May 10	277	512, 518	48	758, 760
May 14	286		48	776
May 26	355		48	807
June 21	695		48	1200
June 26	756	1, 6, 8, 11, 15–20, 22–27	48	1224, 1228, 1229, 1230, 1236
1935				
Feb. 2	4		49	19
Feb. 4	5		49	20
May 2	88		49	165
May 3	90		49	174
June 5	176		49	324
June 15	261	401(h)	49	378
June 17	271		49	387
Aug. 27	780		49	938
1936				
Feb. 13	67		49	1138
Mar. 18	149		49	1165
Mar. 20	159		49	1184
Mar. 31	164		49	1187

96 STAT. 1075

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
Apr. 13	212		49	1205
Apr. 24	245		49	1237
May 5	300		49	1257
	304		49	1259
May 6	331		49	1262
May 15	395		49	1274
	396		49	1275
	399		49	1276
	402		49	1277
	406		49	1352
May 28	466		49	1387
June 16	583		49	1522
	584		49	1523
	586		49	1524
June 24	760		49	1911
June 26	835		49	1972
	837		49	1973
1937				
Jan. 23	5		50	4
Apr. 27	140	1 (par. under heading "Clothing, Naval Reserve").	50	107
	143		50	119
May 14	180	1 (2d par. last proviso on p. 140)	50	140
June 24	377		50	306
June 28	384		50	322
July 8	444	8, 9	50	481
Aug. 14	631		50	647
1938				
Apr. 26	175	1 (par. under heading "Clothing, Naval Reserve").	52	235
May 26	285		52	447
1939				
Apr. 3	36	201	53	565
Apr. 26	103		53	624
May 10	119	4	53	738
May 25	149	1 (par. under heading "Clothing, Naval Reserve").	53	769
July 6	260		53	998
July 20	336		53	1071
Aug. 5	442		53	1209
Aug. 7	566	"Sec. 6"	53	1263
Aug. 10	665	4-7	53	1359
1940				
Mar. 25	71	101 (1st proviso on p. 59)	54	59
Apr. 30	175		54	175
June 25	419	302	54	526
Sept. 18	722	322	54	955
Oct. 9	779	(less 1 (related to § 3737))	54	1029
	788		54	1061
	796		54	1086
Oct. 14	875	4	54	1136
1941				
Feb. 19	7		55	7
May 31	156	101 (last par. under heading "Bureau of the Public Debt").	55	216
June 21	213		55	255
June 30	265		55	395
Nov. 21	489		55	777
	499		55	781
Dec. 17	591	301 (next-to-last sentence before heading "Independent Agencies").	55	819
Dec. 26	629		55	862
Dec. 29	641		55	875
1942				
Feb. 20	95		56	94
Mar. 28	205		56	189
Apr. 28	247	301 (par. under heading "Executive Office of the President", 1st par. proviso under heading "Bureau of Accounts").	56	234, 244
June 1	320		56	306
July 2	472	505	56	506
July 20	507		56	661
July 25	524	101 (par. 2 under heading "Office for Emergency Management", par. under heading "Bureau of the Public Debt").	56	707, 720
Dec. 2	659		56	1028
Dec. 18	767		56	1064
Dec. 24	821		56	1086

96 STAT. 1076

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1943				
Mar. 18	17	101 (last par. under heading "Bureau of the Mint").	57	32
Apr. 11	52		57	63
Apr. 29	76		57	68
June 15	125	(less 1(c), 3 (1st proviso))	57	152
June 26	150		57	219
July 1	185	1 (4th complete par. on p. 352, words after last semicolon in par. immediately before heading "Medical Department").	57	352, 357
July 3	189		57	372
July 12	223		57	520
	228	1 (last proviso on p. 530)	57	530
Dec. 23	377		57	608
1944				
June 9	240		58	272
June 27	286	101 (last par. on p. 371), 213	58	371, 387
June 28	301	1 (last proviso immediately before heading "Office of War Information").	58	539
	304	303	58	623
July 1	357		58	648
Dec. 18	552		58	800
Dec. 21	631		58	844
Dec. 23	716		58	921
	720		58	923
1945				
Apr. 3	51		59	47
May 3	106	214	59	134
May 29	135		59	225
June 12	186	4	59	238
July 17	319	1 (last proviso immediately before heading "Office of Inter-American Affairs").	59	476
July 31	339	7(a), 9	59	514, 516
Nov. 8	453	153	59	574
Dec. 3	515		59	592
Dec. 6	557		59	597
Dec. 28	597		59	662
1946				
Mar. 6	48		60	31
June 26	501		60	316
July 1	530	101 (par. immediately before heading "House of Representatives").	60	393
July 23	591	101 (proviso under heading "Office of Scientific Research and Development").	60	606
Aug. 2	744	11, 16, 17	60	809, 810
	753	205, 206, 424(a) (last par. on p. 846, 2d par. on p. 847), (b) (related to 2d par. of (a) on p. 847).	60	837, 846, 847
	756	25	60	856
Aug. 7	770	1(47), (48)	60	870
1947				
May 19	78		61	101
June 5	98		61	129
June 14	104		61	132
June 25	147		61	180
July 9	211	101 (4th par. on p. 282)	61	282
July 11	222		61	308
July 26	338		61	493
July 30	358	307	61	584
Aug. 1	438		61	717
	441		61	720
Aug. 4	455	3	61	730
1948				
June 3	400	101 (par. immediately before heading "International Activities").	62	308
June 19	510		62	488
	558	101 (words before proviso in par. under heading "Bureau of Internal Revenue"), 302 (last par.).	62	561
June 25	646	7	62	986
Aug. 10	832	501(b)	62	1283

96 STAT. 1077

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1949				
June 10	187		63	167
June 30	285	13	63	356
	286	101 (pars. under headings "Refund of Moneys Erroneously Received and Covered", "Payments of Unclaimed Moneys").	63	358, 359
July 6	299		63	407
July 20	354	101 (par. under heading "Emergencies in the Diplomatic and Consular Service").	63	449
Aug. 24	506	309	63	662
Aug. 27	517	7(b)	63	668
Oct. 10	662	101 (par. under heading "General Provision-Department of Justice").	63	746
1950				
Feb. 9	6		64	5
May 10	172		64	157
	173		64	157
May 17	188	203	64	170
June 14	233		64	212
	234		64	212
June 28	383	402(m)	64	273
Aug. 4	558		64	408
Aug. 14	705		64	440
Aug. 17	735	10(a)	64	462
Sept. 6	896	101 (par. under heading "Emergencies in the Diplomatic and Consular Service"), 1210, 1211.	64	610, 765
Sept. 12	946		64	832
Sept. 23	1010	6	64	906
1951				
Mar. 26	19	1	65	26
Apr. 24	35		65	32
May 15	75	1 (related to §/1 related to §/3477)	65	41
June 2	121	ch. XI (proviso immediately before heading "Independent Offices").	65	61
Aug. 11	301	101 (proviso under heading "Bureau of Engraving and Printing").	65	184
Aug. 31	376	501	65	290
Sept. 28	434	504	65	364
Oct. 22	533	101 (par. under heading "Emergencies in the Diplomatic and Consular Service").	65	577
Oct. 25	562	1(17), 3(1)	65	638, 639
Oct. 27	591		65	658
Oct. 31	654	1(55), 2(19), 4(3)	65	703, 707, 709
	655	56(g)	65	729
Nov. 1	664	1307	65	756
1952				
May 15	289	2	66	73
June 27	477	403(a)(9)	66	279
July 3	548		66	321
July 5	578	101 (last par. under heading "General Accounting Office").	66	399
July 9	600		66	479
July 10	651	101 (par. under heading "Emergencies in the Diplomatic and Consular Service").	66	550
July 15	758	1407, 1410, 1415	66	660, 661, 662
1953				
June 16	115		67	61
July 28	256		67	229
July 31	300		67	296
	302	101 (par. under heading "Bureau of the Budget").	67	299
Aug. 1	303		67	317
	305	604, 611, 621	67	349, 350, 353
Aug. 5	328	101 (par. under heading "Emergencies in the Diplomatic and Consular Service").	67	368
Aug. 7	340	1314	67	438
1954				
Mar. 17	99		68	29
May 13	201	6	68	95
June 4	264	1	68	175
June 24	359	101 (proviso under heading "General Accounting Office").	68	280
June 30	427		68	336
July 2	456	101 (par. under heading "Emergencies in the Diplomatic and Consular Service").	68	414

Schedule of Laws Repealed—Continued

Statutes at Large

96 STAT. 1079

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1955				
July 15	509		68	482
July 22	557		68	496
Aug. 16	736	7801(b)	68A	915
Aug. 23	840		68	774
Aug. 26	935	1311	68	830
Aug. 28	1035		68	890
	1037		68	895
Aug. 30	1076	1(18), (31)	68	967, 968
June 1	113	101 (last proviso under heading "Bureau of the Public Debt"), 102.	69	72, 76
	119		69	82
June 8	134		69	87
June 28	189	12(c)(4), (c)(10)	69	180
	198		69	188
June 30	256		69	241
July 7	279	101 (par. under heading "Emergencies in the Diplomatic and Consular Service").	69	265
July 11	303		69	290
July 13	358	602	69	314
July 15	368	512	69	352
Aug. 9	694		69	626
Aug. 11	803		69	687
1956				
June 7	376		70	255
June 19	409		70	297
June 20	414	101 (last complete par. on p. 300)	70	300
June 25	442		70	336
July 9	535		70	518
	536		70	519
July 25	727		70	647
July 26	741	201(a)	70	667
July 27	748	1302	70	694
July 28	769		70	703
Aug. 1	814		70	782
	838		70	887
Aug. 2	887	3, 4(a)(31), (33)	70	946, 948
Aug. 10	1041	30, 31, 40, 45	70A	632, 636, 638
1957				
Apr. 20	85–17		71	15
June 5	85–48	210	71	55
June 17	85–56	2202(38), (40)	71	163
Aug. 28	85–170	1401	71	440
	85–188		71	464
1958				
Feb. 26	85–336		72	27
May 27	85–426	213	72	143
June 30	85–477	502(c)	72	272
Aug. 23	85–726	1407	72	808
Aug. 25	85–759		72	852
Aug. 26	85–762		72	859
Sept. 2	85–857	14(11)	72	1269
	85–912		72	1758
1959				
June 25	86–70	25, 26	73	147
June 30	86–74		73	156
July 8	86–79	210	73	167
July 13	86–87		73	197
Sept. 9	86–249	17(6)	73	484
Sept. 22	86–346	101, 103, 105, 202	73	621, 622, 624
	86–368	1 "Sec. 7801(b)"	73	648
1960				
June 11	86–507	1(28), (29)	74	202
June 29	86–533	1(25)	74	249
June 30	86–564	1, 101	74	290
1961				
June 27	87–58		75	119
June 30	87–66	(less 8)	75	146
	87–69		75	148
July 20	87–91		75	211
Aug. 30	87–187	3	75	416
Oct. 4	87–353	3(u)	75	774

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1962				
Mar. 13	87-414		76	23
July 1	87-512		76	124
July 11	87-534		76	155
Sept. 5	87-643		76	440
Oct. 9	87-774		76	775
Oct. 18	87-843	304 (1st par.)	76	1097
1963				
May 29	88-30		77	50
June 4	88-36	1, 2	77	54
July 8	88-58		77	76
Aug. 20	88-102		77	129
Aug. 27	88-106		77	131
Nov. 26	88-197		77	342
1964				
June 29	88-327		78	225
Aug. 14	88-426	203(a)-(c) (5th-14th words), (i), 305(39)	78	415, 427
Aug. 20	88-454	105(a) (last par.)	78	551
Aug. 30	88-518		78	698
	88-521		78	700
Aug. 31	88-558		78	767
1965				
June 2	89-36	5	79	119
June 24	89-49		79	172
July 23	89-81	(less 211, 212)	79	254
Aug. 28	89-145		79	582
Sept. 9	89-175		79	672
Sept. 15	89-185		79	789
Oct. 19	89-265		79	989
Oct. 21	89-283	601	79	1026
1966				
May 20	89-427	5	80	161
June 24	89-472		80	221
June 29	89-473		80	221
July 18	89-506	6	80	307
July 19	89-508	(less 4)	80	308
July 26	89-520		80	329
Sept. 12	89-568	612	80	756
Sept. 20	89-593	4	80	819
Sept. 21	89-597	2(d)	80	824
Oct. 15	89-677		80	955
Nov. 8	89-800	5	80	1514
Nov. 13	89-809	401, 402	80	1590
1967				
Mar. 2	90-3		81	4
May 25	90-19	4	81	20
June 24	90-29		81	77
June 30	90-39		81	99
Aug. 9	90-62		81	165
Dec. 16	90-206	219(1), (2)	81	639
1968				
Jan. 2	90-240	5(f)	81	778
Mar. 18	90-269	8-12	82	50
June 28	90-364	202-205	82	271
June 29	90-365		82	274
Aug. 1	90-448	807(e), 1719(d)	82	544, 610
Oct. 12	90-561		82	998
Oct. 16	90-577	(less 501)	82	1098
Oct. 17	90-595		82	1156
1969				
Apr. 7	91-8		83	7
Sept. 29	91-74	102 (1st par.)	83	118
Dec. 1	91-130		83	272
Dec. 29	91-170	111 (1st par.)	83	469
Dec. 30	91-175	501	83	825
1970				
June 30	91-301		84	368
July 8	91-311		84	412
July 23	91-350	1(c)	84	449
Aug. 12	91-375	6(*l*)	84	782
Aug. 24	91-388	3	84	830
Sept. 25	91-419		84	870
Sept. 26	91-423		84	879

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
Oct. 26	91-508	201-242	84	1118
	91-510	201-236	84	1167
Oct. 27	91-513	1101(a)(3), (6), 1102(n)(1)	84	1291, 1292, 1293
Oct. 30	91-518	804	84	1340
Dec. 30	91-599	41, 42	84	1659
Dec. 31	91-607	201-209	84	1768
	91-614	401	84	1846
1971				
Jan. 5	91-650	102	84	1930
Mar. 17	92-5	1-4	85	5
May 7	92-12	4, 5	85	37
May 27	92-19		85	74
Aug. 13	92-117		85	337
Oct. 11	92-136	4, 8	85	377, 378
Nov. 17	92-156	201(b)	85	424
Dec. 10	92-178	802(b)(1)	85	573
Dec. 15	92-190		85	646
1972				
Mar. 15	92-250		86	63
Mar. 31	92-268		86	116
May 18	92-302	1, 3	86	148, 149
June 6	92-310	101-104, 231(a)-(u), (w)-(y), (bb)-(gg), 250, 260.	86	201, 202, 209, 211, 212, 215
July 1	92-336	1	86	406
July 13	92-352	106	86	491
Aug. 7	92-366		86	506
Oct. 18	92-500	12(p)	86	902
Oct. 20	92-512	101-143, 145	86	919
Oct. 25	92-550		86	1163
Oct. 27	92-578	15	86	1274
	92-599		86	1324
1973				
Mar. 8	93-9		87	7
July 1	93-52	111	87	134
	93-53	1-3	87	134
Sept. 21	93-110		87	352
Oct. 18	93-127		87	455
Dec. 3	93-173		87	691
Dec. 24	93-198	731, 735, 736	87	822, 823
1974				
Jan. 2	93-236	202(g)(1), 301(f) (last sentence)	87	992, 1005
Jan. 3	93-245	301	87	1072
Mar. 2	93-250		88	11
May 22	93-288	414(c)	88	158
June 30	93-325		88	285
July 12	93-344	501-504, 601-605, 607, 702, 801, 802, 1002, 1003.	88	321, 323, 325, 326, 327, 332
Aug. 14	93-373	2	88	445
Aug. 22	93-383	108(i), 117(a)	88	649, 653
Sept. 2	93-406	1052, 4002(g)(3)	88	952, 1005
Oct. 11	93-441		88	1261
Oct. 18	93-455		88	1381
Dec. 5	93-510		88	1604
Dec. 22	93-534		88	1731
	93-539		88	1738
Dec. 26	93-541	4, 5	88	1739
Dec. 27	93-552	607	88	1763
1975				
Jan. 2	93-604	1-601, 703, 801, 802	88	1959, 1964, 1965
Jan. 3	93-618	175(a)(2)	88	2011
Feb. 19	94-3		89	5
June 30	94-47		89	246
July 19	94-57		89	265
July 25	94-59	1108	89	300
Aug. 9	94-82	204(b) "Sec. 203(a), (b), (c) (5th-14th words)".	89	421
Nov. 14	94-132		89	693
Dec. 9	94-143		89	797
Dec. 18	94-157	109	89	831

96 STAT. 1082

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1976				
Feb. 5	94-210	311, 612(b)	90	60, 108
Mar. 15	94-232		90	217
Apr. 21	94-273	1, 2(16), (17), 5(4), 8(1), 12(2), 45	90	375, 377, 378, 382
	94-274	209	90	395
June 1	94-303	118(b)(2)	90	616
June 30	94-334		90	793
July 8	94-348	3(e)	90	818
Oct. 4	94-455	1906(b)(13)(B) "Sec. 7801(b)"	90	1834
Oct. 13	94-488		90	2341
Oct. 15	94-502	407	90	2397
Oct. 19	94-564	6, 7, 8	90	2661
Oct. 20	94-565		90	2662
1977				
May 4	95-26	101 (proviso under heading "Office of Management and Budget"), (2d par. under heading "Claims and Judgments").	91	94, 96
July 31	95-81	100 (par. under heading "Bureau of Engraving and Printing").	91	342
Oct. 4	95-120		91	1090
Oct. 7	95-125		91	1104
Oct. 28	95-147	1, 4(b), (c)	91	1227, 1229
Nov. 9	95-164	305	91	1322
Dec. 28	95-220		91	1615
1978				
Feb. 3	95-224		92	3
Mar. 7	95-240	201	92	116
Mar. 27	95-250	106	92	171
July 21	95-320	1, 2	92	391
Aug. 3	95-333		92	419
Aug. 20	95-351	301	92	513
Sept. 8	95-355	303	92	563
Sept. 17	95-367	5(g)(2)	92	603
Sept. 22	95-380		92	725
Oct. 10	95-435	7	92	1053
	95-447		92	1072
Oct. 13	95-454	901	92	1223
Oct. 17	95-469	1(a)(4), 3	92	1321
Oct. 25	95-512		92	1799
Nov. 1	95-563	14(c)	92	2390
Nov. 2	95-582	1	92	2479
Nov. 4	95-595		92	2541
Nov. 6	95-598	322(a)-(f)	92	2678
Nov. 8	95-612	(less 4)	92	3091
Nov. 10	95-630	1010, 1805	92	3696, 3724
1979				
Apr. 2	96-5		93	8
July 25	96-38	100 (last par. under heading "General Provisions").	93	100
Aug. 8	96-47		93	344
Sept. 29	96-78	(less 201)	93	589
Nov. 30	96-130	100 (par. under heading "Foreign Currency Fluctuation, Construction, Defense").	93	1019
1980				
Feb. 15	96-191	(less 8(a), (b), (c)(2)-(e)(2), (g))	94	27
Apr. 3	96-226	101-104	94	311
June 6	96-264	1	94	439
June 28	96-286		94	598
July 8	96-304	307	94	928
Oct. 3	96-377		94	1512
Oct. 7	96-389	3	94	1553
Oct. 9	96-400	323(b), (c)	94	1699
Oct. 13	96-436	126	94	1869
Oct. 17	96-465	2206(f)	94	2163
Dec. 11	96-511	3(a)	94	2825
Dec. 12	96-514	309(b), (c)	94	2984
	96-519		94	3031
Dec. 15	96-528	616	94	3117
Dec. 16	96-534		94	3164
Dec. 19	96-556		94	3261
Dec. 23	96-586	2(i)	94	3383
Dec. 24	96-595	2	94	3465
Dec. 28	96-604		94	3516

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1981				
Feb. 7	97-2		95	4
Aug. 6	97-31	12(11)	95	154
Aug. 13	97-35	382, 396(h)(1)-(3), 1741-1745	95	432, 440, 762
Sept. 30	97-48		95	955
Dec. 23	97-99	902, 912(a)	95	1381, 1387
	97-102	318	95	1461
	97-104		95	1491
Dec. 29	97-136	11	95	1707
1982				
Apr. 1	97-162		96	23

96 STAT. 1084

Revised Statutes

Section

176
193
233
234
236
237
239-241
243-246
248
251 (words after "Treasury" and before "shall prescribe forms of entries")
254
257
261
266
267
274
277
278
280-285
291
295-298
301
304
305
312
318
343
345
372
376
1776
3466-3468
3470-3472
3475-3481
3490-3492
3494-3496
3503
3505-3512
3514-3549
3551-3555
3558
3562
3563
3566-3568
3571
3576-3578
3580
3581
3584
3585
3587-3591
3593
3613
3615-3627
3629-3646
3648
3649
3651-3653
3659

Revised Statutes—Continued

Section
3670
3672
3673
3675
3676
3678
3679
3681
3685
3689
3692
3693
3698–3701
3706
3707

United States Code

Title	Section
6	
28	605 (last par.)

Reorganization Plans

Year	Plan No.	Section	Statutes at Large	
			Volume	Page
1939	1	1-3	53	1423
	2	2	53	1432
1940	3	1, 2	54	1231
	4	3, 4	54	1234
1947	1	201	61	951
1950	26		64	1280
1952	1	2(b)	66	823
1970	2	102, 103	84	2085

Executive Orders

96 STAT. 1086

Date	Order No.	Section
1933 June 10	6166	4
1934 May 29	6728	

Approved September 13, 1982.

LEGISLATIVE HISTORY—H.R. 6128:

HOUSE REPORT No. 97-651 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Aug. 9, considered and passed House.
Aug. 20, considered and passed Senate.

Public Law 97-330
97th Congress

96 STAT. 1618

An Act

To amend the Administrative Conference Act, by authorizing appropriations therefor.

Oct. 15, 1982
[H.R. 4476]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 576 of title 5, United States Code, is amended to read as follows:

Administrative Conference Act, amendment.

"§ 576. Appropriations

"There are authorized to be appropriated to carry out the purposes of this subchapter sums not to exceed $2,300,000 for the fiscal year ending September 30, 1982, and not to exceed $2,300,000 for each fiscal year thereafter up to and including the fiscal year ending September 30, 1986.".

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 4476:

HOUSE REPORT No. 97-511 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 14, considered and passed House.
Oct. 1, considered and passed Senate.

---

96 STAT. 2089

Public Law 97-418
97th Congress

An Act

Jan. 4, 1983
[H.R. 6254]

To amend title 3, United States Code, to clarify the function of the United States Secret Service Uniformed Division with respect to certain foreign diplomatic missions in the United States, and for other purposes.

U.S. Secret Service Uniformed Division, foreign diplomatic missions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(7)(C) of title 3, United States Code, is amended by inserting "may be provided for motorcades and at other places associated with such a visit and" after "protection".

(b) Section 208(b) of title 3, United States Code, is amended to read as follows:

"(b) There is authorized to be appropriated, in addition to such sums as have been heretofore appropriated under this section—

"(1) $7,000,000 for each fiscal year beginning after September 30, 1982, for the payment of reimbursement obligations entered into under subsection (a) after such date; and

"(2) $17,700,000 for the payment of reimbursement obligations entered into under subsection (a) before October 1, 1982.

Amounts appropriated under this subsection shall remain available until expended.".

Effective date.
3 USC 202 note.

SEC. 2. The amendments made by the first section of this Act shall take effect on the date of enactment of this Act, except that no amount authorized to be appropriated by the amendment made by subsection (b) of the first section of this Act may be made available for use or obligation prior to October 1, 1982.

Report to Congress.

SEC. 3. In order to assure effective security at the United States mission to the United Nations, and to promote efficient use of Federal security resources, the Secretary of the Treasury and the Secretary of State shall consult with the Secretary of the Navy with regard to placement of Marine security guard services within such mission and shall report thereon to the Congress not later than sixty days after the date of enactment of this Act.

96 STAT. 2090

Approved January 4, 1983.

LEGISLATIVE HISTORY—H.R. 6254:

HOUSE REPORT No. 97-533 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 15, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 97-320
97th Congress

An Act

To revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and ensuring the availability of home mortgage loans.

Oct. 15, 1982
[H.R. 6267]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Garn-St Germain Depository Institutions Act of 1982.
12 USC 226 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Garn-St Germain Depository Institutions Act of 1982".

TITLE I—DEPOSIT INSURANCE FLEXIBILITY

Deposit Insurance Flexibility Act.

SHORT TITLE

12 USC 1811 note.

SEC. 101. This title may be cited as the "Deposit Insurance Flexibility Act".

PART A—FEDERAL DEPOSIT INSURANCE CORPORATION AMENDMENTS

ASSISTANCE TO INSURED BANKS

SEC. 111. Section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)) is amended to read as follows:

"(c)(1) The Corporation is authorized, in its sole discretion and upon such terms and conditions as the Board of Directors may prescribe, to make loans to, to make deposits in, to purchase the assets or securities of, to assume the liabilities of, or to make contributions to, any insured bank—

"(A) if such action is taken to prevent the closing of such insured bank;

"(B) if, with respect to a closed insured bank, such action is taken to restore such closed insured bank to normal operation; or

"(C) if, when severe financial conditions exist which threaten the stability of a significant number of insured banks or of insured banks possessing significant financial resources, such action is taken in order to lessen the risk to the Corporation posed by such insured bank under such threat of instability.

"(2)(A) In order to facilitate a merger or consolidation of an insured bank described in subparagraph (B) with an insured institution or the sale of assets of such insured bank and the assumption of such insured bank's liabilities by an insured institution, or the acquisition of the stock of such insured bank, the Corporation is authorized, in its sole discretion and upon such terms and conditions as the Board of Directors may prescribe—

"(i) to purchase any such assets or assume any such liabilities;

96 STAT. 1470

"(ii) to make loans or contributions to, or deposits in, or purchase the securities of, such insured institution or the company which controls or will acquire control of such insured institution;

"(iii) to guarantee such insured institution or the company which controls or will acquire control of such insured institution against loss by reason of such insured institution's merging or consolidating with or assuming the liabilities and purchasing the assets of such insured bank or by reason of such company acquiring control of such insured bank; or

"(iv) to take any combination of the actions referred to in subparagraphs (i) through (iii).

"(B) For the purpose of subparagraph (A), the insured bank must be an insured bank—

"(i) which is closed;

"(ii) which, in the judgment of the Board of Directors, is in danger of closing; or

"(iii) which, when severe financial conditions exist which threaten the stability of a significant number of insured banks or of insured banks possessing significant financial resources, is determined by the Corporation, in its sole discretion, to require assistance under subparagraph (A) in order to lessen the risk to the Corporation posed by such insured bank under such threat of instability.

12 USC 1823.

"(3) The Corporation may provide any person acquiring control of, merging with, consolidating with or acquiring the assets of an insured bank under section 13(f) of this Act with such financial assistance as it could provide an insured institution under this subsection.

"(4)(A) No assistance shall be provided under this subsection in an amount in excess of that amount which the Corporation determines to be reasonably necessary to save the cost of liquidating, including paying the insured accounts of, such insured bank, except that such restriction shall not apply in any case in which the Corporation determines that the continued operation of such insured bank is essential to provide adequate banking services in its community.

"(B) The Corporation may not use its authority under this subsection to purchase the voting or common stock of an insured bank. Nothing in the preceding sentence shall be construed to limit the ability of the Corporation to enter into and enforce covenants and agreements that it determines to be necessary to protect its financial interest.

"(5)(A) During any period in which an insured bank has received assistance under this subsection and such assistance is still outstanding, such insured bank may defer the payment of any State or local tax which is determined on the basis of the deposits held by such insured bank or of the interest paid on such deposits.

"(B) When such insured bank no longer has any outstanding assistance, such insured bank shall pay all taxes which were deferred under subparagraph (A). Such payments shall be made in accordance with a payment plan established by the Corporation, after consultation with the applicable State and local taxing authorities.

"(6) Any assistance provided under this subsection may be in subordination to the rights of depositors and other creditors.

96 STAT. 1471

Report to Congress.

"(7) In its annual report to the Congress, the Corporation shall report the total amount it has saved, or estimates it has saved, by exercising the authority provided in this subsection.

"Insured institution."

"(8) For purposes of this subsection, the term 'insured institution' means an insured bank as defined in section 3 of this Act or an insured institution as defined in section 401 of the National Housing Act.".

FEDERAL DEPOSIT INSURANCE CORPORATION; INSURED FEDERAL SAVINGS BANKS

SEC. 112. Section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) is amended by adding at the end thereof the following:

"(o)(1) Notwithstanding any other provision of this section, the Board, subject to the provisions of this subsection, may authorize, under the rules and regulations of the Board, the conversion of a State-chartered savings bank insured by the Federal Deposit Insurance Corporation into a Federal savings bank, if such conversion is not in contravention of State law, and provide for the organization, incorporation, operation, and regulation of such institution.

"(2)(A) The Federal Deposit Insurance Corporation shall insure the deposit accounts of any Federal savings bank chartered pursuant to this subsection, until such time as the accounts of such institution are insured by the Federal Savings and Loan Insurance Corporation.

"(B) The Board shall provide the Federal Deposit Insurance Corporation with notification of any application under this Act for conversion to a Federal charter by an institution insured by the Corporation, shall consult with the Corporation before disposing of the application, and shall provide said Corporation with notification of the Board's determination with respect to such application.

"(C) The Federal Deposit Insurance Corporation shall have the power to make special examinations of any Federal savings bank it insures and for which the Board of Directors of the Federal Deposit Insurance Corporation determines an examination is necessary to determine the condition of the bank for insurance purposes.

"(D) Except with the prior written approval of the Federal Deposit Insurance Corporation, no Federal savings bank insured by the Federal Deposit Insurance Corporation shall—

"(i) merge or consolidate with any bank, association, or institution that is not insured by the Federal Deposit Insurance Corporation;

"(ii) assume liability to pay any deposits made in, or similar liabilities of, any bank, association, or institution that is not insured by the Federal Deposit Insurance Corporation; or

"(iii) transfer assets to any bank, association, or institution that is not insured by the Federal Deposit Insurance Corporation in consideration of the assumption of liabilities for any portion of the deposits made in such bank.

"(E) In granting any approval required by paragraph (D) of this subsection, the Board of Directors of the Federal Deposit Insurance Corporation shall consider the financial and managerial resources and the future prospects of the existing and proposed institutions.

12 USC 1725.

"(F) Notwithstanding section 402(j) of the National Housing Act, any provision of the constitution or laws of any State, or paragraph (1) of this subsection, if the Federal Deposit Insurance Corporation determines conversion into a Federal stock savings bank or 96 STAT. 1472 the chartering of a Federal stock savings bank is necessary to prevent the closing of a savings bank it insures or to reopen a closed savings bank it insured, or if the Federal Deposit Insurance Corporation determines, with the concurrence of the Board, that severe financial conditions exist that threaten the stability of a savings bank insured by such Corporation and that such a conversion or charter is likely to improve the financial condition of such savings bank, the Federal Deposit Insurance Corporation shall provide to the Board a certificate of such determination, the reasons therefor in conformance with the requirements of this Act, and the bank, without further action by the Board, shall be converted or chartered by the Board, pursuant to the rules and regulations thereof, from the time the Federal Deposit Insurance Corporation issues such certificate.

"(G) A bank may be converted under subparagraph (F) only where the board of trustees of the bank—

"(i) has specified in writing that the bank is in danger of closing or is closed, or that severe financial conditions exist that threaten the stability of the bank and a conversion is likely to improve the financial condition of the bank; and

"(ii) has requested in writing that the Corporation use the authority of subparagraph (F).

"(H)(i) Before making a determination under subparagraph (F), the Corporation shall consult the State bank supervisor of the State in which the bank in danger of closing is chartered. The State bank supervisor shall be given a reasonable opportunity, and in no event less than forty-eight hours, to object to the use of the provisions of subparagraph (F).

"(ii) If the State supervisor objects during such period, the Corporation may use the authority of subparagraph (F) only by a unanimous vote of the Board of Directors. The Board of Directors shall provide to the State supervisor, as soon as practicable, a written certification of its determination.

"(3) A Federal savings bank chartered under this subsection shall have the same authority with respect to investments, operations, and activities, and shall be subject to the same restrictions, including those applicable to branching and discrimination, as would apply to it if it were chartered as a Federal savings bank under any other provision of this Act.

12 USC 1881 note, 2801 note, 2901 note, 3201 note, 3501 note. 15 USC 1601 note, 1691 note, 1692 note, 1693 note, 77l.

"(4) For purposes of the Bank Protection Act of 1968, the Home Mortgage Disclosure Act, the Community Reinvestment Act, the Depository Institution Management Interlocks Act, the Depository Institutions Deregulation Act of 1980, the Truth in Lending Act, the Equal Credit Opportunity Act, the Fair Debt Collection Practices Act, the Electronic Fund Transfer Act, and section 12(i) of the Securities Exchange Act of 1934, a Federal savings bank the deposits of which are insured by the Federal Deposit Insurance Corporation shall be regarded as an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

"(5) Notwithstanding any limitation contained in the National Housing Act, the Federal Savings and Loan Insurance Corporation, in its sole discretion, and on such terms and conditions as it shall determine, may provide the Federal Deposit Insurance Corporation with financial assistance or guarantees in connection with a transaction subject to paragraph (2)(D) or section 18(c) of the Federal Deposit Insurance Act.".

12 USC 1828.

96 STAT. 1473

CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT

SEC. 113. (a) Section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) is amended—

(1) in paragraph (2) thereof, by striking out "and" at the end thereof;

(2) in paragraph (3) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(4) the Federal Home Loan Bank Board in the case of an insured Federal savings bank.".

(b) Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) is amended by adding at the end thereof the following:

"Insured Federal savings bank."

"(t) The term 'insured Federal savings bank' means a Federal savings bank chartered pursuant to section 5(o) of the Home Owners' Loan Act of 1933 and insured by the Corporation.".

12 USC 1464.

(c) Section 4 of the Federal Deposit Insurance Act (12 U.S.C. 1814) is amended by inserting at the end thereof the following:

"(c) Every Federal savings bank which is chartered pursuant to section 5(o) of the Home Owners' Loan Act of 1933, and which is engaged in the business of receiving deposits other than trust funds, shall be an insured bank from the time it is authorized to commence business, until such time as its accounts are insured by the Federal Savings and Loan Insurance Corporation.".

(d) Section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) is amended by inserting "(A)" after "(2)" and by inserting at the end thereof the following:

"(B) The Corporation shall have access to reports of examination made by, and reports of condition made to, the Federal Home Loan Bank Board or any Federal Home Loan Bank, respecting any insured Federal savings bank, and the Corporation shall have access to all revisions of reports of condition made to either such agency. Such agency shall promptly advise the Corporation of any revisions or changes in respect to deposit liabilities made or required to be made in any report of condition.".

(e) The first sentence of section 7(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(3)) is amended to read as follows: "Each insured State nonmember bank (except a District bank) and each foreign bank having an insured branch (other than a Federal branch) shall make to the Corporation, each insured national bank, each foreign bank having an insured branch which is a Federal branch, and each insured District bank shall make to the Comptroller of the Currency, each insured State member bank shall make to the Federal Reserve bank of which it is a member, and each insured Federal savings bank shall make to the Federal Home Loan Bank Board, four reports of condition annually upon dates which shall be selected by the Chairman of the Board of Directors, the Comptroller of the Currency, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Federal Home Loan Bank Board.".

(f) Section 7(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(6)) is amended by inserting ", the Federal Home Loan Bank Board," after "Comptroller of the Currency".

(g) Section 8(a) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)) is amended—

96 STAT. 1474

(1) in the second sentence thereof, by inserting after "district bank," the following: "to the Federal Home Loan Bank Board in the case of an insured Federal savings bank,"; and

(2) in the third sentence thereof, by inserting after "national bank," the following: "or the Federal Home Loan Bank Board in the case of an insured Federal savings bank,".

(h) Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended by inserting at the end thereof the following: "Whenever the insured status of an insured Federal savings bank shall be terminated by action of the Board of Directors, the Federal Home Loan Bank Board shall appoint a receiver for the bank, which shall be the Corporation.".

(i) Section 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)) is amended in the second sentence thereof by inserting after "or District bank," the following: "or any insured Federal savings bank,".

(j) Section 11(c) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)) is amended by inserting at the end thereof the following: "Notwithstanding any other provision of law, whenever the Federal Home Loan Bank Board shall appoint a receiver, other than a conservator, of any insured Federal savings bank hereafter closed, it shall appoint the Corporation receiver for such closed insured Federal savings bank.".

(k) Section 11(g) of the Federal Deposit Insurance Act (12 U.S.C. 1821(g)) is amended in the first sentence by inserting after "District bank," the following: "or closed insured Federal savings bank,".

(l) Section 12(a) of the Federal Deposit Insurance Act (12 U.S.C. 1822(a)) is amended by inserting after "foreign bank," the following: "insured Federal savings bank,".

(m) Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) in subsection (e)—

(A) by inserting "(e)" before "No agreement"; and

(B) by striking out the first paragraph of such subsection.

(n) Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended by inserting at the end thereof the following:

"(12) The provisions of this subsection shall not apply to any merger transaction involving an insured Federal savings bank unless the resulting institution will be an insured bank other than an insured Federal savings bank.".

(o) Section 18(j) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)) is amended by adding at the end thereof the following:

"(4) The provisions of this subsection shall not apply to an insured Federal savings bank.".

(p) Section 26 of the Federal Deposit Insurance Act (12 U.S.C. 1831c) is amended—

(1) by inserting "(a)" after "Sec. 26.";

(2) in subsection (a), as so redesignated under paragraph (1), by adding at the end thereof the following: "The provisions of this subsection shall apply only to mergers, consolidations, or conversions consummated and effective prior to the effective date of the Depository Institutions Amendments of 1982 or mergers, consolidations, or conversions for which applications have been received at a regional Federal Home Loan Bank prior to such effective date."; and

(3) by adding at the end thereof the following:

"(b) No transaction involving a change of deposit insurance agencies from the Corporation to the Federal Savings and Loan Insurance Corporation shall be deemed a termination of insured status under section 8(a) of this Act.". 12 USC 1818.

(q) Section 7(j)(16) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(16)) is amended by adding at the end thereof the following: "This subsection shall not apply to an insured Federal savings bank.".

CONFORMING AMENDMENTS TO THE HOME OWNERS' LOAN ACT OF 1933

"Association."

SEC. 114. (a) Section 2(d) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1462(d)) is amended to read as follows:

"(d) The term 'association' means a Federal savings and loan association or a Federal savings bank chartered by the Board under section 5 of this Act and any reference in any other law to a Federal savings and loan association shall be deemed to be also a reference to such Federal savings banks, unless the context indicates otherwise.". 12 USC 1464.

(b) Section 5(d)(6) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(6)) is amended—

(1) in paragraph (B), by inserting after "Federal Savings and Loan Insurance Corporation" the following: "or the Federal Deposit Insurance Corporation";

(2) in the second sentence of subparagraph (D), by inserting after "shall appoint" the following: ", except as hereafter provided,"; and

(3) by inserting at the end of subparagraph (D): "In the case of a Federal savings bank chartered pursuant to subsection (o) and insured by the Federal Deposit Insurance Corporation, the Board shall appoint only the Federal Deposit Insurance Corporation as receiver for the association and the Federal Deposit Insurance Corporation shall have the same powers as receiver as those powers granted by this paragraph to the Federal Savings and Loan Insurance Corporation as receiver of other associations.".

(c) Section 5(d)(11) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(11)) is amended by striking out "with other" and inserting in lieu thereof "with associations or with any".

CONFORMING AMENDMENTS TO THE NATIONAL HOUSING ACT

SEC. 115. (a) Section 403(a) of the National Housing Act (12 U.S.C. 1726(a)) is amended to read as follows:

"(a)(1) It shall be the duty of the Corporation to insure the accounts of all Federal savings and loan associations, and all Federal savings banks, except for Federal savings banks the deposits of which are insured by the Federal Deposit Insurance Corporation.

"(2) The Corporation may insure the accounts of building and loan, savings and loan, and homestead associations and cooperative banks organized and operated according to the laws of the State, District, territory, or possession in which they are chartered or organized, and of savings banks chartered pursuant to section 5(o) of the Home Owners' Loan Act of 1933.".

Ante, p. 1471.

(b) Subparagraphs (A) and (B) of section 408(a)(1) of the National Housing Act (12 U.S.C. 1730a(a)(1)) are amended to read as follows:

96 STAT. 1476

"Insured institution."

"(A) 'insured institution' means a Federal savings and loan association, a Federal savings bank, a building and loan, savings and loan or homestead association or a cooperative bank, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, and shall include a Federal savings bank the deposits of which are insured by the Federal Deposit Insurance Corporation;

"Uninsured institution."

"(B) 'uninsured institution' means any association or bank referred to in subparagraph (A), the accounts of which are not insured by the Federal Savings and Loan Insurance Corporation, except for a Federal savings bank the deposits of which are insured by the Federal Deposit Insurance Corporation;".

(c) Section 407(m) of the National Housing Act (12 U.S.C. 1730(m)) is amended by adding at the end thereof the following:

"(4) The Federal Home Loan Bank Board, or its designated representative, shall have the same power with respect to a Federal association, or affiliate thereof, the deposits of which are insured by the Federal Deposit Insurance Corporation as it or the Corporation has under paragraphs (1) and (2) of this subsection with respect to insured institutions, or their affiliates.".

(d) Section 407(l)(6) of the National Housing Act (12 U.S.C. 1730(l)(6)) is amended by adding at the end thereof the following: "For the purpose of this subsection, the term 'insured institution' shall include a Federal savings bank the deposits of which are insured by the Federal Deposit Insurance Corporation.".

(e) Section 407(q)(13) of the National Housing Act (12 U.S.C. 1730(q)(13)) is amended by inserting "(A)" after "(13)" and by adding at the end thereof the following:

"(B) For the purposes of this subsection, the term 'insured institution' shall include a Federal savings bank the deposits of which are insured by the Federal Deposit Insurance Corporation.".

EXTRAORDINARY ACQUISITIONS

SEC. 116. Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended by inserting after subsection (e) the following:

"(f)(1) Nothing contained in paragraphs (2) or (3) shall be construed to limit the Corporation's powers in subsection (c) to assist a transaction under paragraphs (2) or (3).

"(2)(A) Whenever an insured bank with total assets of $500,000,000 or more (as determined from its most recent report of condition) is closed, the Corporation, as receiver, may, in its discretion and upon such terms and conditions as the Corporation may determine, arrange the sale of assets of the closed bank and the assumption of the liabilities of the closed bank, including the sale of such assets to and the assumption of such liabilities by an insured depository institution located in the State where the closed bank was chartered but established by an out-of-State bank or holding company. Where otherwise lawfully required, a transaction under this subsection must be approved by the primary Federal or State supervisor of all parties thereto.

"(B)(i) Before making a determination to take any action under subparagraph (A), the Corporation shall consult the State bank supervisor of the State in which the closed insured bank was chartered.

96 STAT. 1477

"(ii) The State bank supervisor shall be given a reasonable opportunity, and in no event less than forty-eight hours, to object to the use of the provisions of this paragraph. Such notice may be provided by the Corporation prior to its appointment as receiver, but in anticipation of an impending appointment.

"(iii) If the State supervisor objects during such period, the Corporation may use the authority of this paragraph only by a unanimous vote of the Board of Directors. The Board of Directors shall provide to the State supervisor, as soon as practicable, a written certification of its determination.

"(3)(A)(i) Whenever the Corporation has determined, in its discretion, that an insured bank organized in mutual form with total assets of $500,000,000 or more (as determined from its most recent report of condition) is in danger of closing, the insured bank may merge with or its assets may be purchased by and its liabilities assumed by another institution, including an insured depository institution located in the State where the insured bank is chartered but established by an out-of-State bank or holding company.

"(ii) Where otherwise lawfully required, a transaction under this subsection must be approved by the primary Federal or State supervisor of all parties thereto.

"(B) The Corporation may make a determination under paragraph (A) only where the board of trustees of the insured bank and the appropriate Federal or State chartering authority have specified in writing that the bank is in danger of closing and have requested in writing that the Corporation assist a merger or a purchase.

"(C)(i) Before making a determination under subparagraph (A), the Corporation shall consult the State bank supervisor of the State in which the bank in danger of closing is chartered.

"(ii) The State bank supervisor shall be given a reasonable opportunity, and in no event less than forty-eight hours, to object to the use of the provisions of this paragraph.

"(iii) If the State supervisor objects during such period, the Corporation may use the authority of this paragraph only by a unanimous vote of the Board of Directors. The Board of Directors shall provide to the State supervisor, as soon as practicable, a written certification of its determination.

"(4)(i) Notwithstanding section 3(d) of the Bank Holding Company Act of 1956 or any other provision of law, State or Federal, or the constitution of any State, an institution that merges with or acquires an insured bank under paragraph (2) or (3) is authorized to be and shall be operated as a subsidiary of an out-of-State bank or bank holding company, except that an out-of-State bank may operate the resulting institution as a subsidiary only if such ownership is otherwise specifically authorized.

12 USC 1842.

"(ii) Any subsidiary created by operation of this subsection may retain and operate any existing branch or branches of the institution merged with or acquired under paragraph (2) or (3), but otherwise shall be subject to the conditions upon which a national bank may establish and operate branches in the State in which such insured institution is located.

"(iii) No insured institution acquired under this subsection shall after it is acquired move its principal office or any branch office which it would be prohibited from moving if the institution were a national bank.

"(5) In determining whether to arrange a sale of assets and assumption of liabilities or to permit an acquisition or a merger under the authority of paragraph (2) or (3), the Corporation may solicit such offers or proposals as are practicable from any prospective purchasers or merger partners it determines, in its sole discretion, are both qualified and capable of acquiring the assets and liabilities of the closed bank or the bank in danger of closing. 96 STAT. 1478

"(6)(A) If, after receiving offers, the offer presenting the lowest expense to the Corporation, that is in a form and with conditions acceptable to the Corporation (hereinafter referred to as the 'lowest acceptable offer'), is from an offeror that is not an existing in-State bank of the same type as the bank that has closed or is in danger of closing (or, where the closed bank is an insured bank other than a mutual savings bank, the lowest acceptable offer is not from an in-State bank holding company), the Corporation shall permit each offeror who made an offer the estimated cost of which to the Corporation was within 15 per centum or $15,000,000, whichever is less, of the initial lowest acceptable offer to submit a new offer.

"(B) In considering authorizations under this subsection, the Corporation shall give consideration to the need to minimize the cost of financial assistance and to the maintenance of specialized depository institutions. The Corporation shall authorize transactions under this subsection considering the following priorities:

"(i) First, between depository institutions of the same type within the same State;

"(ii) Second, between depository institutions of the same type in different States;

"(iii) Third, between depository institutions of different types in the same State; and

"(iv) Fourth, between depository institutions of different types in different States.

"(C) In considering offers from different States, the Corporation shall give a priority to offers from adjoining States.

"(D) In determining the cost of offers and reoffers, the Corporation's calculations and estimations shall be determinative. The Corporation may set reasonable time limits on offers and reoffers.

"(7) No sale may be made under the provisions of paragraph (2) or (3)—

"(A) which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States; or

"(B) whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Corporation finds that the anticompetitive effects of the proposed transactions are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

"(8) As used in this subsection— Definitions.

"(A) the term 'receiver' means the Corporation when it has been appointed the receiver of a closed insured bank;

"(B) the term 'insured depository institution' means an insured bank or an association or savings bank insured by the Federal Savings and Loan Insurance Corporation; and

"(C) the term 'in-State depository institution or in-State holding company' means an existing insured depository institution currently operating in the State in which the closed bank or the bank in danger of closing is chartered or a company that is operating an insured depository institution subsidiary in the State in which the closed bank or the bank in danger of closing is chartered.". 96 STAT. 1479

ASSESSMENTS

SEC. 117. The third sentence of section 7(d)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(d)(1)) is amended—

(1) by striking out "and" before "(3) the insurance losses"; and

(2) by inserting before the period at the end thereof the following: "; and (4) any lending costs for the calendar year, which costs shall be equal to the amount by which the amount of interest earned, if any, from each loan made by the Corporation under section 13 of this Act after January 1, 1982, is less than the amount which the Corporation would have earned in interest for the calendar year if interest had been paid on such loan during such calendar year at a rate equal to the average current value of funds to the United States Treasury for such calendar year".

WAIVER OF NOTICE REQUIREMENTS

SEC. 118. (a) Section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof the following: ". Notwithstanding any other provision of this Act, if the Board finds that an emergency exists which requires the Board to act immediately on any application under this subsection involving a thrift institution, and the primary Federal regulator of such institution concurs in such finding, the Board may dispense with the notice and hearing requirement of this subsection and the Board may approve or deny any such application without notice or hearing;".

(b) Section 2(i) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(i)) is amended by—

(1) striking out "or" before "(3)"; and

(2) by inserting before the period at the end thereof the following: "or (4) a Federal savings bank".

(c) The first sentence of section 3(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)) is amended by inserting after "no application" the following: "(except an application filed as a result of a transaction authorized under section 13(f) of the Federal Deposit Insurance Act)".

Ante, p. 1476.

PART B—FEDERAL HOME LOAN BANK BOARD AMENDMENTS

FEDERAL STOCK SAVINGS INSTITUTIONS

SEC. 121. Section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464), as amended by section 112, is amended by adding at the end thereof the following:

"(p)(1) Notwithstanding any other provision of Federal law or the laws or constitution of any State, and consistent with the purposes of this Act, the Board may authorize (or in the case of a Federal association, require) the conversion of a mutual savings and loan association or Federal mutual savings bank that is insured by the Federal Savings and Loan Insurance Corporation into a Federal stock savings and loan association or Federal stock savings bank, or charter a Federal stock savings and loan association or Federal stock savings bank to acquire the assets of, or merge with such a mutual institution under the rules and regulations of the Board.

96 STAT. 1480

"(2) Authorizations under this subsection may be made only to assist an institution in receivership, or if the Board has determined that severe financial conditions exist which threaten the stability of an institution and that such authorization is likely to improve the financial condition of the institution, or when the Federal Savings and Loan Insurance Corporation has contracted to provide assistance to such institution under section 406 of the National Housing Act.

"(3) A Federal savings bank chartered under this subsection shall have the same authority with respect to investments, operations and activities, and shall be subject to the same restrictions, including those applicable to branching and discrimination, as would apply to it if it were chartered as a Federal savings bank under any other provisions of this Act, and may engage in any investment, activity, or operation that the institution it acquired was engaged in if that institution was a Federal savings bank, or would have been authorized to engage in had that institution converted to a Federal charter.".

ASSISTANCE TO THRIFT INSTITUTIONS

SEC. 122. (a) Section 406(f) of the National Housing Act (12 U.S.C. 1729(f)) is amended to read as follows:

"(f)(1) The Corporation is authorized, in its sole discretion and upon such terms and conditions as the Corporation may prescribe, to make loans to, to make deposits in, to purchase the assets or securities of, to assume the liabilities of, or to make contributions to, any insured institution—

"(A) if such action is taken to prevent the default of such insured institution;

"(B) if, with respect to an insured institution in default, such action is taken to restore such insured institution in default to normal operation; or

"(C) if, when severe financial conditions exist which threaten the stability of a significant number of insured institutions or of insured institutions possessing significant resources, such action is taken in order to lessen the risk to the Corporation posed by such insured institution under such threat of instability.

"(2)(A) In order to facilitate a merger or consolidation of an insured institution described in subparagraph (B) with another insured institution or the sale of assets of such insured institution and the assumption of such insured institution's liabilities by another insured institution, the Corporation is authorized, in its sole discretion and upon such terms and conditions as the Corporation may prescribe—

"(i) to purchase any such assets or assume any such liabilities;

"(ii) to make loans or contributions to, or deposits in, or purchase the securities of, such other insured institution (which, for the purposes of this subparagraph, shall include a Federal savings bank insured by the Federal Deposit Insurance Corporation);

"(iii) to guarantee such other insured institution (which, for the purposes of this subparagraph, shall include a Federal savings bank insured by the Federal Deposit Insurance Corporation) against loss by reason of such other insured institution's merging or consolidating with or assuming the liabilities and purchasing the assets of such insured institution; or

96 STAT. 1481

"(iv) to take any combination of the actions referred to in clauses (i) through (iii).

"(B) An insured institution described in this subparagraph—

"(i) is an insured institution which is in default;

"(ii) is an insured institution which, in the judgment of the Corporation is in danger of default; or

"(iii) is an insured institution which, when severe financial conditions exist which threaten the stability of a significant number of insured institutions, or of insured institutions possessing significant financial resources, is determined by the Corporation, in its sole discretion, to require assistance under subparagraph (A) in order to lessen the risk to the Corporation posed by such insured institution under such threat of instability.

"(3) The Corporation may provide any person acquiring control of, merging with, consolidating with or acquiring the assets of an insured institution under section 408(m) of this Act with such financial assistance as it could provide an insured institution under this subsection.

Post, p. 1483.

"(4) (A) No assistance shall be provided under paragraph (1), (2), or (3) of this subsection in an amount in excess of that amount which the Corporation determines to be reasonably necessary to save the cost of liquidating (including paying the insured accounts of) such insured institution, except that such restriction shall not apply in any case in which the Corporation determines that the continued operation of such insured institution is essential to provide adequate savings or home financing services in its community.

"(B) The Corporation may not use its authority under this subsection to purchase the voting or common stock of an insured institution. Nothing in the preceding sentence shall be construed to limit the ability of the Corporation to enter into and enforce covenants and agreements that it determines to be necessary to protect its financial interests.".

(b) Section 406(b) of the National Housing Act (12 U.S.C. 1729(b)) is amended to read as follows:

"(b)(1) In the event that a Federal association is in default, the Corporation shall be appointed as conservator or receiver and as such—

"(A) is authorized—

"(i) to take over the assets of and operate such association;

"(ii) to take such action as may be necessary to put it in a sound solvent condition;

"(iii) to merge it with another insured institution;

"(iv) to organize a new Federal association to take over its assets;

"(v) to proceed to liquidate its assets in an orderly manner; or

"(vi) to make such other disposition of the matter as it deems appropriate;

whichever it deems to be in the best interest of the association, its savers, and the Corporation; and

96 STAT. 1482 "(B) shall pay all valid credit obligations of the association.

"(2) The corporation shall pay insurance as provided in section 405. The surrender and transfer to the Corporation of an insured account in any such association which is in default shall subrogate the Corporation with respect to such insured account, but shall not affect any right which the insured member may have in the uninsured portion of his account or any right which he may have to participate in the distribution of the net proceeds remaining from the disposition of the assets of such association.

"Federal association." "(3) As used in this section, the term 'Federal association' means a Federal savings and loan association or a Federal savings bank.".

(c) Section 406(c) of the National Housing Act (12 U.S.C. 1729(c)) is amended by striking out "savings and loan" wherever it appears.

(d) Section 406(c)(1) of the National Housing Act (12 U.S.C. 1729(c)(1)) is amended by inserting "(A)" after "(c)(1)" and by adding at the end thereof the following:

"(B)(i)(I) Notwithstanding any provision of the constitution or laws of any State, or of this section, in the event the Federal Home Loan Bank Board determines that any of the grounds specified in section 5(d)(6)(A) (i), (ii), or (iii) of the Home Owners' Loan Act of 1933 exist with respect to an insured institution, other than a Federal association, the Board shall have exclusive power and jurisdiction to appoint the Corporation as sole conservator or receiver of such institution. 12 USC 1464.

"(II) In such cases the corporation shall have the same powers and duties with respect to insured institutions as are conferred upon it under subsection (b) of this section with respect to Federal associations.

"(ii)(I) The authority conferred by this subparagraph shall not be exercised without the written approval of the State official having jurisdiction over the State-chartered insured institution that the grounds specified for such exercise exist.

"(II) If such approval has not been received by the Board within 90 days of receipt of notice by the State that the Board has determined such grounds exist, and the Board has responded in writing to the State's written reasons, if any, for withholding approval, then the Board may proceed without

State approval only by a unanimous vote of the Board. The corporation may also proceed without State approval if the Corporation has been appointed conservator, receiver, or other legal custodian pursuant to State law under subparagraph (A).".

(e) The first sentence of section 406(c)(2) of the National Housing Act (12 U.S.C. 1729(c)(2)) is amended by inserting "conservator or" after "sole".

(f) Section 406(c)(3) of the National Housing Act (12 U.S.C. 1729(c)(3)) is amended—

(1) by inserting "conservator or" before "receiver" wherever it appears therein;

(2) by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (1) or (2)"; and

(3) by striking out the second sentence.

(g) Section 406(d) of the National Housing Act (12 U.S.C. 1729(d)) is amended to read as follows:

"(d) In connection with the liquidation of insured institutions, the Corporation shall have power to carry on the business of and to collect all obligations to the insured institutions, to settle, compromise, or release claims in favor of or against the insured institutions, and to do all other things that may be necessary in connection 96 STAT. 1483
therewith, subject only to the regulation of the Federal Home Loan Bank Board, or, in cases where the Corporation has been appointed conservator, receiver, or legal custodian solely by a public authority having jurisdiction over the matter other than said Board, subject only to the regulation of such public authority.".

EMERGENCY THRIFT ACQUISITIONS

SEC. 123. (a) Section 408 of the National Housing Act (12 U.S.C. 1730a) is amended by adding at the end thereof the following:

"(m)(1)(A)(i) Notwithstanding any provision of the laws or constitution of any State or any provision of Federal law, except as provided in subsections (e)(2) and (1) of this section, and in clause (iii) of this subparagraph, the Corporation, upon its determination that severe financial conditions exist which threaten the stability of a significant number of insured institutions, or of insured institutions possessing significant financial resources, may authorize, in its discretion and where it determines such authorization would lessen the risk to the Corporation, an insured institution that is eligible for assistance pursuant to section 406(f) of this Act to merge or consoli- *Post*, p. 1489.
date with, or to transfer its assets and liabilities to, any other insured institution or any insured bank (as such term 'insured bank' is defined in section 3(h) of the Federal Deposit Insurance Act), may 12 USC 1813.
authorize any other insured institution to acquire control of said insured institution, or may authorize any company to acquire control of said insured institution or to acquire the assets or assume the liabilities thereof.

"(ii) Mergers, consolidations, transfers, and acquisitions under this subsection shall be on such terms as the Corporation shall provide.

"(iii) Where otherwise required by law, transactions under this subsection must be approved by the primary Federal supervisor of the party thereto that is not an insured institution.

"(B)(i) Before making a determination to take any action under subparagraph (A), the Corporation shall consult the State official having jurisdiction of the acquired institution.

"(ii) The State official shall be given a reasonable opportunity, and in no event less than forty-eight hours, to object to the use of the provisions of this paragraph. Such notice may be provided by the Corporation prior to its appointment as receiver, but in anticipation of an impending appointment.

"(iii) If the State official objects during such period, the Corporation may use the authority of this paragraph only by a unanimous vote of the Board of Directors. The Board of Directors shall provide to the State official, as soon as practicable, a written certification of its determination.

"(2) In considering authorizations under this subsection, the Corporation may solicit such offers or proposals as are practicable from any prospective purchasers or merger partners it determines, in its sole discretion, are both qualified and capable of acquiring the assets and liabilities of the insured institution.

"(3)(A) If, after receiving offers, the offer presenting the lowest expense to the Corporation, that is in a form and with conditions acceptable to the Corporation (hereinafter referred to as the 'lowest acceptable offer'), is from an institution that is not an existing in-State insured institution or an in-State savings and loan holding company, the Corporation shall permit each offeror who made an offer the estimated cost of which to the Corporation was within 15 per centum or $15,000,000, whichever is less, of the initial lowest acceptable offer to submit a new offer.

96 STAT. 1484

"(B) In considering authorizations under this subsection, the Corporation shall give consideration to the need to minimize the cost of financial assistance and to the maintenance of specialized depository institutions. The Corporation shall authorize transactions under this subsection considering the following priorities:

"(i) First, between depository institutions of the same type within the same State;

"(ii) Second, between depository institutions of the same type in different States;

"(iii) Third, between depository institutions of different types in the same State; and

"(iv) Fourth, between depository institutions of different types in different States.

"(C) In the case of a minority-controlled institution, the Corporation shall seek an offer from other minority-controlled institutions before proceeding with the sequence set forth in the preceding subparagraph.

"(D) In considering offers from different States, the Corporation shall give a priority to offers from adjoining States.

"(E) In determining the cost of offers and reoffers under this subsection, the Corporation's calculations and estimations shall be determinative. The Corporation may set reasonable time limits on offers and reoffers.

Definitions.

"(4) For purposes of this subsection—

"(A) the term 'insured depository institution' means an insured institution or a bank insured by the Federal Deposit Insurance Corporation; and

"(B) the term 'in-State depository institution or in-State depository institution holding company' means an existing insured depository institution currently operating in the State in which the closed institution is chartered or a company that is operating an insured depository institution subsidiary in the State in which the closed institution is chartered.

"(5)(A) Where a merger, consolidation, transfer, or acquisition under this subsection involves an insured institution eligible for assistance and a bank or bank holding company, an insured institution may retain and operate any existing branch or branches or any other existing facilities but otherwise shall be subject to the conditions upon which a national bank may establish and operate branches in the State in which such insured institution is located.

"(B) No such insured institution shall move its principal office or any branch office after it is acquired which it would be prohibited from moving if it were a national bank.

"(C)(i) Notwithstanding the foregoing, if such an insured institution does not have its home office in the State of the bank holding company bank subsidiary, and if such institution does not qualify as a domestic building and loan association under section 7701(a)(19) of the Internal Revenue Code of 1954, or does not meet the asset composition test imposed by subparagraph (C) of that section on

26 USC 7701.

institutions seeking so to qualify, then such insured institution shall be subject to the conditions upon which a bank may retain, operate, and establish branches in the State in which the insured institution is located.

96 STAT. 1485

"(ii) The Corporation, for good cause shown, may allow insured institutions up to two years to comply with the requirements of clause (i).".

(b) Section 408(e)(2) of the National Housing Act (12 U.S.C. 1730a(e)(2)) is amended—

(1) in the first sentence, by inserting after "subsection" the following: ", or any transaction under subsection (m) of this section,"; and

(2) in the third sentence, by inserting after "acquisition," the following: "except a transaction under subsection (m) of this section,".

ASSISTANCE TO FEDERAL HOME LOAN BANKS MEMBERS

SEC. 124. Section 16 of the Federal Home Loan Bank Act (12 U.S.C. 1436) is amended by inserting "(a)" after "SEC. 16." and by adding at the end thereof the following:

"(b) Notwithstanding subsection (a) or any other provision of this Act, if the Board determines that severe financial conditions exist threatening the stability of member institutions, the Board may suspend temporarily the requirements of subsection (a) that a portion of net earnings be set aside semiannually by each Federal Home Loan Bank to a reserve account and permit each Federal Home Loan Bank to declare and pay dividends out of undivided profits.".

BORROWING AUTHORITY

SEC. 125. (a) The first sentence of section 402(d) of the National Housing Act (12 U.S.C. 1725(d)) is amended by inserting before the period at the end thereof the following: ", except that interest on loans from the Federal Home Loan Banks shall be not less than their current marginal cost of funds, taking into account the maturities involved, and loans from the Federal Home Loan Banks shall be adequately secured, as determined by the Board".

(b) The first sentence of section 402(i) of the National Housing Act (12 U.S.C. 1725(i)) is amended—

(1) by striking out "any other source" and inserting in lieu thereof "any source other than the Federal Home Loan Banks"; and

(2) by inserting "from the Treasury" after "*Provided*, That each such loan".

(c) Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end thereof the following:

"(k) The Federal Home Loan Banks are hereby authorized, as directed by the Board, to make loans to the Federal Savings and Loan Insurance Corporation. All such loans shall be made in accordance with the provisions of section 402(d) of the National Housing Act.".

INSURANCE FUND RESERVES

SEC. 126. Section 404 of the National Housing Act (12 U.S.C. 1727) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following:

96 STAT. 1486

"(h) Notwithstanding any other provision of this section, the Corporation, upon its determination that extraordinary financial conditions exist increasing the risk to the Corporation, may terminate distribution of shares of the secondary reserve and utilize said reserve on the same basis as the primary reserve. If otherwise authorized, the Corporation may resume such distribution upon its determination that said conditions no longer exist.".

FEDERAL HOME LOAN BANK ACT

SEC. 127. Section 17(a) of the Federal Home Loan Bank Act (12 U.S.C. 1437(a)) is amended by inserting after the first sentence the following: "Notwithstanding any other provision of law, the Board may from time to time make such provision as it deems appropriate authorizing the performance by any officer, employee, agent, or administrative unit thereof of any function of the Board (including any function of the Federal Savings and Loan Insurance Corporation), except with regard to promulgation of rules and regulations in accordance with the Administrative Procedure Act, and adjudications subject to such Act.".

CONTINUATION OF INSURANCE

SEC. 128. Section 405(a) of the National Housing Act (12 U.S.C. 1728(a)) is amended by adding after the first sentence the following: "Whenever the liabilities of an insured institution for accounts shall have been assumed by another insured institution or institutions, whether by way of merger, consolidation, or other statutory assumption, or pursuant to contract, all accounts so assumed shall have separate insurance which shall terminate at the end of six months from the date such assumption takes effect or, in the case of any certificate account, the earliest maturity date after the six-month period.".

PART C—CREDIT UNIONS

CREDIT UNION MERGERS

SEC. 131. Section 205 of the Federal Credit Union Act (12 U.S.C. 1785) is amended by adding at the end thereof the following:

"(h) Notwithstanding any other provision of law, the Board may authorize a merger or consolidation of an insured credit union which is insolvent or is in danger of insolvency with any other insured credit union or may authorize an insured credit union to purchase any of the assets of, or assume any of the liabilities of, any other insured credit union which is insolvent or in danger of insolvency if the Board is satisfied that—

"(1) an emergency requiring expeditious action exists with respect to such other insured credit union;

"(2) other alternatives are not reasonably available; and

"(3) the public interest would best be served by approval of such merger, consolidation, purchase, or assumption.

"(i)(1) Notwithstanding any other provision of this Act or of State law, the Board may authorize an institution whose deposits or accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation to purchase any of the assets of or assume any of the liabilities of an insured credit union which is insolvent or in danger of insolvency, except that prior to exercising this authority the Board must attempt to effect the merger or consolidation of an insured credit union which is insolvent or in danger of insolvency with another insured credit union, as provided in subsection (h).

96 STAT. 1487

"(2) For purposes of the authority contained in paragraph (1), insured accounts of the credit union may upon consummation of the purchase and assumption be converted to insured deposits or other comparable accounts in the acquiring institution, and the Board and the National Credit Union Share Insurance Fund shall be absolved of any liability to the credit union's members with respect to those accounts.".

BOARD'S AUTHORITY AS CONSERVATOR

SEC. 132. (a) Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended—

(1) by redesignating subsections (h) through (o) as subsections (i) through (p), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h)(1) The Board may, *ex parte* without notice, appoint itself as conservator and immediately take possession and control of the business and assets of any insured credit union in any case in which—

"(A) the Board determines that such action is necessary to conserve the assets of any insured credit union or to protect the Fund or the interests of the members of such insured credit union; or

"(B) an insured credit union, by a resolution of its board of directors, consents to such an action by the Board.

"(2)(A) In the case of a State-chartered insured credit union, the authority conferred by paragraph (1) shall not be exercised without the written approval of the State official having jurisdiction over the State-chartered credit union that the grounds specified for such exercise exist.

"(B) If such approval has not been received by the Board within ninety days of receipt of notice by the State that the Board has determined such grounds exist, and the Board has responded in writing to the State's written reasons, if any, for withholding approval, then the Board may proceed without State approval only by a unanimous vote of the Board.

"(3) Not later than ten days after the date on which the Board takes possession and control of the business and assets of an insured credit union pursuant to paragraph (1), such insured credit union may apply to the United States district court for the judicial district in which the principal office of such insured credit union is located or the United States District Court for the District of Columbia, for an order requiring the Board to show cause why it should not be enjoined from continuing such possession and control.

"(4) Except as provided in paragraph (3), in the case of a Federal credit union, the Board may maintain possession and control of the business and assets of such credit union and may operate such credit union until such time—

"(A) as the Board shall permit such credit union to continue business subject to such terms and conditions as may be imposed by the Board; or

"(B) as such credit union is liquidated in accordance with the provisions of section 207.

96 STAT. 1488

"(5) Except as provided in paragraph (3), in the case of an insured State-chartered credit union, the Board may maintain possession and control of the business and assets of such credit union and may operate such credit union until such time—

"(A) as the Board shall permit such credit union to continue business, subject to such terms and conditions as may be imposed by the Board;

"(B) as the Board shall permit the transfer of possession and control of such credit union to any commission, board, or authority which has supervisory authority over such credit union and which is authorized by State law to operate such credit union; or

"(C) as such credit union is liquidated in accordance with the provisions of section 207.

"(6) The Board may appoint such agents as it considers necessary in order to assist the Board in carrying out its duties as a conservator under this subsection.

"(7) All expenses incurred by the Board in exercising its authority under this subsection with respect to any credit union shall be paid out of the assets of such credit union.

"(8) The authority granted by this subsection is in addition to all other authority granted to the Board under this Act.".

(b) Section 206(b)(2) of the Federal Credit Union Act (12 U.S.C. 1786(b)(2)) is amended by striking out "subsection (i)" and inserting in lieu thereof "subsection (j)".

(c) Section 206(j)(1) of such Act (12 U.S.C. 1786(j)(1)), as so redesignated by subsection (a), is amended—

(1) in the first sentence, by striking out "subsection (h)(3)" and inserting in lieu thereof "subsection (i)(3)"; and

(2) in the fourth sentence, by striking out "subsection (i)" and inserting in lieu thereof "subsection (j)".

(d) The first sentence of section 206(j)(2) of such Act (12 U.S.C. 1786(j)(2)), as redesignated by subsection (a), is amended by striking out "subsection (h)(1)" and inserting in lieu thereof "subsection (i)(1)".

(e) The first sentence of section 206(l) of such Act (12 U.S.C. 1786(l)), as redesignated by subsection (a), is amended by striking out "(h)" and inserting in lieu thereof "(i)".

(f) Section 206(m) of such Act (12 U.S.C. 1786(m)), as redesignated by subsection (a), is amended—

(1) by striking out "subsection (i)" and inserting in lieu thereof "subsection (j)"; and

(2) by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)".

(g) The section heading for section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by inserting "; TAKING POSSESSION OF BUSINESS AND ASSETS" after "COMMITTEE MEMBERS".

PART D—SUNSET PROVISION

SUNSET OF CERTAIN PROVISIONS

12 USC 1464 note.

SEC. 141. (a) Effective upon the expiration of three years after the date of enactment of this Act—

Ante, p. 1469.

(1) section 13(c)(5) of the Federal Deposit Insurance Act, as added by section 111 of this Act, shall be repealed;

96 STAT. 1489

Ante, p. 1471.

(2) subparagraphs (F) and (G) of section 5(o)(2) of the Home Owners' Loan Act of 1933, as added by section 112 of this Act, shall be repealed;

12 USC 1823.

(3) the provision of law amended by section 116 of this Act shall be amended to read as it would without such amendment;

12 USC 1843, 1842.

(4) the provisions of law amended by subsections (a) and (c) of section 118 shall be amended to read as they would without such amendments;

12 USC 1464.

(5) the provision of law amended by section 121 of this Act shall be amended to read as it would without such amendment;

12 USC 1729.

(6) the provisions of law amended by subsections (d) through (g) of section 122 of this Act shall be amended to read as they would without such amendments;

12 USC 1730a.

(7) the provisions of law amended by section 123 of this Act shall be amended to read as they would without such amendments; and

12 USC 1785, 1786.

(8) the provisions of law amended by sections 131 and 132 shall be amended to read as they would without such amendments.

12 USC 1464 note.

(b) The repeal or termination by subsection (a) of any amendment made by this Act shall have no effect on any action taken or authorized while such amendment was in effect.

Net Worth Certificate Act.

TITLE II—NET WORTH CERTIFICATES

SHORT TITLE

12 USC 1811 note.

SEC. 201. This title may be cited as the "Net Worth Certificate Act".

INSURED INSTITUTIONS

SEC. 202. (a) Section 406(f) of the National Housing Act (12 U.S.C. 1729(f)), as amended by section 122 of this Act, is amended by adding at the end thereof the following:

12 USC 1461.

"(5)(A)(i) Notwithstanding any other provision of State or Federal law, and without limitation on any authority provided elsewhere in this Act or the Home Owners' Loan Act of 1933, the Corporation, in its sole discretion and on such terms and conditions as it may prescribe, is authorized to increase or maintain the capital of a qualified institution by making periodic purchases of capital instruments to be known as net worth certificates, as defined by the Corporation, for such form of consideration as the Corporation may determine, from such qualified institution, and may authorize such institution to issue such net worth certificates, pursuant to this paragraph.

"(ii) Dividends on any certificate so purchased shall be at a rate equivalent to the rate of interest paid on any promissory note used to purchase the certificate.

"(iii) In making a determination under this paragraph, the State supervisor of the State in which a State chartered institution which is the subject of the eligibility determination is located shall be consulted.

"(iv) With respect to certificates held by it, the claim of the Corporation shall have a priority over any claim arising out of an equity interest in the insitution in the event of a liquidation or reorganization, subject to the prior payment of all accounts, certificates of deposit, and debt obligations other than debt obligations subordinated to the claims of general creditors which were outstanding when any certificates were purchased, and over any right of equity holders to participate in future earnings.

96 STAT. 1490

"Qualified institution."

"(B) For the purposes of this paragraph, the term 'qualified institution' means an institution the deposits of which are insured under this title or insured or guaranteed under State law which, as determined by the Corporation—

"(i) has net worth equal to or less than 3 per centum of its assets;

"(ii) has incurred losses during the two previous quarters;

"(iii) has not incurred such losses as a result of transactions involving speculation in futures or forward contracts, of management action designed solely for the purpose of qualifying for assistance, or of excessive operating expenses;

"(iv) agrees to comply with all the terms and conditions established by the Corporation for receiving assistance pursuant to this paragraph, including those relating to reporting, compliance with laws, rules and regulations, execution and implementation of resolutions and agreements to merge or reorganize, submission and adoption of plans of operation, restrictions on operations, repayment of assistance received, and consent to supervisory action;

"(v) will have a net worth of not less than one-half of one per centum of assets after any purchase of its net worth certificates by the Corporation, as determined by the Corporation in accordance with the methods for calculating net worth pursuant to this paragraph; and

"(vi) has investments in residential mortgages or securities backed by such mortgages aggregating at least 20 per centum of its loans.

"(C)(i) The Corporation may not condition the purchase of certificates under this paragraph on the agreement of the institution's board to allow such institution to be merged with or acquired by another company if the Corporation finds that such institution will have positive net worth for a period of at least six months after such certificates are purchased.

"(ii) The Corporation may not condition the purchase of certificates under this paragraph on the agreement of the institution's board to make specified management personnel changes if the Corporation finds that if such institution will have positive net worth for a period of at least nine months after such certificates are purchased.

"(D) In any case where the staff of the Corporation finds for the purpose of subparagraph (C) that the length of time during which the institution will have positive net worth after a purchase of certificates is less than six months or nine months, as the case may be, the institution may submit to the staff its plans and projections. If the staff does not change its position after considering such plans and projections, the institution may submit such plans and projections to the Board and the institution shall be entitled to an appeal to, and a review of the staff's findings by, the Board.

"(E) The Corporation may initially purchase net worth certificates as follows:

"(i) With respect to a qualified institution having net worth greater than 2 per centum and less than or equal to 3 per centum, the Corporation may purchase net worth certificates in any period from such institution in an amount equal to 50 per centum of its operating losses (not occasioned by mismanagement or speculation in futures or forward contracts), as determined by the Corporation.

"(ii) With respect to a qualified institution having net worth greater than 1 per centum and less than or equal to 2 per centum, the Corporation may purchase net worth certificates in any period from such institution in an amount equal to 60 per centum of its operating losses (not occasioned by mismanagement or speculation in futures or forward contracts), as determined by the Corporation.

"(iii) With respect to a qualified institution having net worth less than or equal to 1 per centum, the Corporation may purchase net worth certificates in any period from such institution in an amount equal to 70 per centum of its operating losses (not occasioned by mismanagement or speculation in futures or forward contracts), as determined by the Corporation.

"(F) In the exercise of its authority under this paragraph, the Corporation may at any time, in its sole discretion, establish criteria which, with respect to ranges of net worth, calculation of losses, and percentage of losses to be met by purchases of net worth certificates, differ from those set forth in subparagraph (E), except that the Corporation shall in no period purchase net worth certificates from a qualified institution in an amount equal to more than 100 per centum of such institution's operating losses incurred for the immediately preceding period.

"(G) No assistance may be provided to a qualified institution pursuant to this paragraph if the Corporation determines that providing such assistance would be costlier than liquidating (including paying the insured accounts of) such institution or dealing with it in accordance with paragraph (1) or (2) of this subsection.

"(H) The provisions of the constitution or the laws, civil or criminal, of any State, express or implied, limiting the authority of a qualified institution (i) to take part in programs under this paragraph, (ii) to issue and otherwise deal in net worth certificates issued pursuant to this paragraph, or (iii) to continue operations, including the receipt of deposits and the payment or crediting of interest or dividends to depositors, because of the level of such institution's net worth, surplus fund, or guaranty fund, shall not apply to any qualified institution which the Corporation has approved for the purpose of taking part in programs under this paragraph, continuing operations, or paying interest or dividends.

"(I) During any period when a qualified institution has outstanding net worth certificates issued in accordance with this paragraph, such institution shall not be liable for any State or local tax which is determined on the basis of the deposits held by such institution or the interest paid on such deposits.

"(J) Notwithstanding any other Federal or State law, net worth certificates purchased by the Corporation under this paragraph shall be deemed to be net worth for statutory and regulatory purposes.

"(K) The Corporation may not use its authority under this paragraph to purchase the voting or common stock of a qualified institution. Nothing in this subparagraph shall be construed to limit the ability of the Corporation to enter into and enforce covenants and agreements that it determines to be necessary to protect its financial interests.

"(L) The Corporation may provide assistance to a qualified institution which is not an insured institution only if the State fund which insures or guarantees the deposits of such qualified institution enters into an agreement with the Corporation which provides that—

"(i) the State fund will indemnify the Corporation for any losses which the Corporation may incur as a result of providing assistance under this paragraph to such qualified institution; and

"(ii) during any period when such qualified institution has outstanding capital instruments issued in accordance with this paragraph, the State insurance fund maintains a level of assessments on its members which results in costs to its members which are at least equivalent to the premium assessments paid to the Corporation by insured institutions during such period.

"(M) During any period in which a qualified institution which has a stock form of ownership has outstanding certificates under this paragraph, such qualified insured institution may not pay dividends to its shareholders.".

(b) Section 5(b)(5) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(b)(5)) is amended—

(1) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) Net worth certificates issued by an association pursuant to section 406(f) of the National Housing Act shall constitute part of the general reserves and net worth of the association, in accordance with the rules and regulations of the Board."; and

(2) by adding at the end thereof a new subparagraph (C) as follows:

"(C) The Board shall provide in its rules and regulations for charging losses to mutual capital certificates, net worth certificates issued pursuant to section 406(f) of the National Housing Act, reserves, and other net worth accounts.".

Ante, p. 1480.

(c) Section 403(b) of the National Housing Act (12 U.S.C. 1726(b)) is amended—

(1) in the fourth-to-last sentence by inserting after "items," the following: "including net worth certificates issued pursuant to section 406(f) of this Act,"; and

(2) in the second-to-last sentence by striking out "the mutual capital certificate" and inserting in lieu thereof "mutual capital certificates, net worth certificates issued pursuant to section 406(f) of this Act,".

(d) Section 403(b) of the National Housing Act (12 U.S.C. 1726(b)) is amended by striking out "will provide adequate reserves satisfactory to the Corporation" and all that follows through the end of the sentence immediately preceding the fourth sentence from the end of such subsection, and inserting in lieu thereof the following: "and will provide adequate reserves in a form satisfactory to the Corporation, to be established in accordance with regulations made by the Corporation.".

INSURED BANKS

SEC. 203. Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823), as amended by section 113 of this Act is amended by adding at the end thereof the following:

"(i)(1)(A) Notwithstanding any other provision of State or Federal law, and without limitation on any authority provided elsewhere in

96 STAT. 1493 this Act, the Corporation, in its sole discretion and on such terms and conditions as it may prescribe, is authorized to increase or maintain the capital of a qualified institution by making periodic purchases of capital instruments to be known as net worth certificates, as defined by the Corporation, for such form of consideration as the Corporation may determine, from such institution, and may authorize such institution to issue net worth certificates, pursuant to this subsection.

"(B) Dividends on any certificate so purchased shall be at a rate equivalent to the rate of interest paid on any promissory note used to purchase the certificate.

"(C) In making a determination under this subsection, the corporation shall consult the State supervisor of the State in which a State chartered bank which is the subject of the eligibility determination is located, and in the case of a State member bank or a national bank, the Corporation shall consult the Board of Governors of the Federal Reserve System or the Comptroller of the Currency, respectively.

"(D) With respect to certificates held by it, the claim of the Corporation shall have a priority over any claim arising out of an equity interest in the institution in the event of a liquidation or reorganization, subject to the prior payment of all accounts, certificates of deposit, and debt obligations other than debt obligations subordinated to the claims of general creditors which were outstanding when any certificates were purchased, and over any right of equity holders to participate in future earnings.

"Qualified institution."

"(2) For the purposes of this subsection, the term 'qualified institution' means an institution the deposits of which are insured under this title or insured or guaranteed under State law which, as determined by the Corporation—

"(A) has net worth equal to or less than 3 per centum of its assets;

"(B) has incurred losses during the two previous quarters;

"(C) has not incurred such losses as a result of transactions involving speculation in futures or forward contracts, of management action designed solely for the purpose of qualifying for assistance, or of excessive operating expenses;

"(D) agrees to comply with all the terms and conditions established by the Corporation for receiving assistance pursuant to this paragraph, including those relating to reporting, compliance with laws, rules and regulations, execution and implementation of resolutions and agreements to merge or reorganize, submission and adoption of plans of operation, restrictions on operations, repayment of assistance received, and consent to supervisory action;

"(E) will have a net worth of not less than one-half of one per centum of assets after any purchase of its net worth certificates by the Corporation, as determined by the Corporation in accordance with the methods for calculating net worth pursuant to this paragraph; and

"(F) has investments in residential mortgages or securities backed by such mortgages aggregating at least 20 per centum of its loans.

"(3)(A) The Corporation may not condition the purchase of certificates under this paragraph on the agreement of the institution's board to allow such institution to be merged with or acquired by 96 STAT. 1494 another company if the Corporation finds that such institution will have positive net worth for a period of at least six months after such certificates are purchased.

"(B) The Corporation may not condition the purchase of certificates under this paragraph on the agreement of the institution's board to make specified management personnel changes if the Corporation finds that such institution will have positive net worth for a period of at least nine months after such certificates are purchased.

"(4) In any case where the staff of the Corporation finds for the purpose of paragraph (3) that the length of time during which the institution will have positive net worth after a purchase of certificates is less than six months or nine months, as the case may be, the institution may submit to the staff its plans and projections. If the staff does not change its position after considering such plans and projections, the institution may submit such plans and projections to the Board and the institution shall be entitled to an appeal to, and a review of the staff's findings by, the Board.

"(5) The Corporation may initially purchase net worth certificates as follows:

"(A) With respect to a qualified institution having net worth greater than 2 per centum and less than or equal to 3 per centum, the Corporation may purchase net worth certificates in any period from such institution in an amount equal to 50 per centum of its operating losses (not occasioned by mismanagement or speculation in futures or forward contracts), as determined by the Corporation.

"(B) With respect to a qualified institution having net worth greater than 1 per centum and less than or equal to 2 per centum, the Corporation may purchase net worth certificates in any period from such institution in an amount equal to 60 per centum of its operating losses (not occasioned by mismanagement or speculation in futures or forward contracts), as determined by the Corporation.

"(C) With respect to a qualified institution having net worth greater than zero and less than or equal to 1 per centum, the Corporation may purchase net worth certificates in any period from such institution in an amount equal to 70 per centum of its operating losses (not occasioned by mismanagement or speculation in futures or forward contracts), as determined by the Corporation.

"(6) In the exercise of its authority under this subsection, the Corporation may at any time, in its sole discretion, establish criteria which, with respect to ranges of net worth, calculation of losses, and percentage of losses to be met by purchases of net worth certificates, differ from those set forth in paragraph (5), except that the Corporation shall in no period purchase net worth certificates from a qualified institution in an amount equal to more than 100 per centum of such institution's operating losses incurred for the immediately preceding period.

"(7) No assistance may be provided to a qualified institution pursuant to this subsection if the Corporation determines that providing such assistance would be costlier than liquidating (including paying the insured accounts of) such institution or dealing with it in accordance with subsection (c) or (d) of this subsection.

"(8) The provisions of the constitution or the laws, civil or criminal, of any State, express or implied, limiting the authority of a qualified institution (A) to take part in programs under this subsection, (B) to issue and otherwise deal in net worth certificates issued pursuant to this paragraph, or (C) to continue operations, including the receipt of deposits and the payment or crediting of interest or dividends to depositors, because of the level of such institution's net worth, surplus fund, or guaranty fund, shall not apply to any qualified institution which the Corporation has approved for the purpose of taking part in programs under this subsection, continuing operations, or paying interest or dividends.

96 STAT. 1495

"(9) During any period when a qualified institution has outstanding net worth certificates issued in accordance with this subsection, such institution shall not be liable for any State or local tax which is determined on the basis of the deposits held by such institution or the interest paid on such deposits.

"(10) Notwithstanding any other Federal or State law, net worth certificates purchased by the Corporation under this subsection shall be deemed to be net worth for statutory and regulatory purposes.

"(11) The Corporation may not use its authority under this subsection to purchase the voting or common stock of a qualified institution. Nothing in this paragraph shall be construed to limit the ability of the Corporation to enter into and enforce covenants and agreements that it determines to be necessary to protect its financial interests.

"(12) The Corporation may provide assistance to a qualified institution which is not an insured institution only if the State fund which insures or guarantees the deposits of such qualified institution enters into an agreement with the Corporation which provides that—

"(A) the State fund will indemnify the Corporation for any losses which the Corporation may incur as a result of providing assistance under this subsection to such qualified institution; and

"(B) during any period when such qualified institution has outstanding capital instruments issued in accordance with this subsection, the State insurance fund maintains a level of assessments on its members which results in costs to its members which are at least equivalent to the premium assessments paid to the Corporation by insured institutions during such period.

"(13) During any period in which a qualified institution which has a stock form of ownership has outstanding certificates under this subsection, such qualified insured institution may not pay dividends to its shareholders.".

REPORTS TO CONGRESS

12 USC 1823 note.

SEC. 204. The Federal Home Loan Bank Board and the Board of Directors of the Federal Deposit Insurance Corporation shall each transmit an annual report to each House of the Congress specifying the types and amounts of net worth certificates purchased from each depository institution and the conditions imposed on each such depository institution.

GENERAL ACCOUNTING OFFICE AUDIT

12 USC 1823 note.

96 STAT. 1496

Report to Congress.

SEC. 205. The Comptroller General of the United States shall conduct on a semiannual basis an audit of the net worth certificate programs of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board. A report on each such audit shall be transmitted to each House of the Congress.

REPEAL

Ante, p. 1489.

12 USC 1729, 1823.

Ante, p. 1492.

SEC. 206. Upon the expiration of three years after the date of enactment of this Act, section 406(f)(5) of the National Housing Act and section 13(i) of the Federal Deposit Insurance Act are repealed.

TITLE III—THRIFT INSTITUTIONS RESTRUCTURING

SHORT TITLE

Thrift Institutions Restructuring Act.

12 USC 1461 note.

SEC. 301. This title may be cited as the "Thrift Institutions Restructuring Act".

PART A—FORM OF CHARTER; DEMAND ACCOUNTS

CHARTERING AND PURPOSE

SEC. 311. Section 5(a) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(a)) is amended to read as follows:

"SEC. 5. (a) In order to provide thrift institutions for the deposit or investment of funds and for the extension of credit for homes and other goods and services, the Board is authorized, under such rules and regulations as it may prescribe, to provide for the organization, incorporation, examination, operation, and regulation of associations to be known as Federal savings and loan associations, or Federal savings banks, and to issue charters therefor, giving primary consideration to the best practices of thrift institutions in the United States. The lending and investment authorities are conferred by this section to provide such institutions the flexibility necessary to maintain their role of providing credit for housing.".

DEMAND ACCOUNTS AND CAPITAL STOCK

SEC. 312. Paragraphs (1) and (2) of section 5(b) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(b)) are amended to read as follows:

"(1)(A) An association may raise capital in the form of such savings deposits, shares, or other accounts, for fixed, minimum, or indefinite periods of time (all of which are referred to in this section as savings accounts), or in the form of such demand accounts of those persons or organizations that have a business, corporate, commercial, or agricultural loan relationship with the association as are authorized by its charter or by regulations of the Board, and may issue such passbooks, time certificates of deposit, or other evidence of accounts as are so authorized.

"(B) An association may also accept demand accounts from a commercial, corporate, business, or agricultural entity for the sole purpose of effectuating payments thereto by a nonbusiness customer. An association may not pay interest on a demand account. All savings accounts and demand accounts shall have the same priority upon liquidation. Holders of accounts and obligors of an association shall, to such extent as may be provided by its charter or by regulations of the Board, be members of the association, and shall have such voting rights and such other rights as are thereby provided.

96 STAT. 1497

"(C) Except as may be otherwise authorized by an association's charter or regulation of the Board in the case of savings accounts for fixed or minimum terms of not less than fourteen days, the payment of any savings account shall be subject to the right of the association to require such advance notice, not less than fourteen days, as shall be provided for by the charter of the association or the regulations of the Board.

"(D) The payment of withdrawals from accounts in the event an association does not pay all withdrawals in full (subject to the right of the association, where applicable, to require notice) shall be subject to such rules and procedures as may be prescribed by the association's charter or by regulation of the Board, but any association which, except as authorized in writing by the Board, fails to make full payment of any withdrawal when due shall be deemed to be in an unsafe or unsound condition to transact business within the meaning of subsection (d) of this section.

"(E) Accounts may be subject to check or to withdrawal or transfer on negotiable or transferable or other order or authorization to the association, as the Board may by regulation provide.

"(F) Notwithstanding any limitation of this section, associations may establish remote service units for the purpose of crediting savings or demand accounts, debiting such accounts, crediting payments on loans, and the disposition of related financial transactions, as provided in regulations prescribed by the Board.

"(2) To such extent as the Board may authorize by regulation or advice in writing, an association may borrow, may give security, may be surety as defined by the Board and may issue such notes, bonds, debentures, or other obligations, or other securities, including capital stock, as the Board may so authorize.".

CONVERSIONS TO FEDERAL CHARTERS

SEC. 313. Section 5(i) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(i)) is amended to read as follows:

"(i)(1) Any institution which is, or is eligible to become, a member of a Federal home loan bank may convert itself into a Federal savings and loan association or Federal savings bank under this Act (and in so doing may change directly from the mutual form to the stock form, or from the stock form to the mutual form), but such conversion shall be subject to such rules and regulations as the Board shall prescribe, and thereafter the converted association shall be entitled to all the benefits of this section and shall be subject to examination and regulation to the same extent as other associations incorporated pursuant to this Act.

"(2) Subject to the rules and regulations of the Board, any Federal association may convert itself from the mutual form to the stock form of organization, or from the stock form to the mutual form, and any Federal association may change its designation from a Federal savings and loan association to a Federal savings bank, or the reverse.

"(3)(A) Any Federal association may convert itself into a savings and loan or savings bank type of institution organized pursuant to the laws of the State, district, commonwealth, or territory (hereinafter referred to in this section as the 'State') in which the principal office of such Federal association is located if—

96 STAT. 1498

"(i) the State permits the conversion of any savings and loan or savings bank type of institution of such State into a Federal association;

"(ii) such conversion of a Federal association into such a State institution is determined upon the vote in favor of such conversion cast in person or by proxy at a special meeting of members or stockholders called to consider such action, specified by the law of the State in which the home office of the Federal association is located, as required by such law for a State-chartered institution to convert itself into a Federal association, but in no event upon a vote of less than 51 per centum of all the votes cast at such meeting, and upon compliance with other requirements reciprocally equivalent to the requirements of such State law for the conversion of a State-chartered institution into a Federal association;

"(iii) notice of the meeting to vote on conversion shall be given as herein provided and no other notice thereof shall be necessary; the notice shall expressly state that such meeting is called to vote thereon, as well as the time and place thereof, and such notice shall be mailed, postage prepaid, at least thirty and not more than sixty days prior to the date of the meeting, to each member or stockholder of record of the Federal association at his last address as shown on the books of the Federal association and to the General Counsel of the Federal Home Loan Bank Board, Washington, District of Columbia;

"(iv) in the event of dissolution of a mutual association after conversion, the members or shareholders of the association will share on a mutual basis in the assets of the association in exact proportion to their relative share or account credits;

"(v) in the event of dissolution of a stock association after conversion, the stockholders will share on a equitable basis in the assets of the association; and

"(vi) such conversion shall be effective upon the date that all the provisions of this Act shall have been fully complied with and upon the issuance of a new charter by the State wherein the association is located.

"(B)(i) The act of conversion constitutes consent by the institution to be bound by all the requirements that the Federal Savings and Loan Insurance Corporation may legally impose under section 403 of the National Housing Act. 12 USC 1726.

"(ii) The association shall upon conversion and thereafter be authorized to issue securities in any form currently approved at the time of issue by the Federal Savings and Loan Insurance Corporation for issuance by similar insured institutions in such State.

"(iii) If the insurance of accounts is terminated in connection with such conversion, the notice and other action shall be taken as provided by law and regulations for the termination of insurance of accounts.

"(4) Any aggrieved person may obtain review of a final action of the Board or the Federal Savings and Loan Insurance Corporation which approves, with or without conditions, or disapproves a plan of conversion from the mutual to the stock form, only by complying with the provisions of subsection (k) of section 408 of the National Housing Act within the time limit and in the manner therein prescribed, which provisions shall apply in all respects as if such final action were an order the review of which is therein provided for, except that such time limit shall commence upon publication of notice of such final action in the Federal Register or upon the giving of such general notice of final action as is required by or approved under regulations of the Corporation, whichever is later.

12 USC 1730a.

96 STAT. 1499

"(5)(A) To the extent authorized by the Board—

"(i) any Federal savings bank chartered as such prior to the enactment of this paragraph may continue to make any investment or engage in any activity not otherwise authorized under this section, to the degree it was permitted to do so as a Federal savings bank prior to such enactment; and

"(ii) any Federal savings bank formerly organized as a mutual savings bank under State law may continue to make any investment or engage in any activity not otherwise authorized under this section, to the degree it was authorized to do so as a mutual savings bank under State law.

"(B) The authority conferred by this paragraph may be utilized by any Federal association that acquires, by merger or consolidation, a Federal savings bank enjoying grandfathered rights hereunder.".

CONVERSION FROM STATE MUTUAL TO STATE STOCK

Sec. 314. Section 402(j) of the National Housing Act (12 U.S.C. 1725(j)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Except as provided in section 5 of the Home Owners' Loan Act of 1933, no insured institution may convert from the mutual to the stock form except in accordance with the rules and regulations of the Corporation."; and

(2) by striking out paragraphs (2), (3), (5), and (6) and redesignating paragraph (4) as paragraph (2).

Part B—Investments

OVERDRAFTS

Sec. 321. Section 5(c)(1)(A) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)(1)(A)) is amended to read as follows:

"(A) Account loans.—Loans on the security of its savings accounts and loans specifically related to transaction accounts.".

REAL ESTATE LOANS

Sec. 322. Section 5(c)(1)(B) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)(1)(B)) is amended to read as follows:

"(B) Real property loans.—Loans on the security of liens upon residential or nonresidential real property, except that the loans and investments of an association on nonresidential real property may not exceed 40 per centum of its assets.".

TIME DEPOSITS

Sec. 323. Section 5(c)(1)(G) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)(1)(G)) is amended to read as follows:

96 STAT. 1500

"(G) Deposits.—Investments in the time deposits, certificates, or accounts of any bank the deposits of which are insured by the Federal Deposit Insurance Corporation, or in the savings accounts, certificates, or other accounts of any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.".

GOVERNMENT SECURITIES

Sec. 324. Section 5(c)(1)(H) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)(1)(H)) is amended to read as follows:

"(H) State securities.—Investments in obligations of, or issued by, any State or political subdivision thereof (including any agency, corporation, or instrumentality of a State or political subdivision), except that an association may not invest more than 10 per centum of its capital and surplus in obligations of any one issuer, exclusive of investments in general obligations of any issuer.".

COMMERCIAL AND OTHER LOANS

Sec. 325. Section 5(c)(1) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)(1)) is amended by adding at the end thereof the following:

"(R) Commercial and other loans.—Secured or unsecured loans for commercial, corporate, business, or agricultural purposes. No association may make loans to one borrower under the authority provided by this subparagraph in excess of the amount a national bank having an identical total capital and surplus could lend such borrower. The aggregate amount of loans under this paragraph shall not exceed 5 per centum of the assets of a savings and loan association (7½ per centum of the assets of a savings bank) prior to January 1, 1984, or 10 per centum of the assets of a savings and loan association or savings bank thereafter.".

ELIMINATION OF DIFFERENTIAL

12 USC 461 note.
12 USC 3503 note.

Sec. 326. (a) Section 102 of Public Law 94-200 is repealed.

(b)(1) Interest rate differentials for all categories of deposits or accounts between (i) any bank (other than a savings bank) the deposits of which are insured by the Federal Deposit Insurance Corporation, and (ii) any savings and loan, building and loan, or homestead association (including cooperative banks) the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation or any mutual savings bank as defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(j)), shall be phased out on or before January 1, 1984.

(2) Any differential which is being phased out pursuant to a schedule established by regulations prescribed by the Depository Institutions Deregulation Committee prior to the date of enactment of this Act shall be phased out as soon as practicable, but in no event later than such schedule provides.

(3) Notwithstanding any other provision of law, no differential for any category of deposits or accounts shall be established or maintained on or after January 1, 1984.

(c) No interest rate differential may be established or maintained in the case of the deposit account authorized pursuant to section 204(c) of the Depository Institutions Deregulation Act of 1980. *Post*, p. 1501.

(d) In the case of the elimination or reduction of any interest rate differential under subsection (b) with respect to any category of

96 STAT. 1501

deposits or accounts between (1) any bank (other than a savings bank) the deposits of which are insured by the Federal Deposit Insurance Corporation and (2) any savings and loan, building and loan, or homestead association (including cooperative banks) the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation or any mutual savings bank as defined in section 3(f) of the Federal Deposit Insurance Act, the maximum rate of interest which shall be established for such category of deposits for banks (other than savings banks) the deposits of which are insured by the Federal Deposit Insurance Corporation shall be equal to the highest rate of interest which savings and loan associations the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation were permitted to pay on such category of deposits immediately prior to the elimination or reduction of such interest rate differential.

12 USC 1813.

MONEY MARKET DEPOSIT ACCOUNT

SEC. 327. Section 204 of the Depository Institutions Deregulation Act of 1980 (12 U.S.C. 3503) is amended by adding at the end thereof the following:

"(c)(1) The Committee shall issue a regulation authorizing a new deposit account, effective not later than 60 days after the date of enactment of this subsection. Such account shall be directly equivalent to and competitive with money market mutual funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940.

15 USC 80b-20.

"(2) No limitation on the maximum rate or rates of interest payable on deposit accounts shall apply to the account authorized by this subsection.

"(3) For purposes of section 19(b) of the Federal Reserve Act, accounts established pursuant to this subsection which are not 'transaction accounts' as defined by the reserve requirement regulations of the Board of Governors of the Federal Reserve System as those regulations existed on August 1, 1982, shall not be subject to transaction account reserves, even though no minimum maturity is required, and even though up to three preauthorized or automatic transfers and three transfers to third parties are permitted monthly.".

12 USC 461.

HOUSING AND LAND DEVELOPMENT LOANS

SEC. 328. Section 5(c)(1)(O) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)(1)(O)) is amended to read as follows:

"(O) HOUSING AND LAND AND URBAN DEVELOPMENT INSURED OR GUARANTEED INVESTMENTS.—Loans (i) secured by mortgages as to which the association has the benefit of insurance under title X of the National Housing Act or of a commitment or agreement for such insurance, or (ii) as to which the association has the benefit of any guarantee under title IV of the Housing and Urban Development Act of 1968 or under part B of the National Urban Policy and New Community Development Act of 1970 or under section 802 of the Housing and Community Development Act of 1974, or of a commitment or agreement therefor.".

12 USC 1749aa.

42 USC 3901.

42 USC 4511.

42 USC 1440, 12 USC 371, 1464.

96 STAT. 1502

CONSUMER LOANS

SEC. 329. Section 5(c)(2)(B) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)(2)(B)) is amended—

(1) by inserting ", including loans reasonably incident to the provision of such credit," after "household purposes"; and

(2) by inserting before the period at the end thereof the following: ", except that loans of an association under this subparagraph may not exceed 30 per centum of the assets of the association".

ADDITIONAL INVESTMENT AUTHORITIES

SEC. 330. Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended—

(1) in paragraph (2), by striking out "20 per centum" and inserting in lieu thereof "the following percentages";

(2) by redesignating paragraph (6) as paragraph (5);

(3) by striking out paragraph (2)(A) and inserting in lieu thereof the following:

"(A) INVESTMENTS IN PERSONALTY.—Investments in tangible personal property, including, without limitation, vehicles, manufactured homes, machinery, equipment, or furniture, for rental or sale, but such investment may not exceed 10 per centum of the assets of the association.";

(4) in paragraph (3)—

(A) by striking out subparagraph (D); and

(B) by amending subparagraph (A) to read as follows:

"(A) EDUCATION LOANS.—Loans made for the payment of educational expenses."; and

(5) in paragraph (4)—

(A) by amending subparagraph (C) to read as follows:

22 USC 2181.
22 USC 2184.
22 USC 2181, 2182.

"(C) FOREIGN ASSISTANCE INVESTMENTS.—Investments in housing project loans having the benefit of any guaranty under section 221 of the Foreign Assistance Act of 1961 or loans having the benefit of any guarantee under section 224 of such Act, or any commitment or agreement with respect to such loans made pursuant to either of such sections and in the share capital and capital reserve of the Inter-American Savings and Loan Bank. This authority extends to the acquisition, holding and disposition of loans having the benefit of any guaranty under section 221 or 222 of such Act as hereafter amended or extended, or of any commitment or agreement for any such guaranty. Investments under this subparagraph shall not exceed, in the case of any association, 1 per centum of the assets of such association."; and

(B) by amending subparagraph (D) to read as follows:

15 USC 681.

"(D) SMALL BUSINESS INVESTMENT COMPANIES.—An association may invest in stock, obligations, or other securities of any small business investment company formed pursuant to section 301(d) of the Small Business Investment Act of 1958, for the purpose of aiding members of the Federal Home Loan Bank System, but no association may make any investment under this subparagraph if its aggregate outstanding investment under this subparagraph would exceed 1 per centum of the assets of such association.".

96 STAT 1503

TYING ARRANGEMENTS

Ante, pp. 1471, 1479.

SEC. 331. Section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464), as amended by sections 112 and 121, is amended by adding at the end thereof the following:

"(q)(1) An association shall not in any manner extend credit, lease, or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition or requirement—

"(A) that the customer shall obtain additional credit, property, or service from such association, or from any service corporation or affiliate of such association, other than a loan, discount, deposit, or trust service;

"(B) that the customer provide additional credit, property, or service to such association, or to any service corporation or affiliate of such association, other than those related to and usually provided in connection with a similar loan, discount, deposit, or trust service; and

"(C) that the customer shall not obtain some other credit, property, or service from a competitor of such association, or from a competitor of any service corporation or affiliate of such association, other than a condition or requirement that such association shall reasonably impose in connection with credit transactions to assure the soundness of credit.

"(2)(A) Any person may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by reason of a violation of paragraph (1), under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity and under the rules governing such proceedings.

"(B) Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

"(3) any person who is injured in his business or property by reason of anything forbidden in paragraph (1) may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without regard to the amount in controversy, or may sue therefor in any other court of competent jurisdiction, and shall be entitled to recover three times the amount of the damages sustained by him, and the cost of suit, including a reasonable attorney's fee. Any such suit shall be brought within four years from the date of the occurrence of the violation.

"(4) Nothing contained in this subsection shall be construed as affecting in any manner the right of the United States or any other party to bring an action under any other law of the United States or of any State, including any right which may exist in addition to specific statutory authority, challenging the legality of any act or practice which may be proscribed by this subsection. No regulation or order issued by the Board under this subsection shall in any manner constitute a defense to such action.

"(5) For purposes of this subsection—

"(A) the term 'affiliate' of an association means any individual or company (including any corporation, partnership, trust, joint-stock company, or similar organization) which controls, is controlled by, or is under common control with such association; and

"Affiliate."

96 STAT. 1504

"(B) the term 'loan' includes obligations and extensions or advances of credit.".

"Loan."

LIQUIDITY INVESTMENTS

SEC. 332. Section 5A(b)(1)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)(1)(B)) is amended by striking out "and commercial banks" and inserting in lieu thereof the following: ", institutions which are, or are eligible to become, members thereof, and commercial banks".

REGULATORY JURISDICTION

SEC. 333. Section 2(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)) is amended by inserting after "Islands" the following: ", except an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation or an institution chartered by the Federal Home Loan Bank Board,".

BRANCHING

SEC. 334. Section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464), as amended by sections 112, 121, and 331, is amended by adding at the end thereof the following:

Ante, p. 1503.

26 USC 7701.

"(r)(1) No association may establish, retain, or operate a branch outside the State in which the association has its home office, unless the association qualifies as a domestic building and loan association under section 7701(a)(19) of the Internal Revenue Code of 1954 or meets the asset composition test imposed by subparagraph (c) of that section on institutions seeking so to qualify. No out-of-State branch so established shall be retained or operated unless the total assets of the association attributable to all branches of the association in that State would qualify the branches as a whole, were they otherwise eligible, for treatment as a domestic building and loan association under said section 7701(a)(19).

"(2) The limitations of paragraph (1) shall not apply if—

Ante, p. 1483.

"(A) the branch results from a transaction authorized under section 408(m) of the National Housing Act;

"(B) the branch was authorized for the association prior to the enactment of the Depository Institutions Amendments of 1982;

"(C) the law of the State in which the branch is or is to be located would permit establishment of the branch were the association an institution of the savings and loan or savings bank type chartered by the State in which its home office is located; or

"(D) the branch was operated lawfully as a branch under State law prior to the association's conversion to a Federal charter.

"(3) The Board, for good cause shown, may allow associations up to two years to comply with the requirements of this subsection.".

96 STAT. 1505

HOLDING COMPANY ACTIVITIES

Ante, p. 1483.

SEC. 335. Section 408 of the National Housing Act (12 U.S.C. 1730a), as amended by section 123, is amended by adding at the end thereof the following:

26 USC 7701.

"(n) A savings and loan holding company, or any subsidiary thereof which is not an insured institution, whose subsidiary insured institution fails to qualify as a domestic building and loan association under section 7701(a)(19) of the Internal Revenue Code of 1954, may not commence, or continue for more than three years after such failure, any business activity other than those specified for multiple savings and loan holding companies and their subsidiaries under subsection (c)(2) of this section.".

PART C—PREEMPTION OF DUE ON SALE PROHIBITIONS

DUE-ON SALE CLAUSES

Definitions.
12 USC 1701j-3.

SEC. 341. (a) For the purpose of this section—

(1) the term "due-on-sale clause" means a contract provision which authorizes a lender, at its option, to declare due and payable sums secured by the lender's security instrument if all or any part of the property, or an interest therein, securing the real property loan is sold or transferred without the lender's prior written consent;

(2) the term "lender" means a person or government agency making a real property loan or any assignee or transferee, in whole or in part, of such a person or agency;

(3) the term "real property loan" means a loan, mortgage, advance, or credit sale secured by a lien on real property, the stock allocated to a dwelling unit in a cooperative housing corporation, or a residential manufactured home, whether real or personal property; and

(4) the term "residential manufactured home" means a manufactured home as defined in section 603(6) of the National Manufactured Home Construction and Safety Standards Act of 1974 which is used as a residence; and

42 USC 5402.

(5) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(b)(1) Notwithstanding any provision of the constitution or laws (including the judicial decisions) of any State to the contrary, a lender may, subject to subsection (c), enter into or enforce a contract containing a due-on-sale clause with respect to a real property loan.

(2) Except as otherwise provided in subsection (d), the exercise by the lender of its option pursuant to such a clause shall be exclusively governed by the terms of the loan contract, and all rights and remedies of the lender and the borrower shall be fixed and governed by the contract.

(3) In the exercise of its option under a due-on-sale clause, a lender is encouraged to permit an assumption of a real property loan at the existing contract rate or at a rate which is at or below the average between the contract and market rates, and nothing in this section shall be interpreted to prohibit any such assumption.

(c)(1) In the case of a contract involving a real property loan which was made or assumed, including a transfer of the liened property subject to the real property loan, during the period beginning on the date a State adopted a constitutional provision or statute prohibiting the exercise of due-on-sale clauses, or the date on which the highest court of such State has rendered a decision (or if the highest court has not so decided, the date on which the next highest appellate court has rendered a decision resulting in a final judgment if such decision applies State-wide) prohibiting such exercise, and ending on the date of enactment of this section, the provisions of subsection (b) shall apply only in the case of a transfer which occurs on or after the expiration of 3 years after the date of enactment of this Act, except that—

96 STAT. 1506

(A) a State, by a State law enacted by the State legislature prior to the close of such 3-year period, with respect to real property loans originated in the State by lenders other than national banks, Federal savings and loan associations, Federal savings banks, and Federal credit unions, may otherwise regulate such contracts, in which case subsection (b) shall apply only if such State law so provides; and

(B) the Comptroller of the Currency with respect to real property loans originated by national banks or the National Credit Union Administration Board with respect to real property loans originated by Federal credit unions may, by regulation prescribed prior to the close of such period, otherwise regulate such contracts, in which case subsection (b) shall apply only if such regulation so provides.

(2)(A) For any contract to which subsection (b) does not apply pursuant to this subsection, a lender may require any successor or transferee of the borrower to meet customary credit standards applied to loans secured by similar property, and the lender may declare the loan due and payable pursuant to the terms of the contract upon transfer to any successor or transferee of the borrower who fails to meet such customary credit standards.

(B) A lender may not exercise its option pursuant to a due-on-sale clause in the case of a transfer of a real property loan which is subject to this subsection where the transfer occurred prior to the date of enactment of this Act.

(C) This subsection does not apply to a loan which was originated by a Federal savings and loan association or Federal savings bank.

(d) A lender may not exercise its option pursuant to a due-on-sale clause upon—

(1) the creation of a lien or other encumbrance subordinate to the lender's security instrument which does not relate to a transfer of rights of occupancy in the property;

(2) the creation of a purchase money security interest for household appliances;

(3) a transfer by devise, descent, or operation of law on the death of a joint tenant or tenant by the entirety;

(4) the granting of a leasehold interest of three years or less not containing an option to purchase;

(5) a transfer to a relative resulting from the death of a borrower;

(6) a transfer where the spouse or children of the borrower become an owner of the property;

(7) a transfer resulting from a decree of a dissolution of marriage, legal separation agreement, or from an incidental property settlement agreement, by which the spouse of the borrower becomes an owner of the property;

96 STAT. 1507

(8) a transfer into an inter vivos trust in which the borrower is and remains a beneficiary and which does not relate to a transfer of rights of occupancy in the property; or

(9) any other transfer or disposition described in regulations prescribed by the Federal Home Loan Bank Board.

(e)(1) The Federal Home Loan Bank Board, in consultation with the Comptroller of the Currency and the National Credit Union Administration Board, is authorized to issue rules and regulations and to publish interpretations governing the implementation of this section.

(2) Notwithstanding the provisions of subsection (d), the rules and regulations prescribed under this section may permit a lender to exercise its option pursuant to a due-on-sale clause with respect to a real property loan and any related agreement pursuant to which a borrower obtains the right to receive future income.

(f) The Federal Home Loan Mortgage Corporation (hereinafter referred to as the "Corporation") shall not, prior to July 1, 1983, implement the change in its policy announced on July 2, 1982, with respect to enforcement of due-on-sale clauses in real property loans which are owned in whole or in part by the Corporation.

(g) Federal Home Loan Bank Board regulations restricting the use of a balloon payment shall not apply to a loan, mortgage, advance, or credit sale to which this section applies.

PART D—MISCELLANEOUS

ATTORNEYS FEES

SEC. 351. The last sentence of section 5(d)(8)(A) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(8)(A)) is amended by inserting ", which prevails," after "party".

SECURITY FOR ADVANCES

SEC. 352. Section 10 of the Federal Loan Bank Act (12 U.S.C. 1430) is amended—

(1) by amending subsection (a) to read as follows:

"(a) Each Federal Home Loan Bank is authorized to make secured advances to its members upon such security as the Board may prescribe.";

(2) by striking out the first two sentences of subsection (b); and

(3) by striking out the word "twelve" wherever it appears in subsection (c) and inserting in lieu thereof the word "twenty".

DELETION OF OBSOLETE REQUIREMENT

SEC. 353. Section 6(c)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(c)(2)) is amended to read as follows:

"(2) Notwithstanding any other provision of this subsection, no action shall be taken by any bank with respect to any member pursuant to any of the foregoing provisions of this subsection if the effect of such action would be to cause the aggregate outstanding advances, within the meaning of the last sentence of subsection (c) of section 10 of this Act or within the meaning of regulations of the Board defining such term for the purposes of this sentence, made by such bank to such member to exceed twenty times the amounts paid in by such member for outstanding capital stock held by such member.". 96 STAT. 1508

COMPENSATION OF ADVISORY COMMITTEE MEMBERS

SEC. 354. Section 8a of the Federal Home Loan Bank Act (12 U.S.C. 1428a) is amended by striking out the fifth sentence and inserting in lieu thereof the following: "Subject to the provisions of section 7 of the Federal Advisory Committee Act, all members and alternates of the Council may be compensated and shall be entitled to reimbursement from the Board for traveling expenses incurred in attendance at meetings of such Council.".

5 USC app.

WITHDRAWAL FROM MEMBERSHIP

SEC. 355. (a) Section 6(i) of the Federal Home Loan Bank Act (12 U.S.C. 1426(i)) is amended by inserting before the period at the end of the second sentence the following: ", except that in the case of a voluntary withdrawal, such liquidation shall be deemed a prepayment of any such indebtedness, and shall be subject to any penalties applicable to such prepayment".

(b) Section 6 of the Federal Home Loan Bank Act (12 U.S.C. 1426) is amended by adding at the end thereof the following:

"(m) Notwithstanding any other provision of this Act, an institution which withdraws from membership may acquire membership in any Federal Home Loan Bank only after the expiration of a period of five years thereafter, except where such withdrawal is a consequence of a transfer of membership on a non-interrupted basis between Banks.".

TITLE IV—PROVISIONS RELATING TO NATIONAL AND MEMBER BANKS

PART A—GENERAL PROVISIONS

LENDING LIMITS

SEC. 401. (a) Section 5200 of the Revised Statutes (12 U.S.C. 84) is amended to read as follows:

"SEC. 5200. (a)(1) The total loans and extensions of credit by a national banking association to a person outstanding at one time and not fully secured, as determined in a manner consistent with paragraph (2) of this subsection, by collateral having a market value at least equal to the amount of the loan or extension of credit shall not exceed 15 per centum of the unimpaired capital and unimpaired surplus of the association.

"(2) The total loans and extensions of credit by a national banking association to a person outstanding at one time and fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available price quotations, at least equal to the amount of the funds outstanding shall not exceed 10 per centum of the unimpaired capital and unimpaired surplus of the association. This limitation shall be separate from and in addition to the limitation contained in paragraph (1) of this subsection.

"(b) For the purposes of this section—

"(1) the term 'loans and extensions of credit' shall include all direct or indirect advances of funds to a person made on the basis of any obligation of that person to repay the funds or repayable from specific property pledged by or on behalf of the person and to the extent specified by the Comptroller of the Currency, such term shall also include any liability of a national banking association to advance funds to or on behalf of a person pursuant to a contractual commitment; and

"Loans and extensions of credit."

96 STAT. 1509

"Person."

"(2) the term 'person' shall include an individual, sole proprietorship, partnership, joint venture, association, trust, estate, business trust, corporation, sovereign government or agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

"(c) The limitations contained in subsection (a) shall be subject to the following exceptions:

"(1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse shall not be subject to any limitation based on capital and surplus.

12 USC 82, 342-346, 347c, 372.

"(2) The purchase of bankers' acceptances of the kind described in section 13 of the Federal Reserve Act and issued by other banks shall not be subject to any limitation based on capital and surplus.

"(3) Loans and extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples shall be subject to a limitation of 35 per centum of capital and surplus in addition to the general limitations if the market value of the staples securing each additional loan or extension of credit at all times equals or exceeds 115 per centum of the outstanding amount of such loan or extension of credit. The staples shall be fully covered by insurance whenever it is customary to insure such staples.

"(4) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, or Treasury bills of the United States or by other such obligations fully guaranteed as to principal and interest by the United States shall not be subject to any limitation based on capital and surplus.

"(5) Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States shall not be subject to any limitation based on capital and surplus.

"(6) Loans or extensions of credit secured by a segregated deposit account in the lending bank shall not be subject to any limitation based on capital and surplus.

"(7) Loans or extensions of credit to any financial institution or to any receiver, conservator, superintendent of banks, or other agent in charge of the business and property of such financial institution, when such loans or extensions of credit are approved by the Comptroller of the Currency, shall not be subject to any limitation based on capital and surplus.

"(8)(A) Loans and extensions of credit arising from the discount of negotiable or nonnegotiable installment consumer paper which carries a full recourse endorsement or unconditional guarantee by the person transferring the paper shall be

96 STAT. 1510

subject under this section to a maximum limitation equal to 25 per centum of such capital and surplus, notwithstanding the collateral requirements set forth in subsection (a)(2).

"(B) If the bank's files or the knowledge of its officers of the financial condition of each maker of such consumer paper is reasonably adequate, and an officer of the bank designated for that purpose by the board of directors of the bank certifies in writing that the bank is relying primarily upon the responsibility of each maker for payment of such loans or extensions of credit and not upon any full or partial recourse endorsement or guarantee by the transferor, the limitations of this section as to the loans or extensions of credit of each such maker shall be the sole applicable loan limitations.

"(9)(A) Loans and extensions of credit secured by shipping documents or instruments transferring or securing title covering livestock or giving a lien on livestock when the market value of the livestock securing the obligation is not at any time less than 115 per centum of the face amount of the note covered, shall be subject under this section, notwithstanding the collateral requirements set forth in subsection (a)(2), to a maximum limitation equal to 25 per centum of such capital and surplus.

"(B) Loans and extensions of credit which arise from the discount by dealers in dairy cattle of paper given in payment for dairy cattle, which paper carries a full recourse endorsement or unconditional guarantee of the seller, and which are secured by the cattle being sold, shall be subject under this section, notwithstanding the collateral requirements set forth in subsection (a)(2), to a limitation of 25 per centum of such capital and surplus.

"(10) Loans or extensions of credit to the Student Loan Marketing Association shall not be subject to any limitation based on capital and surplus.

"(d)(1) The Comptroller of the Currency may prescribe rules and regulations to administer and carry out the purposes of this section, including rules or regulations to define or further define terms used in this section and to establish limits or requirements other than those specified in this section for particular classes or categories of loans or extensions of credit.

"(2) The Comptroller of the Currency also shall have authority to determine when a loan putatively made to a person shall for purposes of this section be attributed to another person.".

(b) This section shall take effect upon the expiration of one hundred and eighty days after the date of its enactment.

12 USC 84 note.

BORROWING LIMITS

SEC. 402. Section 5202 of the Revised Statutes (12 U.S.C. 82) is repealed.

Repeal.

REAL ESTATE LOANS

SEC. 403. (a) Section 24 of the Federal Reserve Act (12 U.S.C. 371) is amended to read as follows:

"REAL ESTATE LOANS

"SEC. 24. (a) Any national banking association may make, arrange, purchase or sell loans or extensions of credit secured by liens on interests in real estate, subject to such terms, conditions, and limitations as may be prescribed by the Comptroller of the Currency by order, rule, or regulation.

"(b) Notes representing loans made under this section to finance the construction of residential or farm buildings and having maturities not to exceed nine months shall be eligible for discount as commercial paper within the terms of the second paragraph of section 13 of the Federal Reserve Act if accompanied by a valid and binding agreement to advance the full amount of the loan upon the completion of the building entered into by an individual, partnership, association, or corporation acceptable to the discounting bank.".

(b) The Act of September 7, 1916 (12 U.S.C. 92; 39 Stat. 753) is amended—

(1) by striking out "; and may also act as the broker or agent for others in making or procuring loans on real estate located within one hundred miles of the place in which said bank may be located, receiving for such services a reasonable fee or commission"; and

(2) by striking out "guarantee either the principal or interest of any such loans or".

(c) This section shall take effect upon the expiration of one hundred and eighty days after the date of its enactment.

12 USC 371 note.

BANKERS' BANKS

SEC. 404. (a) Section 5169 of the Revised Statutes (12 U.S.C. 27) is amended—

(1) by inserting "(a)" before "If,"; and

(2) by adding at the end thereof the following:

"(b)(1) The Comptroller of the Currency may also issue a certificate of authority to commence the business of banking pursuant to this section to a national banking association which is owned exclusively (except to the extent directors' qualifying shares are required by law) by other depository institutions and is organized to engage exclusively in providing services for other depository institutions and their officers, directors, and employees.

"(2) Any national banking association chartered pursuant to paragraph (1) shall be subject to such rules, regulations, and orders as the Comptroller deems appropriate, and, except as otherwise specifically provided in such rules, regulations, or orders, shall be vested with or subject to the same rights, privileges, duties, restrictions, penalties, liabilities, conditions, and limitations that would apply under the national banking laws to a national bank.".

(b) The paragraph numbered "Seventh" of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by striking out "*Provided further*, That," and all that follows through the end thereof and by inserting in lieu thereof the following: "*Provided further*, That notwithstanding any other provision of this paragraph, the association may purchase for its own account shares of stock of a bank insured by the Federal Deposit Insurance Corporation or a holding company which owns or controls such an insured bank if the stock of such bank or company is owned exclusively (except to the extent directors' qualifying shares are required by law) by depository institutions and such bank or company and all subsidiaries thereof are engaged exclusively in providing services for other depository institutions and their officers, directors, and employees, but in no event shall the total amount of such stock held by the association in any bank or holding company exceed at any time 10 per centum of its capital stock and paid in and unimpaired surplus and in no event shall the purchase of such stock result in an association's acquiring more than 5 per centum of any class of voting securities of such bank or company.".

96 STAT. 1512

(c) Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended by adding at the end thereof the following:

"(5) This section shall apply, in the same manner as it applies to any insured bank for which the appropriate Federal banking agency is the Comptroller of the Currency, to any national banking association chartered by the Comptroller of the Currency, including an uninsured association.".

(d)(1) Section 2(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)) is amended by adding at the end thereof the following: "The term 'bank' also includes a State chartered bank or a national banking association which is owned exclusively (except to the extent directors' qualifying shares are required by law) by other depository institutions or by a bank holding company which is owned exclusively by other depository institutions and is organized to engage exclusively in providing services for other depository institutions and their officers, directors, and employees.".

12 USC 1842. (2) Section 3(e) of such Act is amended by adding at the end thereof the following: "This subsection does not apply to a bank described in the last sentence of section 2(c).".

NAME OR HEADQUARTERS CHANGE

SEC. 405. (a) Section 2 of the Act of May 1, 1886 (24 Stat. 18; 12 U.S.C. 30) is amended to read as follows:

"SEC. 2. (a) Any national banking association, upon written notice to the Comptroller of the Currency, may change its name, except that such new name shall include the word "National".

"(b) Any national banking association, upon written notice to the Comptroller of the Currency, may change the location of its main office to any authorized branch location within the limits of the city, town, or village in which it is situated, or, with a vote of shareholders owning two-thirds of the stock of such association and upon receipt of a certificate of approval from the Comptroller of the Currency, to any other location within or outside the limits of the city, town, or village in which it is located, but not more than thirty miles beyond such limits.".

(b) The first proviso of section 5134 of the Revised Statutes (12 U.S.C. 22) is amended by placing a period after the word "national" and striking the remainder of that sentence.

VENUE PROVISIONS

SEC. 406. Section 5198 of the Revised Statutes (12 U.S.C. 94) is amended to read as follows:

"SEC. 5198. Any action or proceeding against a national banking association for which the Federal Deposit Insurance Corporation has been appointed receiver, or against the Federal Deposit Insurance Corporation as receiver of such association, shall be brought in the district or territorial court of the United States held within the district in which that association's principal place of business is located, or, in the event any State, county, or municipal court has jurisdiction over such an action or proceeding, in such court in the 96 STAT. 1513
county or city in which that association's principal place of business is located.".

LEGAL HOLIDAYS

SEC. 407. The last sentence of section 4(b)(1) of the Act of March 9, 1933 (48 Stat. 2; 12 U.S.C. 95(b)(1)) is amended to read as follows: "In the event that a State official authorized by law designates any day as a legal holiday for ceremonial or emergency reasons, for the State or any part thereof, that same day shall be a legal holiday for all national banking associations or their offices located in that State or the part so affected. A national banking association or its affected offices may close or remain open on such a State-designated holiday unless the Comptroller of the Currency by written order directs otherwise.".

UNCLAIMED PROPERTY

SEC. 408. Title VII of the Depository Institutions Deregulation and Monetary Control Act of 1980 is amended by adding after section 723 the following:

"PART C—DISPOSITION OF UNCLAIMED PROPERTY RECOVERED FROM CLOSED NATIONAL BANKS

"PURPOSE

"SEC. 731. The purpose of this part is to dispose of unclaimed property in the possession, custody, or control of the Comptroller of the Currency by— 12 USC 216.

"(1) providing final notice of the availability of unclaimed property from closed national banks and closed banks in the District of Columbia;

"(2) barring rights of claimants to obtain such property from the Comptroller after a reasonable period of time following such notice; and

"(3) authorizing the Comptroller to dispose of such property for which no claims have been filed and validated under this part.

"DEFINITIONS

12 USC 216a.

"SEC. 732. For purposes of this part—

"(1) the term 'Comptroller' means the Comptroller of the Currency;

"(2) the term 'unclaimed property' means any articles, items, assets, other property, or the proceeds thereof from safe deposit boxes or other safekeeping arrangements with closed national banks or closed banks in the District of Columbia, which are in the possession, custody, or control of the Comptroller in its capacity as successor to receivers of those banks; and

"(3) the term 'claimant' means any person or entity, including a State under applicable statutory law, asserting a demonstrable legal interest in title to, or custody or possession of, unclaimed property.

"DISPOSITION OF UNCLAIMED PROPERTY

Publication in Federal Register.
12 USC 216b.

"SEC. 733. (a)(1) Within twelve months following the date of the enactment of this part, the Comptroller shall publish formal notice

96 STAT. 1514

in the Federal Register that all claims to rights of any claimant to obtain title to, or custody or possession of, any unclaimed property in the possession, custody, or control of the Comptroller must be filed within twelve months following the last date of publication of such formal notice in the Federal Register or shall thereafter be barred.

"(2) Such notice shall contain the names of last known owners, if any, names and locations of affected closed banks, and a general description of the types of unclaimed property held by the Comptroller. The Comptroller may provide additional notice in local communities as it deems appropriate.

"(3)(A) The Comptroller shall not disclose, by publication, inspection or otherwise, information relating to the ownership or description of any specific unclaimed property prior to publication of formal notice under this section.

"(B) Thereafter, the Comptroller shall disclose descriptive information of specific unclaimed property only to a claimant thereof. The Comptroller may recoup expenses associated with any publication or other provision of notice from any sale of property authorized by this part. Reasonable opportunity for inspection of specific property by a claimant thereof shall be provided in Washington, District of Columbia.

"(b)(1) The Comptroller shall deliver such property to any claimant or his or her legally authorized representative upon receiving proof deemed adequate by the Comptroller that such claimant is entitled to the property, but only if the claimant files for the property within twelve months following the last date formal notice is published in the Federal Register.

"(2)(A) The Comptroller shall have authority to determine the validity of all claims filed. The Comptroller may recoup expenses associated with the handling and processing of claims from any sale of property authorized by this part.

"(B) All expenses associated with the delivery of any property shall be borne by the claimant. The Comptroller shall not be responsible for any loss in connection with the handling, storage, or delivery of any property to the claimant. The Comptroller may require the claimant to purchase insurance to cover the risk of any loss.

"(c)(1) If, after twelve months from the date formal notice is published in the Federal Register, any such property remains in the possession, custody, or control of the Comptroller for which no valid claim has been filed, all rights, title, and interest in such property shall immediately be vested in the United States.

"(2) The Comptroller shall thereupon, in his discretion, sell, use, destroy, or otherwise dispose of any such unclaimed property. Such disposition may include donations to the Smithsonian Institution for addition to the national collection.

"(3) The proceeds of any sale authorized by this section, after recoupment by the Comptroller of any expenses incurred hereunder, shall be covered into the Treasury as miscellaneous receipts.

"(d) The United States, the Comptroller, or any officer, employee, or agent thereof shall not be subject to personal or legal liability for any determination as to the validity of any claim or claims filed under this part or for any delivery, sale, destruction, or other disposition of unclaimed property.

"(e)(1) A court action to determine legal ownership, entitlement, or right to possession may be filed in any State or Federal court of competent jurisdiction other than against the United States, the Comptroller, or any officer, agent, or employee thereof.

96 STAT. 1515

"(2) Such actions shall be determined de novo without regard to any agency determination or any disposition or delivery by the Comptroller of any particular property to any person.

"(3) The United States, the Comptroller, or any officer, employee, or agent thereof shall neither be a party to any such judicial proceeding nor be bound by any decision, decree, or order resulting therefrom.

"(f)(1) The United States Claims Court shall have exclusive jurisdiction to hear and determine any suit brought against the United States, the Comptroller, or any officer, employee, or agent thereof with regard to any determination of a claim or the disposition of any unclaimed property.

"(2) The United States Claims Court may set aside actions of the Comptroller only if such actions are found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(3) All claims for which the United States Claims Court has jurisdiction under this subsection shall be barred unless suit is filed within two years from the date of expiration of the twelve-month notice period provided by this part.

"(4) For purposes of section 1491 of title 28, United States Code, any Claim against the Comptroller, the United States, or any officer, employee, or agent thereof shall be considered a claim against the United States.

"RULEMAKING AUTHORITY

"SEC. 734. The Comptroller may issue rules and regulations necessary or appropriate to carry out this part.

Rules and regulations.
12 USC 216c.

"SEVERABILITY

"SEC. 735. If any provision of this part or the application of such provision to any person or circumstance is held invalid, the remainder of this part and the application of such provision to other persons or circumstances shall not be affected thereby.".

12 USC 216d.

AMENDMENTS TO DEREGULATION ACT

SEC. 409. Sections 721 and 722 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 191 note) are amended by striking out the phrase "closed on or before January 22, 1934" each place it appears and inserting in lieu thereof "which have been closed and for which the Comptroller has appointed a receiver other than the Federal Deposit Insurance Corporation".

BANKING AFFILIATES

SEC. 410. (a) This section may be cited as the "Banking Affiliates Act of 1982".

(b) Section 23A of the Federal Reserve Act (12 U.S.C. 371c) is amended to read as follows:

Banking Affiliates Act of 1982.
12 USC 226 note.

"SEC. 23A. (a) RESTRICTIONS ON TRANSACTIONS WITH AFFILIATES.—

"(1) A member bank and its subsidiaries may engage in a covered transaction with an affiliate only if—

96 STAT. 1516

"(A) in the case of any affiliate, the aggregate amount of covered transactions of the member bank and its subsidiaries will not exceed 10 per centum of the capital stock and surplus of the member bank; and

"(B) in the case of all affiliates, the aggregate amount of covered transactions of the member bank and its subsidiaries will not exceed 20 per centum of the capital stock and surplus of the member bank.

"(2) For the purpose of this section, any transaction by a member bank with any person shall be deemed to be a transaction with an affiliate to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that affiliate.

"(3) A member bank and its subsidiaries may not purchase a low-quality asset from an affiliate unless the bank or such subsidiary, pursuant to an independent credit evaluation, committed itself to purchase such asset prior to the time such asset was acquired by the affiliate.

"(4) Any covered transactions and any transactions exempt under subsection (d) between a member bank and an affiliate shall be on terms and conditions that are consistent with safe and sound banking practices.

"(b) DEFINITIONS.—For the purpose of this section—

"(1) the term 'affiliate' with respect to a member bank means—

"(A) any company that controls the member bank and any other company that is controlled by the company that controls the member bank;

"(B) a bank subsidiary of the member bank;

"(C) any company—

"(i) that is controlled directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the member bank or any company that controls the member bank; or

"(ii) in which a majority of its directors or trustees constitute a majority of the persons holding any such office with the member bank or any company that controls the member bank;

"(D)(i) any company, including a real estate investment trust, that is sponsored and advised on a contractual basis by the member bank or any subsidiary or affiliate of the member bank; or

"(ii) any investment company with respect to which a member bank or any affiliate thereof is an investment advisor as defined in section 2(a)(20) of the Investment Company Act of 1940; and

15 USC 80a-2.

"(E) any company that the Board determines by regulation or order to have a relationship with the member bank or any subsidiary or affiliate of the member bank, such that covered transactions by the member bank or its subsidiary with that company may be affected by the relationship to the detriment of the member bank or its subsidiary; and

"(2) the following shall not be considered to be an affiliate:

"(A) any company, other than a bank, that is a subsidiary of a member bank, unless a determination is made under paragraph (1)(E) not to exclude such subsidiary company from the definition of affiliate;

96 STAT. 1517

"(B) any company engaged solely in holding the premises of the member bank;

"(C) any company engaged solely in conducting a safe deposit business;

"(D) any company engaged solely in holding obligations of the United States or its agencies or obligations fully guaranteed by the United States or its agencies as to principal and interest; and

"(E) any company where control results from the exercise of rights arising out of a bona fide debt previously contracted, but only for the period of time specifically authorized under applicable State or Federal law or regulation or, in the absence of such law or regulation, for a period of two years from the date of the exercise of such rights or the effective date of this Act, whichever date is later, subject, upon application, to authorization by the Board for good cause shown of extensions of time for not more than one year at a time, but such extensions in the aggregate shall not exceed three years;

"(3)(A) a company or shareholder shall be deemed to have control over another company if—

"(i) such company or shareholder, directly or indirectly, or acting through one or more other persons owns, controls, or has power to vote 25 per centum or more of any class of voting securities of the other company;

"(ii) such company or shareholder controls in any manner the election of a majority of the directors or trustees of the other company; or

"(iii) the Board determines, after notice and opportunity for hearing, that such company or shareholder, directly or indirectly, exercises a controlling influence over the management or policies of the other company; and

"(B) notwithstanding any other provision of this section, no company shall be deemed to own or control another company by virtue of its ownership or control of shares in a fiduciary capacity, except as provided in paragraph (1)(C) of this subsection or if the company owning or controlling such shares is a business trust;

"(4) the term 'subsidiary' with respect to a specified company means a company that is controlled by such specified company;

"(5) the term 'bank' includes a State bank, national bank, banking association, and trust company;

"(6) the term 'company' means a corporation, partnership, business trust, association, or similar organization and, unless specifically excluded, the term 'company' includes a 'member bank' and a 'bank';

"(7) the term 'covered transaction' means with respect to an affiliate of a member bank—

"(A) a loan or extension of credit to the affiliate;

"(B) a purchase of or an investment in securities issued by the affiliate;

"(C) a purchase of assets, including assets subject to an agreement to repurchase, from the affiliate, except such purchase of real and personal property as may be specifically exempted by the Board by order or regulation;

96 STAT. 1518

"(D) the acceptance of securities issued by the affiliate as collateral security for a loan or extension of credit to any person or company; or

"(E) the issuance of a guarantee, acceptance, or letter of credit, including an endorsement or standby letter of credit, on behalf of an affiliate;

"(8) the term 'aggregate amount of covered transactions' means the amount of the covered transactions about to be engaged in added to the current amount of all outstanding covered transactions;

"(9) the term 'securities' means stocks, bonds, debentures, notes, or other similar obligations; and

"(10) the term 'low-quality asset' means an asset that falls in any one or more of the following categories:

"(A) an asset classified as 'substandard', 'doubtful', or 'loss' or treated as 'other loans especially mentioned' in the most recent report of examination or inspection of an affiliate prepared by either a Federal or State supervisory agency;

"(B) an asset in a nonaccrual status;

"(C) an asset on which principal or interest payments are more than thirty days past due; or

"(D) an asset whose terms have been renegotiated or compromised due to the deteriorating financial condition of the obligor.

"(c) COLLATERAL FOR CERTAIN TRANSACTIONS WITH AFFILIATES.—

"(1) Each loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, an affiliate by a member bank or its subsidiary shall be secured at the time of the transaction by collateral having a market value equal to—

"(A) 100 per centum of the amount of such loan or extension of credit, guarantee, acceptance, or letter of credit, if the collateral is composed of—

"(i) obligations of the United States or its agencies;

"(ii) obligations fully guaranteed by the United States or its agencies as to principal and interest;

"(iii) notes, drafts, bills of exchange or bankers' acceptances that are eligible for rediscount or purchase by a Federal Reserve Bank; or

"(iv) a segregated, earmarked deposit account with the member bank;

"(B) 110 per centum of the amount of such loan or extension of credit, guarantee, acceptance, or letter of credit if the collateral is composed of obligations of any State or political subdivision of any State;

"(C) 120 per centum of the amount of such loan or extension of credit, guarantee, acceptance, or letter of credit if the collateral is composed of other debt instruments, including receivables; or

"(D) 130 per centum of the amount of such loan or extension of credit, guarantee, acceptance, or letter of credit if the collateral is composed of stock, leases, or other real or personal property.

"(2) Any such collateral that is subsequently retired or amortized shall be replaced by additional eligible collateral where needed to keep the percentage of the collateral value relative to the amount of the outstanding loan or extension of credit, guarantee, acceptance, or letter of credit equal to the minimum percentage required at the inception of the transaction.

96 STAT. 1519

"(3) A low-quality asset shall not be acceptable as collateral for a loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, an affiliate.

"(4) The securities issued by an affiliate of the member bank shall not be acceptable as collateral for a loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, that affiliate or any other affiliate of the member bank.

"(5) The collateral requirements of this paragraph shall not be applicable to an acceptance that is already fully secured either by attached documents or by other property having an ascertainable market value that is involved in the transaction.

"(d) EXEMPTIONS.—The provisions of this section, except paragraph (a)(4), shall not be applicable to—

"(1) any transaction, except for the purchase of a low-quality asset which is prohibited, with a bank—

"(A) which controls 80 per centum or more of the voting shares of the member bank;

"(B) in which the member bank controls 80 per centum or more of the voting shares; or

"(C) in which 80 per centum or more of the voting shares are controlled by the company that controls 80 per centum or more of the voting shares of the member bank;

"(2) making deposits in an affiliated bank or affiliated foreign bank in the ordinary course of correspondent business, subject to any restrictions that the Board may prescribe by regulation or order;

"(3) giving immediate credit to an affiliate for uncollected items received in the ordinary course of business;

"(4) making a loan or extension of credit to, or issuing a guarantee, acceptance, or letter of credit on behalf of, an affiliate that is fully secured by—

"(A) obligations of the United States or its agencies;

"(B) obligations fully guaranteed by the United States or its agencies as to principal and interest; or

"(C) a segregated, earmarked deposit account with the member bank;

"(5) purchasing securities issued by any company of the kinds described in section 4(c)(1) of the Bank Holding Company Act of 1956; 12 USC 1843.

"(6) purchasing assets having a readily identifiable and publicly available market quotation and purchased at that market quotation or purchasing loans on a non-recourse basis from affiliated banks; and

"(7) purchasing from an affiliate a loan or extension of credit that was originated by the member bank and sold to the affiliate subject to a repurchase agreement or with recourse.

"(e) Rulemaking and Additional Exemptions.—

"(1) The Board may issue such further regulations and orders, including definitions consistent with this section, as may be necessary to administer and carry out the purposes of this section and to prevent evasions thereof.

"(2) The Board may, at its discretion, by regulation or order exempt transactions or relationships from the requirements of 96 STAT. 1520 this section if it finds such exemptions to be in the public interest and consistent with the purposes of this section.".

(c) Section 23A of the Federal Reserve Act, as amended by this section, shall apply to any transaction entered into after the date of enactment of this Act, except for transactions which are the subject of a binding written contract or commitment entered into on or before July 28, 1982, and except that any renewal of a participation in a loan outstanding on July 28, 1982, to a company that becomes an affiliate as a result of the enactment of this Act, or any participation in a loan to such an affiliate emanating from the renewal of a binding written contract or commitment outstanding on July 28, 1982, shall not be subject to the collateral requirements of this Act.

12 USC 371c note.
12 USC 371c.

(d) Section 18(j) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)) is amended by striking out ", within the meaning of section 2 of the Banking Act of 1933, and". 12 USC 221a.

(e) Section 22(h)(6)(C) of the Federal Reserve Act (12 U.S.C. 375b-(6)(C)) is repealed and subparagraphs (D) through (G) of such section are redesignated as subparagraphs (C) through (F), respectively.

(f) Section 106(b)(2)(E) of the Bank Holding Company Amendments of 1970 (12 U.S.C. 1972(2)(E)) is amended by striking out "the same meaning given it in section 23A of the Federal Reserve Act" and inserting in lieu thereof "the meaning prescribed by the Board pursuant to section 22(h) of the Federal Reserve Act (12 U.S.C. 375b),".

(g) Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended by inserting "as in section 2(b) of the Banking Act of 1933 (12 U.S.C. 221a(b)) and" after "shall have the same meaning".

EXEMPTION FROM RESERVE REQUIREMENTS

SEC. 411. (a) Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end thereof the following:

"(11) ADDITIONAL EXEMPTIONS.—(A)(i) Notwithstanding the reserve requirement ratios established under paragraphs (2) and (5) of this subsection, a reserve ratio of zero per centum shall apply to any combination of reservable liabilities, which do not exceed $2,000,000 (as adjusted under subparagraph (B)), of each depository institution.

"(ii) Each depository institution may designate, in accordance with such rules and regulations as the Board shall prescribe, the types and amounts of reservable liabilities to which the reserve ratio of zero per centum shall apply, except that transaction accounts which are designated to be subject to a reserve ratio of zero per centum shall be accounts which would otherwise be subject to a reserve ratio of 3 per centum under paragraph (2).

"(iii) The Board shall minimize the reporting necessary to determine whether depository institutions have total reservable liabilities of less than $2,000,000 (as adjusted under subparagraph (B)). Consistent with the Board's responsibility to monitor and control monetary and credit aggregates, depository institutions which have reserve requirements under this subsection equal to zero per centum shall be subject to less overall reporting requirements than depository institutions which have a reserve requirement under this subsection that exceeds zero per centum.

96 STAT. 1521

Regulations.

"(B)(i) Beginning in 1982, not later than December 31 of each year, the Board shall issue a regulation increasing for the next succeeding calendar year the dollar amount specified in subparagraph (A), as previously adjusted under this subparagraph, by an amount obtained by multiplying such dollar amount by 80 per centum of the percentage increase in the total reservable liabilities of all depository institutions.

"(ii) The increase in total reservable liabilities shall be determined by subtracting the amount of total reservable liabilities on June 30 of the preceding calendar year from the amount of total reservable liabilities on June 30 of the calendar year involved. In the case of any such twelve-month period in which there has been a decrease in the total reservable liabilities of all depository institutions, no adjustment shall be made. A decrease in total reservable liabilities shall be determined by subtracting the amount of total reservable liabilities on June 30 of the calendar year involved from the amount of total reservable liabilities on June 30 of the previous calendar year.".

(b) Section 19(b)(4)(A)(iv) of the Federal Reserve Act (12 U.S.C. 461(b)(4)(A)(iv)) is amended by inserting "except as provided in paragraph (11)," after "requirement is imposed,".

"Reservable liabilities."

(c) Section 19(b)(1) of the Federal Reserve Act (12 U.S.C. 461(b)(1)) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following:

"(E) The term 'reservable liabilities' means transaction accounts, nonpersonal time deposits, and all net balances, loans, assets, and obligations which are, or may be, subject to reserve requirements under paragraph (5).".

VISITORIAL POWERS

SEC. 412. Section 5240 of the Revised Statutes (12 U.S.C. 484) is amended to read as follows:

"SEC. 5240. (a) No national bank shall be subject to any visitorial powers except as authorized by Federal law, vested in the courts of justice or such as shall be, or have been exercised or directed by Congress or by either House thereof or by any committee of Congress or of either House duly authorized.

"(b) Notwithstanding subsection (a), lawfully authorized State auditors and examiners may, at reasonable times and upon reasonable notice to a bank, review its records solely to ensure compliance with applicable State unclaimed property or escheat laws upon reasonable cause to believe that the bank has failed to comply with such laws.".

REAL ESTATE HOLDING PERIOD

SEC. 413. Section 5137 of the Revised Statutes (12 U.S.C. 29) is amended by striking out the last paragraph thereof and inserting in lieu thereof the following:

"Notwithstanding the five-year holding limitation of this section or any other provision of this title, any national banking association which on the date of enactment of this paragraph held, directly or indirectly, real estate, including any subsurface rights or interests therein, that since December 31, 1979, had not been valued on the books of such association for more than a nominal amount, may continue to hold such real estate, rights, or interests for such longer period of time as would be permitted a State chartered bank by the law of the State in which the association is located if the aggregate amount of earnings from such real estate, rights, or interests is separately disclosed in the annual financial statements of the association.". 96 STAT. 1522

PART B—FINANCIAL INSTITUTIONS REGULATORY ACT AMENDMENTS

LOAN LIMITS

SEC. 421. (a) Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) is amended by striking out "not exceeding $60,000" in paragraph (2), and by striking out ", not exceeding the aggregate amount of $20,000 outstanding at any one time," in paragraph (3).

(b) Paragraph (4) of section 22(g) of the Federal Reserve Act (12 U.S.C. 375a(4)) is amended by striking "not exceeding the aggregate amount of $10,000 outstanding at any one time" and inserting in lieu thereof "in an amount prescribed in a regulation of the member bank's appropriate Federal banking agency".

APPROVAL OF CERTAIN LOANS

SEC. 422. Paragraph (2) of section 22(h) of the Federal Reserve Act (12 U.S.C. 375b(2)) is amended by striking out "$25,000" and inserting in lieu thereof "an amount prescribed in a regulation of the appropriate Federal banking agency".

EXCLUSION OF FOREIGN BANKS

SEC. 423. Section 18(j)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(2)) is amended by adding at the end thereof the following: "The provisions of this subsection shall not apply to any foreign bank, as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)), having an insured branch in the United States, but shall apply to the insured branch.".

CIVIL MONEY PENALTIES

SEC. 424. (a) Section 19(l)(1) of the Federal Reserve Act (12 U.S.C. 505(1)); section 5(d)(8)(B)(i) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(8)(B)(i)); section 8(b)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1847(b)(1)); and section 206(j)(2)(A) of the Federal Credit Union Act (12 U.S.C. 1786(j)(2)(A)) are amended by inserting before the period at the end of the first sentence thereof the following: ": *Provided*, That the Board may, in its discretion, compromise, modify, or remit any civil money penalty which is subject to imposition or has been imposed under authority of this subsection".

(b) Section 407(k)(3)(A) of the National Housing Act (12 U.S.C. 1730(k)(3)(A)); section 408(j)(4)(A) of the National Housing Act (12 U.S.C. 1730a(j)(4)(A)); and section 18(j)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(3)(A)) are amended by inserting before the period at the end of the first sentence thereof the following: ": *Provided*, That the Corporation may, in its discretion, compromise, modify, or remit any civil money penalty which is subject to imposition or has been imposed under authority of this subsection".

96 STAT. 1523

(c) Section 29(a) of the Federal Reserve Act (12 U.S.C. 504(a)); section 8(i)(2)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(2)(i)); and section 106(b)(2)(F)(i) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)(F)(i)) are amended by inserting before the period at the end of the first sentence thereof the following: ": *Provided*, That the agency having authority to impose a civil money penalty may, in its discretion, compromise, modify, or remit any civil money penalty which is subject to imposition or has been imposed under such authority".

(d) Each of the following provisions is amended by striking the term "shall" and inserting in lieu thereof the term "may":

(1) The second sentence of section 29(a) of the Federal Reserve Act (12 U.S.C. 504(a));

(2) The second sentence of section 19(l)(1) of the Federal Reserve Act (12 U.S.C. 505(l));

(3) The second sentence of section 5239(b)(1) of the Revised Statutes (12 U.S.C. 93(b)(1));

(4) The second sentence of section 8(b)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1847(b)(1));

(5) The second sentence of section 408(j)(4)(A) of the National Housing Act (12 U.S.C. 1730a(j)(4)(A));

(6) The second sentence of section 8(i)(2)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(2)(i));

(7) The second sentence of section 407(k)(3)(A) of the National Housing Act (12 U.S.C. 1730(k)(3)(A));

(8) The second sentence of section 5(d)(8)(B)(i) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(8)(B)(i));

(9) The second sentence of section 206(j)(2)(A) of the Federal Credit Union Act (12 U.S.C. 1786(j)(2)(A));

(10) The second sentence of section 18(j)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(3)(A)); and

(11) The second sentence of section 106(b)(2)(F)(i) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)(F)(i)).

(e) Sections 29(d) and 19(l)(4) of the Federal Reserve Act (12 U.S.C. 504(d) and 505(4)), 18(j)(3)(D) and 8(i)(2)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(3)(D) and 1818(i)(2)(iv)), 407(k)(3)(D) of the National Housing Act (12 U.S.C. 1730(k)(3)(D)), 5(d)(8)(B)(iv) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(8)(B)(iv)), 206(j)(2)(D) of the Federal Credit Union Act (12 U.S.C. 1786(j)(2)(D)), and 106(b)(2)(F)(iv) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)(F)(iv)) are amended by striking out "ten days from the date" in each section and inserting in lieu thereof "twenty days from the service".

(f) Section 5239(b)(1) of the Revised Statutes (12 U.S.C. 93(b)(1)) is amended by striking out the word "chapter" and inserting in lieu thereof "title".

(g) Section 5239(b)(1) of the Revised Statutes (12 U.S.C. 93(b)(1)) is amended by inserting before ", or any regulation issued pursuant thereto," the following: "or any of the provisions of the first section of the Act of September 28, 1962 (76 Stat. 688; 12 U.S.C. 92a)".

TECHNICAL AMENDMENTS

SEC. 425. (a) Section 407(h)(1) of the National Housing Act (12 U.S.C. 1730(h)(1)) is amended—

96 STAT. 1524

(1) by striking out "persons" in the first sentence and inserting in lieu thereof "person"; and

(2) by striking out "(3)" in the last sentence and inserting in lieu thereof "(2)".

(b) The first sentence of section 8(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(3)) is amended by striking out "25A" and inserting in lieu thereof "25(a)".

(c) Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended by adding at the end thereof the following:

"(4) This subsection and subsections (c), (d), (h), (i), (k), (l), (m), and (n) of this section shall apply to any foreign bank or company to which subsection (a) of section 8 of the International Banking Act of 1978 applies and to any subsidiary (other than a bank) of any such foreign bank or company in the same manner as they apply to a bank holding company and any subsidiary thereof (other than a bank) under subparagraph (3) of this subsection. For the purposes of this paragraph, the term 'subsidiary' shall have the meaning assigned to it in section 2 of the Bank Holding Company Act of 1956.".

12 USC 3106, 1841.

(d) Section 205(2) of the Depository Institution Management Interlocks Act (12 U.S.C. 3204(2)) is amended by striking "25A" and inserting in lieu thereof "25(a)".

MANAGEMENT INTERLOCKS

SEC. 426. The Depository Institution Management Interlocks Act is amended by adding at the end thereof the following new section:

12 USC 3208.

"SEC. 210. (a) For the purpose of the exercise by the Attorney General of his enforcement functions under section 207(6) of this title, all of the functions and powers of the Attorney General under the Clayton Act are available to the Attorney General, irrespective of any jurisdictional tests in the Clayton Act, including the power to take enforcement actions in the same manner as if the violation had been a violation of the Clayton Act.

"(b) All of the functions and powers of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice are available to the Attorney General or to such Assistant Attorney General to investigate possible violations under section 207(6) of the title in the same manner as if such possible violations were possible violations of the Clayton Act.".

REMOVAL AUTHORITY

SEC. 427. (a) Section 5(d) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)) is amended—

(1) by redesignating paragraphs (4) (C) through (E) as paragraphs (4) (D) through (F), respectively, and by inserting after paragraph (4)(B) the following new paragraph:

"(C) Whenever, in the opinion of the Board, any director or officer of an association has committed a violation of the Depository Institution Management Interlocks Act (12 U.S.C. 3201 et seq.), the Board may serve upon such director or officer a written notice of its intention to remove him from office or to prohibit his further participation in any manner in the conduct of the affairs of the association.";

(2) by striking out "(A) or (B)" each place it appears in paragraphs (4)(D) and (4)(F), as redesignated, and inserting in lieu thereof "(A), (B), or (C)";

96 STAT. 1525

(3) by striking out "(E)" in the second sentence of paragraph (4)(D), as redesignated, and inserting in lieu thereof "(F)";

(4) by striking out "(C)" in paragraph (F), as redesignated, and inserting in lieu thereof "(D)";

(5) by striking out, in paragraph (5)(A), "or (C)" and inserting in lieu thereof "(C), or (D)"; and

(6) by striking out, in paragraph (12)(A), "(4)(C), (4)(D)" and inserting in lieu thereof "(4)(D), (4)(E)".

(b)(1) Section 407(g) of the National Housing Act (12 U.S.C. 1730(g)) is amended—

(A) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and by inserting after paragraph (2) the following new paragraph:

12 USC 3201 note.

"(3) Whenever, in the opinion of the Corporation, any director or officer of an insured institution has committed a violation of the Depository Institution Management Interlocks Act, the Corporation may serve upon such director or officer a written notice of its intention to remove him from office or to prohibit his further participation in any manner in the conduct of the affairs of the institution.";

(B) by striking out "or (2)" each place it appears in paragraphs (4) and (6), as redesignated, and inserting in lieu thereof ", (2) or (3)";

(C) by striking out "(5)" in paragraph (4), as redesignated, and inserting in lieu thereof "(6)"; and

(D) by striking out "(3)" in paragraph (6), as redesignated, and inserting in lieu thereof "(4)".

(2) Section 407(h)(1) of the National Housing Act (12 U.S.C. 1730(h)(1)) is amended by striking out "or (3)" in the fourth sentence and inserting in lieu thereof "(3) or (4)".

(3) Section 407(p)(1) of the National Housing Act (12 U.S.C. 1730(p)(1)) is amended by striking out "(g)(3), (g)(4)," and inserting in lieu thereof "(g)(4), (g) (5),".

(c)(1) Section 206(g) of the Federal Credit Union Act (12 U.S.C. 1786(g)) is amended—

(A) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) Whenever, in the opinion of the Board, any director, officer, or committee member of an insured credit union has committed any violation of the Depository Institution Management Interlocks Act, the Board may serve upon such director, officer, or committee member a written notice of its intention to remove him from office.";

(B) by striking out "or (2)" each place it appears in paragraphs (4) or (6), as redesignated, and inserting in lieu thereof ", (2), or (3)";

(C) by striking out "(5)" in paragraph (4), as redesignated, and inserting in lieu thereof "(6)"; and

(D) by striking out "(3)" in paragraph (6), as redesignated, and inserting in lieu thereof "(4)".

(2) Section 206(k) of the Federal Credit Union Act (12 U.S.C. 1786(k)) is amended by striking out "(3), (g)(4)" and inserting in lieu thereof "(4), (g)(5)".

96 STAT. 1526

(d) (1) Section 8(e) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)) is amended—

(A) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and by inserting after paragraph (2) the following new paragraph:

12 USC 3201 note.

"(3) Whenever, in the opinion of the appropriate Federal banking agency, any director or officer of an insured bank has committed any violation of the Depository Institution Management Interlocks Act, the agency may serve upon such director or officer a written notice of its intention to remove him from office."; and

(B) by striking out "or (2)" each place it appears in paragraph (4), as redesignated, and inserting in lieu thereof ", (2), or (3)".

(2) Section 8(f) of the Federal Deposit Insurance Act (12 U.S.C. 1818(f)) is amended by striking out "(e)(5) or (e)(7)" and "(e)(1), (e)(3), or (e)(7)" and inserting in lieu thereof "(e)(4)" and "(e)(1), (e)(2), or (e)(3)", respectively.

(3) Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended by striking out "or (3)" in the penultimate sentence and inserting in lieu thereof ", (3), or (4)".

(4) Section 8(j) of the Federal Deposit Insurance Act (12 U.S.C. 1818(j)) is amended by striking out "(e)(3), (e)(4)" and inserting in lieu thereof "(e)(4), (e)(5)".

CORRESPONDENT ACCOUNTS

Sec. 428. (a) Section 106(b)(2) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)) is amended—

(1) by inserting in subparagraph (A) after the phrase "such other bank" the phrase "or to any related interest of such person";

(2) by inserting in subparagraph (B) after the phrase "desiring to open the account" the phrase "or to any related interest of such person";

(3) by inserting in subparagraph (C) after the phrase "such other bank" the phrase "or to any related interest of such person"; and

(4) by inserting in subparagraph (D) after the phrase "another bank" the phrase "or to any related interest of such person".

(b) Section 106(b)(2)(G) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)(G)) is amended—

Rules and regulations.

(1) by striking out subparagraph (ii) and inserting in lieu thereof the following:

"(ii) The appropriate Federal banking agencies are authorized to issue rules and regulations, including definitions of terms, to require the reporting and public disclosure of information by any bank or executive officer or principal shareholder thereof concerning any extension of credit by a correspondent bank to the reporting bank's executive officers or principal shareholders, or the related interests of such persons."; and

(2) by striking out subparagraph (iii).

(c) Section 106(b)(2) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)) is amended by adding at the end thereof the following:

Definitions.

"(H) For the purpose of this paragraph—

"(i) the term 'bank' includes a mutual savings bank;

"(ii) the term 'related interests of such persons' includes any company controlled by such executive officer, director, or person, or any political or campaign committee the funds or services of which will benefit such executive officer, director, or person or which is controlled by such executive officer, director, or person; and

96 STAT. 1527

"(iii) the terms 'control of a company' and 'company' have the same meaning as under section 22(h) of the Federal Reserve Act (12 U.S.C. 375b).".

DISCLOSURE OF MATERIAL FACTS

Sec. 429. Section 7(k) of the Federal Deposit Insurance Act (12 U.S.C. 1817(k)) is amended to read as follows:

"(k) The appropriate Federal banking agencies are authorized to issue rules and regulations, including definitions of terms, to require the reporting and public disclosure of information by a bank or any executive officer or principal shareholder thereof concerning extensions of credit by the bank to any of its executive officers or principal shareholders, or the related interests of such persons.".

EFFECTIVE DATE OF REPORTING PROVISIONS

12 USC 1817 note.

Sec. 430. The provision of law amended by section 428(b) and section 429 shall remain in effect until the regulations referred to in such amendments become effective.

TECHNICAL AMENDMENT

SEC. 431. Section 1006(b)(2) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305(b)(2)) is amended by striking out "unaccepted" and inserting in lieu thereof "unacceptable".

RIGHT TO FINANCIAL PRIVACY ACT AMENDMENTS

SEC. 432. (a) Section 1112 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412) is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding section 1101(6) or any other provision of this title, the exchange of financial records or other information with respect to a financial institution among and between the five member supervisory agencies of the Federal Financial Institutions Examination Council is permitted.".

(b) Section 1114(b)(2) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(b)(2)) is amended by striking out "of" following the term "institution".

MISCELLANEOUS AMENDMENTS

SEC. 433. (a) Section 8(q) of the Federal Deposit Insurance Act (12 U.S.C. 1818(q)) is amended by placing a period after the phrase "six-month period" in the first sentence and striking the remainder of that sentence.

(b) Section 4(a)(2) of the Bank Holding Company Act of 1956 (18 U.S.C. 1843(a)(2)) is amended by striking out "December 31, 1982" in the last paragraph and inserting in lieu thereof "December 31,
96 STAT. 1528 1984".

TITLE V—AMENDMENTS TO THE FEDERAL CREDIT UNION ACT

CUSTODIAL ACCOUNTS

SEC. 501. Section 101(5) of the Federal Credit Union Act (12 U.S.C. 1752(5)) is amended by inserting ", and such terms mean custodial accounts established for loans sold in whole or in part pursuant to section 107(13)" after "section 207 of this Act".

AUDIT OF NATIONAL CREDIT UNION AMINISTRATION

SEC. 502. Section 102(f) of the Federal Credit Union Act (12 U.S.C. 1752a(f)) is amended by striking out "on a calendar year basis".

ORGANIZATIONAL PROCESS

SEC. 503. Section 103 of the Federal Credit Union Act (12 U.S.C. 1753) is amended by striking out "subscribe" and inserting in lieu thereof "each subscribe either individually or collectively".

PAR VALUE OF SHARES

SEC. 504. Section 103(4) of the Federal Credit Union Act (12 U.S.C. 1753(4)) is amended by inserting "initial" before "par value" and by striking out ", which shall be $5 each".

INVESTMENT OF FEES

SEC. 505. Section 105 of the Federal Credit Union Act (12 U.S.C. 1755) is amended by adding at the end thereof the following new subsection:

"(e)(1) Upon request of the Board, the Secretary of the Treasury shall invest and reinvest such portions of the annual operating fees deposited under subsection (d) as the Board determines are not needed for current operations.

"(2) Such investments may be made only in interest bearing securities of the United States with maturities requested by the Board bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

"(3) All income derived from such investments and reinvestments shall be deposited to the account of the Administration described in subsection (d).".

TECHNICAL AMENDMENT

SEC. 506. Section 107(5)(A) of the Federal Credit Union Act (12 U.S.C. 1757(5)) is amended by striking out the period at the end of clause (ix) and inserting in lieu thereof a semicolon and by adding at the end thereof the following:

> "(x) loans must be approved by the credit committee or a loan officer, but no loan may be made to any member if, upon the making of that loan, the member would be indebted to the Federal credit union upon loans made to him in an aggregate amount which would exceed 10 per centum of the credit union's unimpaired capital and surplus.".

96 STAT. 1530

REAL ESTATE LENDING; MAXIMUM MATURITY

SEC. 507. Section 107(5)(A)(i) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(i)) is amended by inserting "or such other limits as shall be set by the National Credit Union Association Board" after "not exceeding thirty years.".

REAL ESTATE LENDING; MEDIAN PRICE RULE

SEC. 508. Section 107(5)(A)(i) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(i)) is amended by striking out "the sales price of which is not more than 150 per centum of the median sales price of residential real property situated in the geographical area (as determined by the board of directors) in which the property is located,".

REAL ESTATE LENDING; REFINANCING

SEC. 509. Section 107(5)(A)(i) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(i)) is amended by striking out "which is made to finance the acquisition of" and inserting in lieu thereof "on" and by striking out "for" the first time it appears and inserting in lieu therof "that is or will be".

REAL ESTATE LENDING; SECOND MORTGAGES

SEC. 510. Section 107(5)(A)(ii) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(ii)) is amended to read as follows:

> "(ii) a loan to finance the purchase of a mobile home, which shall be secured by a first lein on such mobile home, to be used by the credit union member as his residence, or a second mortgage loan secured by a residential dwelling which is the residence of a credit union member shall have a maturity not to exceed fifteen years unless such loan is insured or guaranteed as provided in subparagraph (iii);".

TERMS OF GUARANTEED LOANS

SEC. 511. Section 107(5)(A)(iii) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(iii)) is amended to read as follows:

> "(iii) a loan secured by the insurance or guarantee of, or with advance commitment to purchase the loan by, the Federal Government, a State government, or any

agency of either may be made for the maturity and under the terms and conditions specified in the law under which such insurance, guarantee, or commitment is provided;".

LOANS TO DIRECTORS OR COMMITTEE MEMBERS

SEC. 512. Sections 107(5)(A) (iv) and (v) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A) (iv) and (v)) are amended by striking out "$5,000" and inserting in lieu thereof "$10,000".

REAL ESTATE LENDING; PARTIAL PAYMENTS

96 STAT. 1530

SEC. 513. Section 107(5)(A)(viii) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(viii)) is amended by inserting before the semicolon at the end thereof the following: ", except that on a first or second mortgage loan a Federal credit union may require that any partial prepayments (I) be made on the date monthly installments are due, and (II) be in the amount of that part of one or more monthly installments which would be applicable to principal".

INVESTMENT IN STATE AND LOCAL GOVERNMENT OBLIGATIONS

SEC. 514. Section 107(7) of the Federal Credit Union Act (12 U.S.C. 1757(7)) is amended by adding at the end thereof the following: "(L) investments in obligations of, or issued by, any State or political subdivision thereof (including any agency, corporation, or instrumentality of a State or political subdivision), except that no credit union may invest more than 10 per centum of its unimpaired capital and surplus in the obligations of any one issuer (exclusive of general obligations of the issuer); and".

USE OF SPACE AND FACILITIES

SEC. 515. Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended by adding at the end thereof the following: "For the purpose of this section, the term 'services' includes, but is not limited to, the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone service (including installation lines and equipment and other expenses associated with telephone service), and security systems (including installation and other expenses associated with security systems). Where there is an agreement for the payment of costs associated with the provision of space or services, nothing in title 31, United States Code, or any other provision of law, shall be construed to prohibit or restrict payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.".

INVESTMENT IN SECONDARY MARKET INSTRUMENTS

SEC. 516. Section 107(7)(E) of the Federal Credit Union Act (12 U.S.C. 1757(7)(E)) is amended by inserting after the last semicolon the following: "or in obligations, participations, securities, or other instruments of, or issued by, or fully guaranteed as to principal and interest by any other agency of the United States and a Federal credit union may issue and sell securities which are guaranteed pursuant to section 306(g) of the National Housing Act;". 12 USC 1721.

DEPOSITS IN OUT-OF-STATE INSURED STATE BANKS

SEC. 517. Section 107(8) of the Federal Credit Union Act (12 U.S.C. 1757(8)) is amended by inserting after "in which the Federal credit union does business," the following: "or in banks or institutions the accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation,".

MONEY TRANSFER SERVICES

SEC. 518. Section 107(12) of the Federal Credit Union Act (12 U.S.C. 1757(12)) is amended—

(1) by striking out "and money orders" and inserting in lieu thereof ", money orders, and other similar money transfer instruments"; and

96 STAT. 1531

(2) by striking out all after "for a fee" and inserting in lieu thereof a semicolon.

ANNUAL MEETINGS

SEC. 519. Section 110 of the Federal Credit Union Act (12 U.S.C. 1760) is amended to read as follows:

"MEMBERS' MEETINGS

"SEC. 110. The fiscal year of all Federal credit unions shall end December 31. The annual meeting of each Federal credit union shall be held at such place as its bylaws shall prescribe. Special meetings may be held in the manner indicated in the bylaws. No member shall be entitled to vote by proxy, but a member other than a natural person may vote through an agent designated for the purpose. Irrespective of the number of shares held, no member shall have more than one vote.".

TECHNICAL WORDING CHANGES IN MANAGEMENT AUTHORITY

SEC. 520. Section 111 of the Federal Credit Union Act (12 U.S.C. 1761) is amended to read as follows:

"MANAGEMENT

"SEC. 111. (a) The management of a Federal credit union shall be by a board of directors, a supervisory committee, and where the bylaws so provide, a credit committee. The board shall consist of an odd number of directors, at least five in number, to be elected annually by and from the members as the bylaws provide. Any vacancy occurring on the board shall be filled until the next annual election by appointment by the remainder of the directors.

"(b) The supervisory committee shall be appointed by the board of directors and shall consist of not less than three members nor more than five members, one of whom may be a director other than the compensated officer of the board. A record of the names and addresses of the executive officers, members of the supervisory committee, credit committee, and loan officers, shall be filed with the Administration within ten days after their election or appointment.

"(c) No member of the board or of any other committee shall, as such, be compensated, except that reasonable health, accident, similar insurance protection, and the reimbursement of reasonable expenses incurred in the execution of the duties of the position shall not be considered compensation.".

ELIMINATION OF SPECIFIC REFERENCE TO THE TITLES OF THE OFFICERS OF THE BOARD

SEC. 521. Section 112 of the Federal Credit Union Act (12 U.S.C. 1761(a)) is amended to read as follows:

12 USC 1761a.

96 STAT. 1532

"OFFICERS OF THE BOARD

"SEC. 112. At their first meeting after the annual meeting of the members, the directors shall elect from their number the board officers specified in the bylaws. Only one board officer may be compensated as an officer of the board and the bylaws shall specify such position as well as the specific duties of each of the board officers. The board shall elect from their number a financial officer who shall give bond with good and sufficient surety, in an amount and character to be determined by the board of directors in compliance with regulations prescribed from time to time by the Board conditioned upon the faithful performance of the officer's trust.".

CLARIFICATION OF BOARD OF DIRECTOR'S DUTIES

SEC. 522. Section 113 of the Federal Credit Union Act (12 U.S.C. 1761b) is amended to read as follows:

"BOARD OF DIRECTORS; MEETINGS; POWERS AND DUTIES; EXECUTIVE COMMITTEE; MEMBERSHIP OFFICERS; MEMBERSHIP APPLICATIONS

"SEC. 113. The board of directors shall meet at least once a month and shall have the general directions and control of the affairs of the Federal credit union. Minutes of all meetings shall be kept. Among other things, the board of directors shall—

"(1) act upon applications for membership or appoint membership officers from among the members of the board of directors, other than the board member paid as an officer, the financial board officer, any assistant to the paid officer of the board or to the financial officer, or any loan officer;

"(2) require any officer or employee having custody of or handling funds to give bond with good and sufficient surety in an amount and character in compliance with regulations of the Board, and authorize the payment of the premium or premiums therefor from the funds of the Federal credit unions;

"(3) fill vacancies on the board of directors until successors elected at the next annual meeting have qualified;

"(4) if the bylaws provide for an elected credit committee, fill vacancies on the credit committee until successors elected at the next annual meeting have qualified;

"(5) appoint the members of the supervisory committee and, if the bylaws so provide, appoint the members of the credit committee;

"(6) have charge of investments including the right to designate an investment committee of not less than two to act on its behalf;

"(7) determine the maximum number of shares, share certificates, and share draft accounts, and the classes of shares, share certificates, and share draft accounts;

"(8) subject to any limitations of this subchapter, determine the interest rates on loans, the security, and the maximum amount which may be loaned and provided in lines of credit;

"(9) authorize interest refunds to members of record at the close of business on the last day of any dividend period from income earned and received in proportion to the interest paid them during that dividend period;

96 STAT. 1533

"(10) if the bylaws so provide, appoint one or more loan officers and delegate to these officers the power to approve or disapprove loans, lines of credit, or advances from lines of credit;

"(11) establish the par value of the share;

"(12) subject to the limitations of this title and the bylaws of the credit union, provide for the hiring and compensation of officers and employees;

"(13) if the bylaws so provide, appoint an executive committee of not less than three directors to act on its behalf and any other committees to which it can delegate specific functions;

"(14) prescribe conditions and limitations for any committee which it appoints;

"(15) review at each monthly meeting a list of approved or pending applications for membership received since the previous monthly meetings together with such other related information as it or the bylaws require;

"(16) provide for the furnishing of the written reasons for any denial of a membership application to the applicant upon the written request of the applicant;

"(17) in the absence of a credit committee, and upon the written request of a member, review a loan application denied by a loan officer;

"(18) declare the dividend rate to be paid on shares, share certificates, and share draft accounts pursuant to the terms and conditions of section 117;

Post, p. 1534.

"(19) establish and maintain a system of internal controls consistent with the regulations of the Board;

"(20) establish lending policies; and

"(21) do all other things that are necessary and proper to carry out all the purposes and powers of the Federal credit union, subject to regulations issued by the Board.".

OPTIONAL CREDIT COMMITTEE

SEC. 523. Section 114 of the Federal Credit Union Act (12 U.S.C. 1761c) is amended to read as follows:

"CREDIT COMMITTEE

"SEC. 114. (a) If the bylaws provide for a credit committee, then pursuant to the provisions of the bylaws, the board of directors may appoint or the members may elect a credit committee which shall consist of an odd number of members of the credit union, but which shall not include more than one loan officer. The method used shall be set forth in the bylaws. The credit committee shall hold such meetings as the business of the Federal credit union may require, not less frequently than once a month, to consider applications for loans or lines of credit. Reasonable notice of such meetings shall be given to all members of the committee. Except for those loans or lines of credit required to be approved by the board of directors in section 107(5) of this Act, approval of an application shall be by majority of the committee who are present at the meeting at which it is considered provided that a majority of the full committee is present. The credit committee may appoint and delegate to loan officers the authority to approve applications.

Ante, pp. 1528, 1529.

96 STAT. 1534

"(b) If the bylaws provide for a credit committee, all applications not approved by the loan officer shall be reviewed by the credit committee, and the approval of a majority of the members who are present at the meeting when such review is undertaken shall be required to reverse the loan officer's decision provided a majority of the full committee is present. If there is not a credit committee, a member shall have the right upon written request of review by the board of directors of a loan application which has been denied. No individual shall have authority to disburse funds of the Federal credit union with respect to any loan or line of credit for which the application has been approved by him in his capacity as a loan officer.".

REQUIREMENT THAT CREDIT UNION PAY ON ALL DOLLARS AFTER PURCHASE OF FULL SHARE

SEC. 524. Section 117 of the Federal Credit Union Act (12 U.S.C. 1763) is amended to read as follows:

"DIVIDENDS

"SEC. 117. At such intervals as the board of directors may authorize, and after provision for required reserves, the board of directors may declare, pursuant to such regulations as may be issued by the Board, a dividend to be paid at different rates on different types of shares, at different rates and maturity dates in the case of share certificates, and at different rates on different types of share draft accounts. Dividends credited may be accrued on various types of shares, share certificates, and share draft accounts as authorized by the board of directors. If the par value of a share exceeds $5, dividends shall be paid on all funds in the regular share account once a full share has been purchased.".

NONPARTICIPATION

SEC. 525. Section 118 of the Federal Credit Union Act (12 U.S.C. 1764) is amended to read as follows:

"EXPULSION AND WITHDRAWAL

"SEC. 118. (a) Subject to subsection (b) of this section, a member may be expelled by a two-thirds vote of the members of a Federal credit union present at a special meeting called for the purpose, but only after opportunity has been given him to be heard.

"(b) The board of directors of a Federal credit union may, by majority vote of a quorum of directors, adopt a policy with respect to expulsion from membership based on nonparticipation by a member in the affairs of the credit union. In establishing its policy, the board should consider a member's failure to vote in annual credit union elections or failure to purchase shares from, obtain a loan from, or lend to the Federal credit union. If such a policy is adopted, written notice of the policy as adopted and the effective date of such policy shall be mailed to each member of the credit union at the member's current address appearing on the records of the credit union not less than thirty days prior to the effective date of such policy. In addition, each new member shall be provided written notice of any such policy prior to or upon applying for membership. 96 STAT. 1535

"(c) Withdrawal or expulsion of a member pursuant to either subsection (a) or (b) of this section shall not operate to relieve him from liability to the Federal credit union. The amount to be paid a withdrawing or expelled member by a Federal credit union shall be determined and paid in a manner specified in the bylaws.".

NATIONAL CREDIT UNION ADMINISTRATION BOARD'S REGULATORY AUTHORITY

SEC. 526. Section 120(a) of the Federal Credit Union Act (12 U.S.C. 1766(a)) is amended by adding at the end thereof the following: "Any central credit union chartered by the Board shall be subject to such rules, regulations, and orders as the Board deems appropriate and, except as otherwise specifically provided in such rules, regulations, or orders, shall be vested with or subject to the same rights, privileges, duties, restrictions, penalties, liabilities, conditions, and limitations that would apply to all Federal credit unions under this Act.".

CHARTER CONVERSION

SEC. 527. Section 125(a)(1) of the Federal Credit Union Act (12 U.S.C. 1771(a)(1)) is amended by striking out the last sentence and inserting in lieu thereof the following: "Approval of the proposition for conversion shall be by the affirmative vote of a majority of the members of the credit union who vote on the proposal. The written notice of the proposition shall in boldface type state that the issue will be decided by a majority of the members who vote.".

ELIMINATION OF DISCRIMINATORY INSURANCE PREMIUM ASSESSMENT FOR DEPOSITS OF STATE CHARTERED CREDIT UNIONS

SEC. 528. Section 202(h)(3) of the Federal Credit Union Act (12 U.S.C. 1782(h)(3)) is amended to read as follows: "Members accounts."

"(3) the term 'members accounts' when applied to the premium charge for insurance of accounts shall not include amounts received from other credit unions, the accounts of which are federally insured or insured or guaranteed by a fund established under State law or regulation for this purpose, in excess of the insured account limit set forth in section 207(c)(1);".

ELIMINATION OF PARTIAL INSURANCE PREMIUMS AND REBATES

SEC. 529. Section 202(c) of the Federal Credit Union Act (12 U.S.C. 1782(c)) is amended by striking out paragraphs (3) and (6) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

AUTHORIZATION FOR FUND TO BORROW FROM CLF

SEC. 530. Section 203 of the Federal Credit Union Act (12 U.S.C. 1783) is amended by adding at the end thereof the following:

"(f) In addition to the authority to borrow from the Secretary of the Treasury provided in subsection (d), if in the judgment of the Board, a loan to the fund is required at any time for carrying out the purposes of this title, the fund is authorized to borrow from the National Credit Union Administration Central Liquidity Facility.". 96 STAT. 1536

CENTRAL LIQUIDITY FACILITY LENDING AND INVESTMENT AUTHORITY

SEC. 531. Section 307(a) of the Federal Credit Union Act (12 U.S.C. 1795f(a)) is amended—

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(17) exercise such incidental powers as shall be necessary or requisite to enable it to carry out effectively the purposes for which the facility is incorporated; and

"(18) advance funds to the National Credit Union Share Insurance Fund under such terms and conditions as may be established by the Board.".

CENTRAL LIQUIDITY FACILITY AS AGENT OF FEDERAL RESERVE SYSTEM

SEC. 532. Title III of the Federal Credit Union Act (12 U.S.C. 1795 through 1795i) is amended by adding at the end thereof the following:

"AGENT OF THE FEDERAL RESERVE SYSTEM

"SEC. 311. The facility is authorized to act upon the request of the Board of Governors of the Federal Reserve System as an agent of the Federal Reserve System in matters pertaining to credit unions under such terms and conditions as may be established by the Board of Governors of the Federal Reserve System.". 12 USC 1795j.

STUDY OF DIRECTORS' COMPENSATION

SEC. 533. The national Credit Union Administration Board shall conduct a study to determine the feasibility and desirability of permitting Federal credit unions to compensate members of their boards of directors. A report containing the results of such study shall be transmitted to the Congress not later than 6 months after the date of enactment of this Act.

TITLE VI—PROPERTY, CASUALTY, LIFE INSURANCE ACTIVITIES OF BANK HOLDING COMPANIES

AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956

SEC. 601. Section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ", but for purposes of this subsection it is not closely related to banking or managing or controlling banks for a bank holding company to provide insurance as a principal, agent, or broker except (A) where the insurance is limited to assuring repayment of the outstanding balance due on a specific extension of credit by a bank holding company or its subsidiary in the event of the death, disability, or involuntary unemployment of the debtor; (B) in the case of a finance company which is a subsidiary of a bank holding company, where the insurance is also limited to assuring repayment of the outstanding balance on an extension of credit in the event of loss or damage to any property used as collateral on such extention of credit and,
96 STAT. 1537 during the period beginning on the date of the enactment of this subparagraph and ending on December 31, 1982, such extension of credit is not more than $10,000 ($25,000 in the case of an extension of credit which is made to finance the purchase of a residential manufactured home and which is secured by such residential manufactured home) and for any given year after 1982, such extension of credit is not more than an amount equal to $10,000 ($25,000 in the case of an extension of credit which is made to finance the purchase of a residential manufactured home and which is secured by such residential manufactured home) increased by the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published monthly by the Bureau of Labor Statistics for the period beginning on January 1, 1982, and ending on December 31 of the year preceding the year in which such extension of credit is made; (C) any insurance agency activity in a place that (i) has a population not exceeding five thousand (as shown by the last preceding decennial census), or (ii) the bank holding company, after notice and opportunity for a hearing, demonstrates has inadequate insurance agency facilities; (D) any insurance agency activity which was engaged in by the bank holding company or any of its subsidiaries on May 1, 1982, or which the Board approved for such company or any of its subsidiaries on or before May 1, 1982, including (i) sales of insurance at new locations of the same bank holding company or the same subsidiary or subsidiaries with respect to which insurance was sold on May 1, 1982, or approved to be sold on or before May 1, 1982, if such new locations are confined to the State in which the principal place of business of the bank holding company is located, any State or States immediately adjacent to such State, and any State or States in which insurance activities were conducted by the bank holding company or any of its subsidiaries on May 1, 1982, or were approved to be conducted by the bank holding company or any of its subsidiaries on or before May 1, 1982, and (ii) sales of insurance coverages which may become available after May 1, 1982, so long as those coverages insure against the same types of risks as, or are otherwise functionally equivalent to, coverages sold on May 1, 1982, or approved to be sold on or before May 1, 1982 (for purposes of this subparagraph, activities engaged in or approved by the Board on May 1, 1982, shall include activities carried on subsequent to that

date as the result of an application to engage in such activities pending on May 1, 1982, and approved subsequent to that date or of the acquisition by such company pursuant to a binding written contract entered into on or before May 1, 1982, of another company engaged in such activities at the time of the acquisition); (E) any insurance activity where the activity is limited solely to supervising on behalf of insurance underwriters the activities of retail insurance agents who sell (i) fidelity insurance and property and casualty insurance on the real and personal property used in the operations of the bank holding company or any of its subsidiaries, and (ii) group insurance that protects the employees of the bank holding company or any of its subsidiaries; (F) any insurance agency activity engaged in by a bank holding company, or any of its subsidiaries, which bank holding company has total assets of $50,000,000 or less; or (G) where the activity is performed, or shares of the company involved are owned, directly or indirectly, by a bank holding company which is registered with the Board of Governors of the Federal Reserve System and which, prior to January 1, 1971, was engaged, directly or indirectly, in insurance agency activities as a consequence of approval by the Board prior to January 1, 1971: *Provided, however*, 96 STAT. 1538 That such bank holding company and its subsidiaries may not engage in the sale of life insurance or annuities except as provided in subparagraph (A), (B), or (C).".

TITLE VII—MISCELLANEOUS

AMENDMENT TO THE TRUTH IN LENDING ACT

SEC. 701. (a) Section 104 of the Truth in Lending Act (15 U.S.C. 1601) is amended by adding at the end thereof the following: 15 USC 1603.

"(6) Loans made, insured, or guaranteed pursuant to a program authorized by title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).".

(b) Loans made, insured, or guaranteed pursuant to a program authorized by title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) shall not be subject to any disclosure requirements of 20 USC 1099. any State law.

(c) The amendment made by subsection (a) and subsection (b) shall 15 USC 1603 be effective both with respect to loans made prior to and after the note. date of enactment of this Act.

DEFINITION OF CREDITOR

SEC. 702. (a) Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended to read as follows:

"(f) The term 'creditor' refers only to a person who both (1) regularly extends, whether in connection with loans, sales of property or services, or otherwise, consumer credit which is payable by agreement in more than four installments or for which the payment of a finance charge is or may be required, and (2) is the person to whom the debt arising from the consumer credit transaction is initially payable on the face of the evidence of indebtedness or, if there is no such evidence of indebtedness, by agreement. Notwithstanding the preceding sentence, in the case of an open-end credit plan involving a credit card, the card issuer and any person who honors the credit card and offers a discount which is a finance charge are creditors. For the purpose of the requirements imposed under chapter 4 and sections 127(a)(5), 127(a)(6), 127(a)(7), 127(b)(1), 15 USC 1637. 127(b)(2), 127(b)(3), 127(b)(8), and 127(b)(10) of chapter 2 of this title, the term 'creditor' shall also include card issuers whether or not the amount due is payable by agreement in more than four installments or the payment of a finance charge is or may be required, and the Board shall, by regulation, apply these requirements to such card issuers, to the extent appropriate, even though the requirements are by their terms applicable only to creditors offering open-end credit plans.".

15 USC 1602 note.

(b) The amendment made by subsection (a) shall take effect on the effective date of title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980.

INDUSTRIAL BANKS ELIGIBILITY FOR FDIC INSURANCE

SEC. 703. (a) Section 3(a) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)) is amended by inserting "industrial bank or similar financial institution which the Board of Directors finds to be operating substantially in the same manner as an industrial bank," before "or other banking institution".

(b) Section 3(l)(1) of such Act (12 U.S.C. 1813(l)(1)) is amended by inserting "thrift certificate, investment certificate, certificate of indebtedness, or other similar name," before "or a check or draft drawn against a deposit account".

(c) Section 5(a) of such Act (12 U.S.C. 1815(a)) is amended by adding at the end thereof the following: "Before approving the application of any industrial bank or similar financial institution, the Board of Directors shall determine that it is chartered and operating under laws providing for examination, supervision, and liquidation substantially comparable to those applicable to banks operating in the same State.".

(d) Section 109(b)(2) of title 11, United States Code, is amended by striking out "or" before "credit union", and by inserting ", or industrial bank or similar institution which is an insured bank as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h))" after "credit union".

APPLICABILITY OF THE INTERNATIONAL BANKING ACT OF 1978

SEC. 704. Section 8(c) of the International Banking Act of 1978 (12 U.S.C. 3106(c)) is amended by inserting in the first sentence immediately after the words "on the date of enactment of this Act" the following: "or on the date of the establishment of a branch in a State an application for which was filed on or before July 26, 1978".

SECURITIES ACTIVITIES UNDER THE INTERNATIONAL BANKING ACT OF 1978

SEC. 705. (a) The last sentence of section 8(c) of the International Banking Act of 1978 (12 U.S.C. 3106(c)) is amended by striking out all after "company, and" and inserting in lieu thereof the following: "the term 'domestically-controlled affiliate covered in 1978' shall mean an affiliate organized under the laws of the United States or any State thereof if (i) no foreign bank or group of foreign banks acting in concert owns or controls, directly or indirectly, 45 per centum or more of its voting shares, and (ii) no more than 20 per centum of the number of directors as established from time to time to constitute the whole board of directors and 20 per centum of the executive officers of such affiliate are persons affiliated with any such foreign bank. For the purpose of the preceding sentence, the term 'persons affiliated with any such foreign bank' shall mean (A) any person who is or was an employee, officer, agent, or director of such foreign bank or who otherwise has or had such a relationship with such foreign bank that would lead such person to represent the interests of such foreign bank, and (B) in the case of any director of such domestically controlled affiliate covered in 1978, any person in favor of whose election as a director votes were cast by less than two-thirds of all shares voting in connection with such election other than shares owned or controlled, directly or indirectly, by any such foreign bank.".

(b) The second sentence of section 8(c) of such Act is amended to read as follows: "Notwithstanding subsection (a) of this section, a foreign bank or company referred to in this subsection may retain ownership or control of any voting shares (or, where necessary to prevent dilution of its voting interest, acquire additional voting shares) of any domestically-controlled affiliate covered in 1978 which since July 26, 1978, has engaged in the business of underwriting, distributing, or otherwise buying or selling stocks, bonds, and other securities in the United States, notwithstanding that such affiliate acquired after July 26, 1978, an interest in, or any or all of the assets of, a going concern, or commences to engage in any new activity or activities.". 96 STAT. 1540

NOW ACCOUNTS FOR PUBLIC FUNDS

SEC. 706. (a) Section 2(a)(2) of Public Law 93-100 (12 U.S.C. 1832(a)(2)) is amended by inserting before the period at the end thereof the following: ", and with respect to deposits of public funds by an officer, employee, or agent of the United States, any State, county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States, or any political subdivision thereof".

(b) Section 205(f)(2) of the Federal Credit Union Act (12 U.S.C. 1785(f)(2)) is amended by inserting before the period at the end thereof the following: ", and with respect to deposits of public funds by an officer, employee, or agent of the United States, any State, county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States, or any political subdivision thereof".

FEDERAL NATIONAL MORTGAGE ASSOCIATION

SEC. 707. (a) Section 303(a) of the Federal National Mortgage Association Charter Act is amended— 12 USC 1718.

(1) by inserting after the first sentence the following: "The corporation may have preferred stock on such terms and conditions as the board of directors shall prescribe."; and

(2) by striking out "common" in the last sentence thereof.

(b) Section 304(e) of such Act is amended by striking out the fourth sentence. 12 USC 1719.

RESERVE REQUIREMENT PHASE-IN

SEC. 708. Section 19(b)(8)(D) of the Federal Reserve Act (12 U.S.C. 461(b)(8)(D)) is amended—

(1) by striking out clause (i) and inserting in lieu thereof the following:

"(i) Any bank which was a member bank on July 1, 1979, and which withdrew from membership in the Federal Reserve System during the period beginning July 1, 1979, and ending on March 31, 1980, shall maintain reserves during the first twelve-month period beginning on the date of enactment of this clause in amounts equal to one-half of those otherwise required by this subsection, during the second such twelve-month period in amounts equal to two-thirds of those otherwise required, and during the third such twelve-month period in amounts equal to five-sixths of those otherwise required."

(2) in clause (ii) by striking the words "on or".

BANK SERVICE CORPORATIONS

SEC. 709. The Bank Service Corporation Act (12 U.S.C. 1861 et seq.) is amended to read as follows: 96 STAT. 1541

"SHORT TITLE AND DEFINITIONS

"SECTION 1. (a) This Act may be cited as the 'Bank Service Corporation Act'. 12 USC 1861.

"(b) For the purpose of this Act—

"(1) the term 'appropriate Federal banking agency' shall have the meaning provided in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q));

"(2) the term 'bank service corporation' means a corporation organized to perform services authorized by this Act, all of the capital stock of which is owned by one or more insured banks;

"(3) the term 'Board' means the Board of Governors of the Federal Reserve System;

"(4) the term 'depository institution' means an insured bank, or another financial institution subject to examination by the Federal Home Loan Bank Board or the National Credit Union Administration Board;

"(5) the term 'insured bank' shall have the meaning provided in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h));

"(6) the term 'invest' includes any advance of funds to a bank service corporation, whether by the purchase of stock, the making of a loan, or otherwise, except a payment for rent earned, goods sold and delivered, or services rendered prior to the making of such payment; and

"(7) the term 'principal investor' means the insured bank that has the largest dollar amount invested in the capital stock of a bank service corporation. In any case where two or more insured banks have equal dollar amounts invested in a bank service corporation, the corporation shall, prior to commencing operations, select one of the insured banks as its principal investor and shall notify the bank's appropriate Federal banking agency of that choice within 5 business days of its selection.

"AMOUNT OF INVESTMENT IN BANK SERVICE CORPORATION

12 USC 1862.

"SEC. 2. Notwithstanding any limitation or prohibition otherwise imposed by any provision of law exclusively relating to banks, an insured bank may invest not more than 10 per centum of paid-in and unimpaired capital and unimpaired surplus in a bank service corporation. No insured bank shall invest more than 5 per centum of its total assets in bank service corporations.

"PERMISSIBLE BANK SERVICE CORPORATION ACTIVITIES FOR DEPOSITORY INSTITUTIONS

12 USC 1863.

"SEC. 3. Without regard to the provisions of sections 4 and 5 of this Act, an insured bank may invest in a bank service corporation that performs, and a bank service corporation may perform, the following services only for depository institutions: check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a depository institution.

96 STAT. 1542

"PERMISSIBLE BANK SERVICE CORPORATION ACTIVITIES FOR OTHER PERSONS

12 USC 1864.

"SEC. 4. (a) A bank service corporation may provide to any person any service authorized by this section, except that a bank service corporation shall not take deposits.

"(b) Except with the prior approval of the Board under section 5(b) of this Act in accordance with subsection (f) of this section—

"(1) a bank service corporation shall not perform the services authorized by this section in any State other than that State in which its shareholders are located; and

"(2) all insured bank shareholders of a bank service corporation shall be located in the same State.

"(c) A bank service corporation in which a State bank is a shareholder shall perform only those services that such State bank shareholder is authorized to perform under the law of the State in which such State bank operates and shall perform such services only at locations in the State in which such State bank shareholder could be authorized to perform such services.

"(d) A bank service corporation in which a national bank is a shareholder shall perform only those services that such national bank shareholder is authorized to perform under this Act and shall perform such services only at locations in the State at which such national bank shareholder could be authorized to perform such services.

"(e) A bank service corporation that has both national bank and State bank shareholders shall perform only those services that may lawfully be performed by both its national bank shareholder or shareholders under this Act and its State bank shareholder or shareholders under the law of the State in which such State bank or banks operate and shall perform such services only at locations in the State at which both its State bank and national bank shareholders could be authorized to perform such services.

"(f) Notwithstanding the other provisions of this section or any other provision of law, other than the provisions of Federal and State branching law regulating the geographic location of banks to the extent that those laws are applicable to an activity authorized by this subsection, a bank service corporation may perform at any geographic location any service, other than deposit taking, that the Board has determined, by regulation, to be permissible for a bank holding company under section 4(c)(8) of the Bank Holding Company Act. 12 USC 1842.

"PRIOR APPROVAL FOR INVESTMENTS IN BANK SERVICE CORPORATIONS

"SEC. 5. (a) No insured bank shall invest in the capital stock of a bank service corporation that performs any service under authority of subsection (c), (d), or (e) of section 4 of this Act without the prior approval of the bank's appropriate Federal banking agency. 12 USC 1865.

"(b) No insured bank shall invest in the capital stock of a bank service corporation that performs any service under authority of section 4(f) of this Act and no bank service corporation shall perform any activity under section 4(f) of this Act without the prior approval of the Board.

"(c) In determining whether to approve or deny any application for prior approval under this section, the Board or the appropriate Federal banking agency, as the case may be, is authorized to consider the financial and managerial resources and future prospects of the bank or banks and bank service corporation involved, including the financial capability of the bank to make a proposed investment under this Act, and possible adverse effects such as undue concentration of resources, unfair or decreased competition, conflicts of interest, or unsafe or unsound banking practices.

96 STAT. 1543

"(d) In the event the Board or the appropriate Federal banking agency, as the case may be, fails to act on any application under this section within ninety days of the submission of a complete application to the agency, the application shall be deemed approved.

"SERVICES TO NONSTOCKHOLDERS

"SEC. 6. No bank service corporation shall unreasonably discriminate in the provision of any services authorized under this Act to any depository institution that does not own stock in the service corporation on the basis of the fact that the nonstockholding institution is in competition with an institution that owns stock in the bank service corporation, except that— 12 USC 1866.

"(1) it shall not be considered unreasonable discrimination for a bank service corporation to provide services to a nonstockholding institution only at a price that fully reflects all of the costs of offering those services, including the cost of capital and a reasonable return thereon; and

"(2) a bank service corporation may refuse to provide services to a nonstockholding institution if comparable services are available from another source at competitive overall costs, or if the providing of services would be beyond the practical capacity of the service corporation.

"REGULATION AND EXAMINATION OF BANK SERVICE CORPORATIONS

12 USC 1867.

"SEC. 7. (a) A bank service corporation shall be subject to examination and regulation by the appropriate Federal banking agency of its principal investor to the same extent as its principal investor. The appropriate Federal banking agency of the principal shareholder of such a bank service corporation may authorize any other Federal banking agency that supervises any other shareholder of the bank service corporation to make such an examination.

"(b) A bank service corporation shall be subject to the provisions of the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818(b) et seq.) as if the bank service corporation were an insured bank. For this purpose, the appropriate Federal banking agency shall be the appropriate Federal banking agency of the principal investor of the bank service corporation.

"(c) Notwithstanding subsection (a) of this section, whenever a bank that is regularly examined by an appropriate Federal banking agency, or any subsidiary or affiliate of such a bank that is subject to examination by that agency, causes to be performed for itself, by contract or otherwise, any services authorized under this Act, whether on or off its premises—

"(1) such performance shall be subject to regulation and examination by such agency to the same extent as if such services were being performed by the bank itself on its own premises, and

"(2) the bank shall notify such agency of the existence of the service relationship within thirty days after the making of such service contract or the performance of the service, whichever occurs first.

96 STAT. 1544

Regulations and orders.

"(d) The Board and the appropriate Federal banking agencies are authorized to issue such regulations and orders as may be necessary to enable them to administer and to carry out the purposes of this Act and to prevent evasions thereof.".

NEIGHBORHOOD REINVESTMENT CORPORATION

42 USC 8103.

SEC. 710. (a) Section 604 of the Neighborhood Reinvestment Corporation Act (Public Law 95-557) is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively, and by inserting after subsection (e) the following:

"(f) A director who is necessarily absent from a meeting of the board, or of a committee of the board, may participate in such meeting through a duly designated representative who is serving, pursuant to appointment by the President of the United States, by and with the advice and consent of the Senate, in the same department, agency, corporation, or instrumentality as the absent director, or in the case of the Comptroller of the Currency, through a duly designated Deputy Comptroller."; and

(2) by inserting in section 604(g), as redesignated, after "members" a comma and the words "or their representatives as provided in subsection (f),".

42 USC 8105.

(b) Section 606(c)(3) of such Act is amended by inserting "funds," after "provide".

MARRINER S. ECCLES FEDERAL RESERVE BOARD BUILDING

Designation.

SEC. 711. The building at 20th and Constitution Avenue, Northwest, in Washington, District of Columbia (commonly known as the Federal Reserve Board Main Building) shall hereafter be known and designated as the "Marriner S. Eccles Federal Reserve Board Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be held to be a reference to the "Marriner S. Eccles Federal Reserve Board Building".

INSURANCE STUDY

SEC. 712. (a) The Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration Board shall each conduct a study of—

(1) the current system of deposit insurance and its impact on the structure and operations of depository institutions;

(2) the feasibility of providing depositors the option to purchase additional deposit insurance covering deposits in excess of the general limit provided by law and the capabilities of the private insurance system, either directly or through reinsurance, to provide risk coverage in excess of the general statutory limit;

(3) the feasibility of basing deposit insurance premiums on the risk posed by either the insured institution or the category or size of the depository institution rather than the present flat rate system;

96 STAT. 1545

(4) the impact of expanding coverage of insured deposits upon the operations of the insurance funds, including the possibility of increased or undue risk to the funds;

(5) the feasibility of revising the deposit insurance system to provide even greater protection for smaller depositors while fostering a greater degree of discipline with respect to large depositors;

(6) the adequacy of existing public disclosure regarding the condition and business practices of insured depository institutions, and providing an assessment of changes which may be needed to assure adequate public disclosure;

(7) the feasibility of consolidating the three separate insurance funds; and

(8) other related issues.

(b) A report containing the results of each of the studies carried out under subsection (a) shall be transmitted to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate not later than six months after the date of enactment of this Act.

TITLE VIII—ALTERNATIVE MORTGAGE TRANSACTIONS

Alternative Mortgage Transaction Parity Act of 1982.

SHORT TITLE

SEC. 801. This title may be cited as the "Alternative Mortgage Transaction Parity Act of 1982".

12 USC 3801 note.

FINDINGS AND PURPOSE

SEC. 802. (a) The Congress hereby finds that—

12 USC 3801.

(1) increasingly volatile and dynamic changes in interest rates have seriously impared the ability of housing creditors to provide consumers with fixed-term, fixed-rate credit secured by interests in real property, cooperative housing, manufactured homes, and other dwellings;

(2) alternative mortgage transactions are essential to the provision of an adequate supply of credit secured by residential property necessary to meet the demand expected during the 1980's; and

(3) the Comptroller of the Currency, the National Credit Union Administration, and the Federal Home Loan Bank Board have recognized the importance of alternative mortgage trans-

actions and have adopted regulations authorizing federally chartered depository institutions to engage in alternative mortgage financing.

(b) It is the purpose of this title to eliminate the discriminatory impact that those regulations have upon nonfederally chartered housing creditors and provide them with parity with federally chartered institutions by authorizing all housing creditors to make, purchase, and enforce alternative mortgage transactions so long as the transactions are in conformity with the regulations issued by the Federal agencies.

DEFINITIONS

12 USC 3802.

SEC. 803. As used in this title—

96 STAT. 1546

(1) the term "alternative mortgage transaction" means a loan or credit sale secured by an interest in residential real property, a dwelling, all stock allocated to a dwelling unit in a residential cooperative housing corporation, or a residential manufactured home (as that term is defined in section 603(6) of the National Manufactured Home Construction and Safety Standards Act of 1974)— 42 USC 5402.

(A) in which the interest rate or finance charge may be adjusted or renegotiated;

(B) involving a fixed-rate, but which implicitly permits rate adjustments by having the debt mature at the end of an interval shorter than the term of the amortization schedule; or

(C) involving any similar type of rate, method of determining return, term, repayment, or other variation not common to traditional fixed-rate, fixed-term transactions, including without limitation, transactions that involve the sharing of equity or appreciation;

described and defined by applicable regulation; and

(2) the term "housing creditor" means—

(A) a depository institution, as defined in section 501(a)(2) of the Depository Institutions Deregulation and Monetary Control Act of 1980; 12 USC 1735f-7 note.

(B) a lender approved by the Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act;

(C) any person who regularly makes loans, credit sales, or advances secured by interests in properties referred to in paragraph (1); or

(D) any transferee of any of them.

A person is not a "housing creditor" with respect to a specific alternative mortgage transaction if, except for this title, in order to enter into that transaction, the person would be required to comply with licensing requirements imposed under State law, unless such person is licensed under applicable State law and such person remains, or becomes, subject to the applicable regulatory requirements and enforcement mechanisms provided by State law.

ALTERNATIVE MORTGAGE AUTHORITY

12 USC 3803.

SEC. 804. (a) In order to prevent discrimination against State-chartered depository institutions, and other nonfederally chartered housing creditors, with respect to making, purchasing, and enforcing alternative mortgage transactions, housing creditors may make, purchase, and enforce alternative mortgage transactions, except that this section shall apply—

(1) with respect to banks, only to transactions made in accordance with regulations governing alternative mortgage transactions as issued by the Comptroller of the Currency for national banks, to the extent that such regulations are authorized by

rulemaking authority granted to the Comptroller of the Currency with regard to national banks under laws other than this section;

(2) with respect to credit unions, only to transactions made in accordance with regulations governing alternative mortgage transactions as issued by the National Credit Union Administration Board for Federal credit unions, to the extent that such regulations are authorized by rulemaking authority granted to the National Credit Union Administration with regard to Federal credit unions under laws other than this section; and

96 STAT. 1547

(3) with respect to all other housing creditors, including without limitation, savings and loan associations, mutual savings banks, and savings banks, only to transactions made in accordance with regulations governing alternative mortgage transactions as issued by the Federal Home Loan Bank Board for federally chartered savings and loan associations, to the extent that such regulations are authorized by rulemaking authority granted to the Federal Home Loan Bank Board with regard to federally chartered savings and loan associations under laws other than this section.

(b) For the purpose of determining the applicability of this section, an alternative mortgage transaction shall be deemed to be made in accordance with the applicable regulation notwithstanding the housing creditor's failure to comply with the regulation, if—

(1) the transaction is in substantial compliance with the regulation; and

(2) within sixty days of discovering any error, the housing creditor corrects such error, including making appropriate adjustments, if any, to the account.

(c) An alternative mortgage transaction may be made by a housing creditor in accordance with this section, notwithstanding any State constitution, law, or regulation.

APPLICABILITY

SEC. 805. (a) The provisions of section 804 shall not apply to any alternative mortgage transaction in any State made on or after the effective date (if such effective date occurs on or after the effective date of this title and prior to a date three years after the effective date of this title) of a State law or a certification that the voters of such State have voted in favor of any provision, constitutional or otherwise, which states explicitly and by its terms that such State does not want the preemption provided in section 804 to apply with respect to alternative mortgage transactions subject to the laws of such State, except that section 804 shall continue to apply to— 12 USC 3804.

(1) any alternative mortgage transaction undertaken on or after such date pursuant to an agreement to undertake such alternative mortgage transaction which was entered into on or after the effective date of this title and prior to such later date (the "preemption period"); and

(2) any renewal, extension, refinancing, or other modification of an alternative mortgage transaction that was entered into during the preemption period.

(b) An alternative mortgage transaction shall be deemed to have been undertaken during the preemption period to which this section applies if it—

(1) is funded or extended in whole or in part during the preemption period, regardless of whether pursuant to a commitment or other agreement therefor made prior to that period; or

(2) is a renewal, extension, refinancing, or other modification of an alternative mortgage transaction entered into before the preemption period and such renewal, extension, or other modification is made during such period with the written consent of any person obligated to repay such credit.

96 STAT. 1548

RELATION TO OTHER LAW

12 USC 3805.
12 USC 1735f-7 note.

SEC. 806. Section 501(c)(1) of the Depository Institutions Deregulation and Monetary Control Act of 1980 shall not apply to transactions which are subject to this title.

EFFECTIVE DATE

12 USC 3801 note.

SEC. 807. (a) This title shall be effective upon enactment.

(b) Within sixty days of the enactment of this title, the Comptroller of the Currency, the National Credit Union Administration, and the Federal Home Loan Bank Board shall identify, describe, and publish those portions or provisions of their respective regulations that are inappropriate for (and thus inapplicable to), or that need to be conformed for the use of, the nonfederally chartered housing creditors to which their respective regulations apply, including without limitation, making necessary changes in terminology to conform the regulatory and disclosure provisions to those more typically associated with various types of transactions including credit sales.

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 6267 (S. 2879):

HOUSE REPORTS: No. 97-550 (Comm. on Banking, Finance and Urban Affairs) and No. 97-899 (Comm. of Conference).

SENATE REPORT No. 97-536 accompanying S. 2879 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 128 (1982):
- May 20, considered and passed House.
- Sept. 24, S. 2879 considered and passed Senate; H.R. 6267, amended, passed in lieu.
- Sept. 30, Senate agreed to conference report.
- Oct. 1, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 41 (1982) Oct. 15, Presidential statement.

INTERIOR ACTS

Public Law 97-184
97th Congress

96 STAT. 99

An Act

To authorize the Secretary of the Interior to assist in the preservation of historic Camden in the State of South Carolina, and for other purposes.

May 24, 1982
[S. 146]

Camden, S.C.
Historic preservation.
16 USC 461 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to assist in the preservation of the nationally significant historic resources associated with the town of Camden, South Carolina, a key location in the development of South Carolina and in military operations in the South during the American Revolution, the Secretary of the Interior is authorized, in accordance with subsection 2(e) of the Act of August 21, 1935 (49 Stat. 666), to enter into a cooperative agreement or agreements with the Camden Historical Commission, the Camden District Heritage Foundation, or other appropriate public, governmental, or private nonprofit entities pursuant to which the Secretary may assist in the protection, restoration, and interpretation of such resources for the benefit of the public.

16 USC 462.

Appropriation authorization.

(b) Beginning October 1, 1982, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $250,000.

Approved May 24, 1982.

LEGISLATIVE HISTORY—S. 146:

HOUSE REPORT No. 97-459 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-207 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Oct. 21, considered and passed Senate.
Vol. 128 (1982): Mar. 23, considered and failed of passage in House.
May 11, considered and passed House.

Public Law 97-202
97th Congress

96 STAT. 128

An Act

Authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

June 24, 1982
[H.R. 5566]

John F. Kennedy Center for the Performing Arts, appropriation authorization.
20 USC 76l.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That subsection (e) of section 6 of the John F. Kennedy Center Act (Public Law 85-874, as amended; 20 U.S.C. 761) is amended by striking out the period in the last sentence and adding in lieu thereof ", and not to exceed $4,247,000 for the fiscal year ending September 30, 1983."**

Approved June 24, 1982.

LEGISLATIVE HISTORY—H.R. 5566 (S. 2134):

HOUSE REPORT No. 97-531 (Comm. on Public Works and Transportation).
SENATE REPORT No. 97-458 accompanying S. 2134 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 3, considered and passed House.
June 9, considered and passed Senate.

---

96 STAT. 243

Public Law 97-224
97th Congress

Joint Resolution

July 28, 1982
[S.J. Res. 95]

To authorize and direct the Secretary of the Interior, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to proceed with the construction of the Franklin Delano Roosevelt Memorial, and for other purposes.

Franklin Delano Roosevelt Memorial, construction.
16 USC 431 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, **That the Secretary of the Interior is authorized and directed, subject to the supervision and approval of the Franklin Delano Roosevelt Memorial Commission, to construct the Franklin Delano Roosevelt Memorial in accordance with the general design developed by the Franklin Delano Roosevelt Memorial Commission and approved by the Commission of Fine Arts on September 20, 1979. Such memorial shall be constructed in that portion of West Potomac Park in the District of Columbia which lies between Independence Avenue and the inlet bridge, reserved for the memorial by a joint resolution approved September 1, 1959 (Public Law 86-214).**

SEC. 2. The Franklin Delano Roosevelt Memorial shall be operated and maintained by the Secretary of the Interior subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

43 USC 1457; 16 USC 1-4, 22, 43.
Appropriation authorization.

SEC. 3. There are authorized to be appropriated for fiscal years beginning after September 30, 1982, such sums as may be necessary to carry out the provisions of this joint resolution.

Approved July 28, 1982.

LEGISLATIVE HISTORY—S.J. Res. 95 (H.J. Res. 400):

HOUSE REPORT No. 97-556 accompanying H.J. Res. 400 (Comm. on House Administration).
SENATE REPORT No. 97-311 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Mar. 8, considered and passed Senate.
July 14, H.J. Res. 400, considered and passed House; S.J. Res. 95, passed in lieu.

---

96 STAT. 248

Public Law 97-229
97th Congress

An Act

Aug. 3, 1982
[S. 2332]

To amend the Energy Policy and Conservation Act to extend certain authorities relating to the International Energy Program, to provide for the Nation's energy emergency preparedness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Energy Emergency Preparedness Act of 1982.
42 USC 6202 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Emergency Preparedness Act of 1982".

SEC. 2. INTERNATIONAL ENERGY PROGRAM AMENDMENTS.

Ante, p. 196.

(a) EXTENSION.—Subsection (j) of section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking out "August 1, 1982" and inserting in lieu thereof "at midnight December 31, 1983".

(b) LIMITATIONS.—(1) Section 251 of the Energy Policy and Conservation Act (42 U.S.C. 6271) is amended by adding at the end thereof the following new subsection:

"(e) No rule under this section may be put into effect unless—

"(1) an international energy supply emergency, as defined in the first sentence of section 252(l)(1), is in effect; and

"(2) the allocation of available oil referred to in chapter III of the international energy program has been activated pursuant to chapter IV of such program.".

(2) Section 252 of such Act (42 U.S.C. 6272) is amended by adding at the end thereof the following new subsection:

"(m) The authority granted by this section shall apply only to the development or carrying out of voluntary agreements and plans of action to implement chapters III, IV, and V of the international energy program.".

SEC. 3. ENERGY EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—Title II of the Energy Policy and Conservation Act, relating to standby energy authorities, is amended by adding at the end thereof the following new part:

"PART C—ENERGY EMERGENCY PREPAREDNESS

"CONGRESSIONAL FINDINGS, POLICY, AND PURPOSE

"SEC. 271. (a) FINDINGS.—The Congress finds that— 42 USC 6281

"(1) a shortage of petroleum products caused by reductions in imports of petroleum products may occur at any time;

"(2) such a shortage may be sufficiently large to cause severe economic dislocations and hardships, or constitute a serious threat to public health, safety, and welfare; and

"(3) prior to the occurrence of such a shortage, the Federal Government has a responsibility to be prepared to mitigate the adverse impacts of such a shortage as a supplement to reliance on free market pricing and allocation of available petroleum product supplies.

96 STAT. 249

"(b) POLICY.—The Congress declares that it shall be the policy of the United States that the Federal Government shall be prepared prior to any shortage of petroleum products to respond to energy emergencies, pursuant to authorities under provisions of law other than this part, as a supplement to reliance on the free market to mitigate the adverse impacts of a shortage of petroleum products on public health, safety, and welfare.

"(c) PURPOSE.—The purpose of this part is to carry out the policy in subsection (b) by providing for the preparation of comprehensive energy emergency response procedures to be available for use by the President under authorities contained in any provision of law other than this part.

"PREPARATION FOR PETROLEUM SUPPLY INTERRUPTIONS

Memorandum of law, submittal to Congress.
42 USC 6282.

"SEC. 272. (a) DESCRIPTION OF AVAILABLE LEGAL AUTHORITIES.—(1) The President shall submit to the Congress no later than November 15, 1982, a memorandum of law which describes the nature and extent of the authorities available to the President under existing law to respond to a severe energy supply interruption or other substantial reduction in the amount of petroleum products available to the United States.

"(2) The memorandum of law required by paragraph (1) shall be prepared by the Attorney General, in consultation with the Secretary of Energy.

"(3) The memorandum of law submitted to the Congress pursuant to this subsection shall—

"(A) include the following subjects—

"(i) activities of the United States in support of the international energy program and the December 10, 1981, International Energy Agency agreement entitled 'Decision on Preparation for Future Supply Disruptions' including—

"(I) the National Emergency Sharing Organization;

"(II) emergency sharing systems; and

"(III) the supply right project;

"(ii) activities of the United States pursuant to its energy emergency preparedness obligations to the North Atlantic Treaty Organization;

"(iii) development and use of the Strategic Petroleum Reserve;

"(iv) Government incentives to encourage private petroleum product stocks;

"(v) reactivation of the following Executive Manpower Reserves:

"(I) the Emergency Electric Power Reserve;

"(II) the Emergency Petroleum and Gas Reserve; and

"(III) the Emergency Solid Fuels Reserve;

"(vi) energy emergency response management in coordination with State and local governments; and

"(vii) emergency public information activities; and

"(B) distinguish among—

"(i) situations involving limited or general war, international tensions that threaten national security, and other Presidentially declared emergencies; 96 STAT. 250

"(ii) events resulting in activation of the international energy program; and

"(iii) events or situations less severe than those described in clauses (i) and (ii).

"(b) COMPREHENSIVE ENERGY EMERGENCY RESPONSE PROCEDURES.—(1) Not later than December 31, 1982, the President shall submit to the Congress comprehensive energy emergency response procedures for implementation, in whole or in part, of the authorities described under subsection (a).

"(2) The comprehensive energy emergency response procedures shall—

"(A) describe the various options the President would consider using to implement the authorities described in the memorandum of law submitted under subsection (a) to respond to a severe energy supply interruption or other substantial reduction in the amount of petroleum products available to the United States, including a description of the likely sequence in which such options would be taken;

"(B) specify how appropriate governmental actions in response to international and domestic energy shortages would be selected and implemented under such options, particularly which official or governmental entity would select and implement such actions, and what procedures would be used in doing so; and

"(C) recommend any additional statutory authority the President considers necessary to respond to a severe energy supply interruption or other substantial reduction in the amount of petroleum products available to the United States.

"(c) DISCLAIMERS.—(1) Nothing in this part, or in the comprehensive energy emergency response procedures submitted pursuant to subsection (b), shall—

"(A) limit the authority of the President under any provision of law to respond to a reduction in the amount of petroleum products available to the United States; or

"(B) grant any authority to the President to respond to a reduction in the amount of petroleum products available to the United States.

"(2) No State law or State program in effect on the date of the enactment of this part, or which may become effective thereafter, shall be construed to be superseded by any provision of this part.".

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by adding after the item relating to section 255 the following new items:

"PART C—ENERGY EMERGENCY PREPAREDNESS

"Sec. 271. Congressional findings, policy, and purpose.
"Sec. 272. Preparation for petroleum supply interruptions.".

SEC. 4. STRATEGIC PETROLEUM RESERVE AMENDMENTS.

(a) REQUIRED RATE FOR FILLING RESERVE.—

(1) IN GENERAL.—Subsection (c) of section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240(c)) is amended to read as follows:

"(c)(1)(A) The President shall immediately undertake, and thereafter continue, petroleum products acquisition, transportation, and injection activities, to the extent funds are available pursuant to section 167 (b)(2) and (b)(3), at a level sufficient to assure that the petroleum products in the Strategic Petroleum Reserve will be increased at an average annual rate of at least the minimum required fill rate until the quantity of petroleum products stored within the Strategic Petroleum Reserve is at least 500,000,000 barrels.

42 USC 6247.

96 STAT. 251

"(B) Subject to subparagraph (C), the minimum required fill rate shall be 300,000 barrels per day for purposes of subparagraph (A), unless there is in effect a finding by the President in his discretion for good cause that compliance with such rate would not be in the national interest. Any finding by the President under this subparagraph takes effect on the date such finding is transmitted to the Congress and ceases to have effect at the end of the fiscal year in which such finding was made. Any such finding transmitted to the Congress shall include a statement of the facts upon which the finding is based. Any such finding shall not be subject to judicial review.

"(C) The minimum required fill rate shall be 220,000 barrels per day for purposes of subparagraph (A) during the period in which any finding by the President under subparagraph (B) is in effect.

"(D)(i) If funds are available in any given fiscal year after fiscal year 1982 to achieve an average annual fill rate higher than the minimum required fill rate in effect under subparagraph (C), the minimum required fill rate shall be the highest practicable fill rate achievable, subject to the availability of appropriated funds.

"(ii) The Impoundment Control Act of 1974 (31 U.S.C. 1400 and following) shall apply to funds made available under section 167 (b) and (e).

42 USC 6247; *Infra.*

"(2) After the Strategic Petroleum Reserve reaches a level of 500,000,000 barrels, the President shall immediately seek to undertake, and thereafter continue, petroleum products acquisition, transportation, and injection activities at a level sufficient to assure that the petroleum products in the Strategic Petroleum Reserve will be increased at an average annual rate of at least 300,000 barrels per day until the quantity of petroleum products stored within the Strategic Petroleum Reserve is at least 750,000,000 barrels.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect July 1, 1982.

42 USC 6240 note.

(b) INTERIM STORAGE.—

(1) AUTHORITY FOR IMPLEMENTATION.—Section 159(f) of the Energy Policy and Conservation Act (42 U.S.C. 6239(f)) is amended by striking out "and" at the end of paragraph (3), by striking out the comma at the end of paragraph (4) and inserting "; and" in lieu thereof, and by inserting after paragraph (4) the following new paragraph:

"(5) the storage of petroleum products in interim storage facilities,".

(2) USE OF SPR PETROLEUM ACCOUNT; CONFORMING AMENDMENTS.—(A) Section 167 of such Act (95 Stat. 619; to be codified at 42 U.S.C. 6247) is amended by adding at the end thereof the following:

"(e)(1) Except as provided in paragraph (2), nothing in this part shall be construed to limit the Account from being used to meet expenses relating to interim storage facilities for the storage of petroleum products for the Strategic Petroleum Reserve.

"(2) In any fiscal year, amounts in the Account may not be obligated for expenses relating to interim storage facilities in excess of 10 percent of the total amounts in the Account obligated in such fiscal year. If the amount obligated in any fiscal year for interim storage expenses is less than the amount of the 10-percent limit under the preceding sentence for that fiscal year, then the amount of the 10-percent limit applicable in the following fiscal year shall be increased by the amount by which the limit exceeded the amount obligated for such expenses.".

96 STAT. 252

(B) Section 159 of such Act (42 U.S.C. 6239) is amended by adding at the end thereof the following new subsection:

"(h)(1) No amendment to the Strategic Petroleum Reserve Plan relating to interim storage facilities shall be required prior to the storage of petroleum products in such facilities.

"(2) Petroleum products stored in interim storage facilities pursuant to this part shall be considered to be in storage in the Reserve.

"(3)(A) No action relating to the storage of petroleum products in existing interim storage facilities in the Reserve shall be deemed to be 'a major Federal action significantly affecting the quality of the human environment' within the meaning of that term as it is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

42 USC 4332.

"(B) For purposes of this paragraph, an interim storage facility shall be considered to be an existing interim storage facility if it—

"(i) is in existence on July 1, 1982;

"(ii) was constructed in a manner appropriate for storing petroleum products; and

"(iii) is not modified after July 1, 1982, in any manner which substantially increases the storage capacity of the facility. Any modification of such facility may not include replacement or reconstruction.

"Interim storage facilities."

"(4) The term 'interim storage facilities', when used in this part, may include any vessel which meets the applicable requirements under this part.".

(C) Section 160(e)(4) of such Act (42 U.S.C. 6240(e)(4)) is amended by striking out "crude oil" and inserting in lieu thereof "petroleum product".

42 USC 6234 note.

42 USC 6234.

Effective date.

42 USC 6239.

(c) STRATEGIC PETROLEUM RESERVE DRAWDOWN PLAN.—On or before December 1, 1982, the President shall transmit to the Congress a drawdown plan for the Strategic Petroleum Reserve consistent with the requirements of section 154 of the Energy Policy and Conservation Act. Such plan shall be transmitted to the Congress as an amendment to the Strategic Petroleum Reserve Plan. Such amendment shall take effect on the date it is transmitted to the Congress and shall not be subject to section 159(e) of such Act relating to Congressional review. Subsequent amendments to such plan shall be in accordance with subsections (d) and (e) of such section 159.

SEC. 5. CONTINUATION OF PETROLEUM PRODUCT INFORMATION COLLECTION.

(a) IN GENERAL.—Part A of title V of the Energy Policy and Conservation Act (42 U.S.C. 6381 and following) is amended by adding at the end thereof the following new section:

"PETROLEUM PRODUCT INFORMATION

42 USC 6385.

96 STAT. 253

"SEC. 507. The President or his delegate shall, pursuant to authority otherwise available to the President or his delegate under any other provision of law, collect information on the pricing, supply, and distribution of petroleum products by product category at the wholesale and retail levels, on a State-by-State basis, which was collected as of September 1, 1981, by the Energy Information Administration.".

(b) Clerical Amendment.—The table of contents for such Act is amended by inserting the following new item after the item relating to section 506:

"Sec. 507. Petroleum product information.".

SEC. 6. REPORTS TO CONGRESS ON PETROLEUM SUPPLY INTERRUPTIONS.

42 USC 6245 note

(a) Impact Analysis.—(1) The Secretary of Energy shall analyze the impact on the domestic economy and on consumers in the United States of reliance on market allocation and pricing during any substantial reduction in the amount of petroleum products available to the United States. In making such analysis, the Secretary of Energy may consult with the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Office of Management and Budget, and the heads of other appropriate Federal agencies. Such analysis shall—

Consultation with other Federal agencies.

(A) examine the equity and efficiency of such reliance,

(B) distinguish between the impacts of such reliance on various categories of business (including small business and agriculture) and on households of different income levels,

(C) specify the nature and administration of monetary and fiscal policies that would be followed including emergency tax cuts, emergency block grants, and emergency supplements to income maintenance programs, and

(D) describe the likely impact on the distribution of petroleum products of State and local laws and regulations (including emergency authorities) affecting the distribution of petroleum products.

Such analysis shall include projections of the effect of the petroleum supply reduction on the price of motor gasoline, home heating oil, and diesel fuel, and on Federal tax revenues, Federal royalty receipts, and State and local tax revenues.

(2) Within one year after the date of the enactment of this Act, the Secretary of Energy shall submit a report to the Congress and the President containing the analysis required by this subsection, including a detailed step-by-step description of the procedures by which the policies specified in paragraph (1)(C) would be accomplished in an emergency, along with such recommendations as the Secretary of Energy deems appropriate.

(b) Strategic Petroleum Reserve Drawdown and Distribution Report.—The President shall prepare and transmit to the Congress, at the time he transmits the drawdown plan pursuant to section 4(c), a report containing—

(1) a description of the foreseeable situations (including selective and general embargoes, sabotage, war, act of God, or accident) which could result in a severe energy supply interruption or obligations of the United States arising under the international energy program necessitating distributions from the Strategic Petroleum Reserve, and

(2) a description of the strategy or alternative strategies of distribution which could reasonably be used to respond to each situation described under paragraph (1), together with the theory and justification underlying each such strategy.

96 STAT. 254

The description of each strategy under paragraph (2) shall include an explanation of the methods which would likely be used to determine the price and distribution of petroleum products from the Reserve in any such distribution, and an explanation of the disposition of revenues arising from sales of any such petroleum products under the strategy.

(c) Regional Reserve Report.—The President or his delegate shall submit to the Congress no later than December 31, 1982, a report regarding the actions taken to comply with the provisions of section 157 of the Energy Policy and Conservation Act (42 U.S.C. 6237). Such report shall include an analysis of the economic benefits and costs of establishing Regional Petroleum Reserves, including—

Submittal to Congress.

(1) an assessment of the ability to transport petroleum products to refiners, distributors, and end users within the regions specified in section 157(a) of such Act;

(2) the comparative costs of creating and operating Regional Petroleum Reserves for such regions as compared to the costs of continuing current plans for the Strategic Petroleum Reserve; and

(3) a list of potential sites for Regional Petroleum Reserves.

(d) STRATEGIC ALCOHOL FUEL RESERVE REPORT.—The Secretary of Energy shall, in consultation with the Secretary of Agriculture, prepare and transmit to the Congress no later than December 31, 1982, a study of the potential for establishing a Strategic Alcohol Fuel Reserve.

(e) MEANING OF TERMS.—As used in this section, the terms "international energy program", "petroleum product", "Reserve", "severe energy supply interruption", and "Strategic Petroleum Reserve" have the meanings given such terms in sections 3 and 152 of the Energy Policy and Conservation Act (42 U.S.C. 6202 and 6232).

Approved August 3, 1982.

LEGISLATIVE HISTORY—S. 2332 (H.R. 6337):

HOUSE REPORTS: No. 97-585, pt. 1 (Comm. on Energy and Commerce), 97-585, pt. 2 (Comm. on Merchant Marine and Fisheries) both accompanying H.R. 6337; and 97-663 (Comm. of Conference).
SENATE REPORT No. 97-393 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  May 26, considered and passed Senate.
  June 23, H.R. 6337 considered and passed House; passage vacated and S. 2332, amended, passed in lieu.
  July 29, House agreed to conference report.
  July 30, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 31 (1982):
  Aug. 3, Presidential statement.

---

96 STAT. 301

Public Law 97–243
97th Congress

An Act

Aug. 26, 1982
[H.R. 6530]

To designate the Mount St. Helens National Volcanic Monument in the State of Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Mount St. Helens National Volcanic Monument, Wash. Designation.

16 USC 431 note.

ESTABLISHMENT OF NATIONAL VOLCANIC MONUMENT

SECTION 1. (a) In furtherance of the purposes of this Act, certain lands within and adjacent to the Gifford Pinchot National Forest in the State of Washington, which comprise approximately one hundred and ten thousand acres, as generally depicted on a map entitled "Mount St. Helens National Volcanic Monument, August 1982", are hereby designated as the Mount St. Helens National Volcanic Monument (hereafter in this Act referred to as the "Monument").

Map and description; filing with congressional committees.

(b)(1) Not later than six months after the date of enactment of this Act, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall file a map and a legal description of the Monument established under subsection (a) with the Committee on Energy and Natural Resources of the United States Senate and the Committees on Agriculture and on Interior and Insular Affairs of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act. Such map and description shall be on file and available for public inspection in the office of the Forest Supervisor, Gifford Pinchot

National Forest and in the office of the Chief of the Forest Service, Department of Agriculture.

Minor boundary revisions.

Notice; publication in Federal Register.

(2) The Secretary may correct clerical and typographical errors in the legal description referred to in paragraph (1), and the Secretary may, from time to time, make minor revisions of the boundary of the Monument. Such minor boundary revisions may be made by the Secretary only after publication of notice of the proposed revision in the Federal Register and after submission of notice thereof to the committees referred to in paragraph (1). Such notice shall be published and submitted at least 60 days before the revision is made. Notice of final action regarding such revision shall also be published in the Federal Register.

EXTENSION OF NATIONAL FOREST BOUNDARY

SEC. 2. (a) The exterior boundary of the Gifford Pinchot National Forest is hereby extended to include all lands and waters within the boundaries of the Monument. Lands and interests therein acquired pursuant to section 3 shall become national forest system lands.

16 USC 460l-9.

96 STAT. 302

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 through 4601-11), the boundary of the Gifford Pinchot National Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1965.

ACQUISITION

Mineral and geothermal interests, completion date.

SEC. 3. (a) The Secretary shall acquire all lands and interests in lands within the boundaries of the Monument by donation, exchange in accordance with this Act or other provisions of law, or purchase with donated or appropriated funds, except as provided in subsection (c) and except that the Secretary may acquire mineral and geothermal interests only by exchange. It is the sense of the Congress that in the case of mineral and geothermal interests such exchanges should be completed within one year after the date of enactment of this Act. Any lands owned by the State of Washington or any political subdivision thereof may be acquired only by exchange. Those mining claims in the Green River-Polar Star area shall not be acquired without the consent of the owner.

Timber, evaluation.

(b) In recognition of the rapidly deteriorating nature of much of the timber in the Monument, any timber acquired pursuant to this section shall be valued for purposes of any acquistion under subsection (a) at an amount not less than the fair market value of such timber on July 1, 1982.

(c)(1) Notwithstanding any other provision of law, the Secretary shall exchange lands and interests in lands referred to in paragraphs (2) and (3) in accordance with the provisions of this subsection. With respect to the lands and interests in lands referred to in paragraphs (2) and (3), the Secretary may exercise the authorities of subsection (a) only to the extent necessary to acquire any lands or interests in lands which are not acquired pursuant to the provisions of this subsection.

Burlington Northern Incorporated.

(2)(A) If Burlington Northern Incorporated offers to the United States the following described lands and interests therein, except mineral and geothermal interests, the Secretary shall accept such lands and interests therein (for the purposes of this Act, the term "Burlington Northern Incorporated" shall include any subsidiary of that corporation):

	Acres
Township 7 North, Range 6 East:	
Section 1: Lots 1, 2, and 3, south half northeast quarter, and north half southeast quarter	310.11
Township 8 North, Range 5 East:	
Section 21: All	640.00
Section 23: All	640.00
Section 25: All	640.00
Section 27: All	640.00
Section 29: All	640.00

Section 31: All fractional	623.52
Section 33: All	640.00
Section 35: All	640.00
Township 8 North, Range 6 East:	
Section 5: All fractional	480.44
Section 7: All fractional	637.58
Section 9: All	640.00
Section 15: West half	320.00
Section 17: All	640.00
Section 19: All fractional	631.76
Section 21: All	640.00
Section 27: West half	320.00
Section 29: All	640.00
Section 31: All fractional	630.44
Section 33: All	640.00

96 STAT. 303

	Acres
Township 9 North, Range 5 East:	
Section 25: All	640.00
Township 9 North, Range 6 East:	
Section 5: Lot 1, southeast quarter northeast quarter, and southeast quarter	240.41
Section 9: All	640.00
Section 17: All	640.00
Section 21: All	640.00
Section 29: All	640.00
Section 31: All fractional	639.52
Section 33: All	640.00

(B) Upon acceptance of title by the United States to such lands and interests therein, the Secretary shall convey to Burlington Northern Incorporated all right, title, and interest of the United States to the following described national forest system lands and interests therein, except mineral and geothermal interests:

Township 7 North, Range 6 East:	Acres
Section 4: All fractional	680.88
Section 6: All fractional	670.04
Section 10: All	640.00
Section 22: All	640.00

Weyerhaeuser Company.

(3)(A) If the Weyerhaeuser Company offers to the United States the following described lands and interests in lands, except mineral and geothermal interests, the Secretary shall accept such lands and interests therein:

Township 9 North, Range 3 East:	Acres
Section 1: South half	320.00
Township 7 North, Range 4 East:	
Section 25: Northwest quarter northwest quarter	40.00
Township 8 North, Range 4 East:	
Section 2: All fractional	494.28
Township 9 North, Range 4 East:	
Section 1: All fractional	658.52
Section 3: South half northeast quarter, and south half	400.00
Section 4: Lots 2 and 3, south half north half, and south half	560.30
Section 5: South half northeast quarter, and south half	400.00
Section 6: Lot 7, southeast quarter southwest quarter, and south half southeast quarter	155.38
Section 7: All fractional	623.44
Section 8: All	640.00
Section 9: All	640.00
Section 11: All	640.00
Section 13: All	640.00
Section 15: East half east half	160.00
Section 16: North half northwest quarter	80.00
Section 17: North half northeast quarter	80.00
Section 22: A portion of east half and east half west half	271.±
Section 23: All	640.00
Section 24: All	640.00
Section 25: All	640.00
Section 26: North half, southeast quarter, and a portion of the southwest quarter	572.±
Section 27: A portion of the northeast quarter	66.±
Section 35: A portion of the northeast quarter	105.±
Township 10 North, Range 4 East:	
Section 25: Southeast quarter	160.00
Township 9 North, Range 5 East:	
Section 5: All fractional	640.32
Section 6: All fractional	679.52
Section 7: Lots 1 and 2, northeast quarter, and east half northwest quarter	340.57

Section 8: North half	320.00
Section 17: All	640.00
Section 19: All fractional	694.72

96 STAT. 304

Township 10 North, Range 5 East:	Acres
Section 5: A portion of the east half northeast quarter northwest quarter and east half	233.±
Section 17: Northeast quarter northeast quarter, and a portion of the northeast quarter and east half southeast quarter	145.±
Section 19: A portion of the south half southeast quarter	20.±
Section 20: A portion of the south half south half	60.±
Section 21: East half, east half northwest quarter, northwest quarter northwest quarter, northeast quarter southwest quarter, and a portion of the southwest quarter northwest quarter, northwest quarter southwest quarter	523.±
Section 29: All	640.00
Section 30: Northeast quarter, south half, and a portion of the east half northwest quarter	550.±
Section 31: All fractional	688.55
Section 32: All	640.00
Section 33: North half	320.00
Township 11 North, Range 5 East:	
Section 32: Lots 1 and 2	16.43

(B) Upon acceptance of title by the United States to such lands and interests therein, the Secretary shall convey to Weyerhaeuser Company all right, title, and interest of the United States to the following described national forest system lands and interests therein, except mineral and geothermal interests:

Township 10 North, Range 5 East:	Acres
Section 6: Mineral survey	193.96
Section 7: Mineral survey	12.65
Township 11 North, Range 5 East:	
Section 28: Mineral survey	24.89
Section 29: Portion of mineral survey 837	5.20
Township 8 North, Range 4 East:	
Section 29: All	640.00
Section 30: All fractional	604.07
Section 32: All fractional	702.99
Township 13 North, Range 3 East:	
Section 6: All fractional	652.25
Township 4 North, Range 3 East:	
Section 10: All	640.00
Section 16: All	640.00
Section 20: All	640.00

(4) Except as provided in paragraph (7), the instruments of conveyance respecting the lands and interests exchanged under this subsection may contain such reservations as may be agreed upon by the Secretary and the Weyerhaeuser Company or the Secretary and Burlington Northern Incorporated, as the case may be.

Exchanges, completion date.

(5) It is the sense of the Congress that the exchanges authorized pursuant to this subsection should be completed within ninety days after the date of the enactment of this Act. The Secretary shall use the authorities of subsection (a) if the exchanges authorized by this subsection are not completed within a reasonable time after the expiration of such ninety day period.

Values of lands or interests, reduction.

(6) The Secretary shall certify in writing that to his satisfaction, at the time of conveyance, there has been no reduction in the values of the lands or interests therein caused by a direct action on the part of the current landowner below that which formed the basis for the exchanges provided for in this section. If the Secretary finds that a reduction in the value of the lands or interests therein has occurred caused by direct action on the part of the current landowner, the Secretary shall not carry out the exchange for those lands or interests so affected under this subsection, and acquisition of those lands and interests shall be undertaken by the Secretary in accordance with the provisions of subsection (a).

96 STAT. 305

(7) The provisions of this subsection (except for the provisions of paragraphs (5) and (6)) do not authorize the exercise by the Secretary of the power of eminent domain, and any exchange of the lands or interests in lands carried out under this subsection shall be pursuant to a voluntary agreement entered into between the Secretary and Burlington Northern Incorporated, or the Secretary and

Weyerhaeuser Company, as the case may be, with the full consent of each of the parties to such agreement.

(d) Nothing in this Act shall affect any prior contractual obligation of Burlington Northern Incorporated or Weyerhaeuser Company regarding lands owned by them and included in an exchange pursuant to this Act nor shall such obligations be transferred pursuant to this legislation to the United States.

(e) Any terms, conditions, or obligations imposed by the Act of July 2, 1864 (13 Stat. 365), as amended, that apply to lands and interests in lands exchanged under this Act by Burlington Northern Incorporated shall apply in equivalent manner to lands and interests in lands obtained by Burlington Northern Incorporated under this Act.

Environmental assessment.

(f) Notwithstanding any other provision of law, the Secretary shall only be required to prepare an environmental assessment of any exchange of mineral or geothermal interests authorized by this Act. In the course of preparing the assessment, the Secretary shall conduct at least one public hearing in the vicinity of the mineral or geothermal interests to be conveyed by the United States in such exchange. Any exchange of mineral or geothermal interests may be made by the Secretary only after providing the committees referred to in section 1 of this Act thirty days' notice of his intention to do so.

Hearing.

ADMINISTRATION

Sec. 4. (a) The Secretary acting through the Forest Service shall administer the Monument as a separate unit within the boundary of the Gifford Pinchot National Forest, in accordance with the appropriate laws pertaining to the national forest system, and in accordance with the provisions of this Act.

(b)(1) The Secretary shall manage the Monument to protect the geologic, ecologic, and cultural resources, in accordance with the provisions of this Act allowing geologic forces and ecological succession to continue substantially unimpeded.

(2) The Secretary may take action to control fire, insects, diseases, and other agents that might (A) endanger irreplaceable features within the Monument or (B) cause substantial damage to significant resources adjacent to the Monument.

(3) Nothing in this Act shall prohibit the Secretary from undertaking or permitting those measures within the Monument reasonably necessary to ensure public safety and prevent loss of life and property.

Scientific study and research.

(c) The Secretary shall permit the full use of the Monument for scientific study and research, except that the Secretary may impose such restrictions as may be necessary to protect public health and safety and to prevent undue modification of the natural conditions of the Monument.

(d) In order to protect the significant features of the Monument, reduce user conflicts, and ensure visitor safety, the Secretary is authorized to control times and means of access and use of the Monument or parts thereof: *Provided*, That nothing in this section shall be construed as to prohibit the use of motorized vehicles, aircraft or motorboats for emergency and other essential administrative services, including those provided by State and local governments, or when necessary, for authorized scientific research.

96 STAT. 306

Recreational and interpretive facilities.

(e)(1) The Secretary shall provide for recreational use of the Monument and shall provide recreational and interpretive facilities (including trails and campgrounds) for the use of the public which are compatible with the provisions of this Act, and may assist adjacent affected local governmental agencies in the development of related interpretive programs.

(2) Except for roads needed for recreational and interpretive purposes as may be recommended by the comprehensive management plan submitted in accordance with the provisions of subsection (i), roads or other developed facilities within the Monument should be located generally in areas which were developed prior to the 1980 eruption.

(f) Subject to valid existing rights, all Federal lands within the Monument are hereby withdrawn from all forms of entry or appropriation or disposal under the public land laws, and from location, entry, and patent under the United States mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Any mining activity carried out pursuant to valid existing rights shall be conducted in accordance with applicable Federal and State law.

Timber harvesting, exceptions.

(g) Timber harvesting shall not be permitted on Federal lands within the Monument except (1) for timber salvage contracts awarded by the Forest Service before the date of enactment of this Act, and (2) to the minimum extent necessary to control fire, insects, diseases and other agents that would endanger irreplaceable features within the Monument, cause substantial damage to significant resources adjacent to the Monument, or endanger public safety. National forest system roads within the Monument may be used to the extent necessary for such timber harvesting activities. If the Secretary intends to carry out timber harvesting activities under clause (2), the Secretary shall advise the Committee on Energy and Natural Resources of the Senate and the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives of the action the Secretary intends to take at least 30 days in advance of initiating action to contract for such sales, except that in emergency situations the Secretary shall submit a report to such Committees, describing the action taken within 30 days thereafter.

Notification or report to congressional committees.

Hunting and fishing zones, designation.

(h) The Secretary shall permit hunting and fishing on lands and waters within the Monument in accordance with applicable Federal and State law, except that the Secretary may designate zones within the Monument where, and establish periods when, no hunting or fishing shall be permitted for reasons of public health and safety, the protection of resources, scientific research activities, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities. Nothing in this subsection shall be construed as affecting the jurisdiction or responsibilities of the State of Washington with respect to wildlife and fish within the Monument.

Management plan, submittal to congressional committees.

96 STAT. 307

(i) Within three years after the date of enactment of this Act, the Secretary shall submit to the committees referred to in section 1(b), a detailed and comprehensive management plan for the Monument. The initial Monument management plan may be expressed as an amendment to the October 1981 Mount St. Helens Land Management Plan. Subsequent Monument plans shall be integrated with and periodically revised as a component of the Gifford Pinchot land management planning process. The plan shall include but not be limited to:

(1) measures for the preservation of the natural geologic and ecologic processes and integrity of the resources;

(2) indications of types, locations, and general intensities of development and access routes associated with the public understanding, use, and enjoyment of the area, including anticipated timetables and costs;

(3) identification of, and implementation plans for, visitor carrying capacities of the area; and

(4) indications of any potential modifications of the external boundaries of the area, and the reasons therefor.

MANAGEMENT OF ADJACENT FEDERAL LANDS

SEC. 6. Nothing in this Act shall be construed as authorizing or directing the establishment of protective perimeters or buffer zones around the Monument for the purpose of precluding activities outside the Monument boundary which would otherwise be permitted under applicable law. Nothing in this Act shall be construed as limiting the existing authority of the Secretary to take actions on

Federal lands adjacent to the Monument necessary to protect public health and safety in emergencies involving volcanic activity.

SCIENTIFIC ADVISORY BOARD

Mount St. Helens Scientific Advisory Board. Establishment.

SEC. 7. (a) There is hereby established the Mount St. Helens Scientific Advisory Board (hereinafter referred to as the "Board"). The Secretary shall consult with and seek the advice and recommendations of the Board with respect to—

(1) the measures needed to protect and manage the natural and scientific values of the Monument; and

(2) the administration of the Monument with respect to policies, programs, and activities which are specifically intended to retain the natural ecologic and geologic processes and integrity of the Monument.

New research opportunities, recommendations.

The Board may make recommendations to the Secretary in regard to new research opportunities which may exist within the Monument designed to gain scientific information for future interpretation and enjoyment by visitors to the Monument. No recommendation by the Board shall be binding upon the Secretary.

Membership.

(b) The Board shall be composed of nine members, who shall be individuals with recognized professional standing in appropriate scientific disciplines, as follows:

(1) three members appointed by the Secretary (one of whom shall be a professional employee of the Forest Service);

(2) two members appointed by the Secretary of the Interior (one of whom shall be a professional employee of the United States Geological Survey);

(3) two members appointed by the Governor of the State of Washington from among professional employees of the State of Washington; and

96 STAT. 308

(4) two members appointed by the Chairman of the National Science Foundation.

Terms of office.

(c) Each member shall be appointed to serve for a term of three years, except that one of the initial appointees of each appointing official shall serve an initial term of four years, one of the initial appointees of each appointing official shall serve an initial term of two years, and one of the initial appointees of the Secretary shall serve an initial term of one year.

(d) The members of the Board shall be appointed within ninety days of the date of enactment of this Act. The members of the Board shall, at their first meeting, elect a chairman.

(e) The Secretary, or a designee, shall from time to time, but at least annually, meet and consult with the Board on matters relating to the protection of the Monument and potential and ongoing research programs within the Monument.

(f) Members of the Board shall serve without compensation as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Board and its members in carrying out their responsibilities under this Act.

(g) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

Termination.

(h) The Board shall terminate ten years from the date of its first meeting.

EXPENDITURE OF CERTAIN REVENUES FROM GIFFORD PINCHOT NATIONAL FOREST BY SKAMANIA COUNTY, WASHINGTON

SEC. 8. (a) Notwithstanding the provisions of the last paragraph under the heading "Forest Service" of the Act of May 23, 1908 (16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (16 U.S.C. 500), of the amount which is paid under such provisions to the State of Washington with respect to Gifford Pinchot National Forest, to be expended for the benefit of Skamania County—

(1) not less than fifty percent shall be expended for the benefit of the public schools of Skamania County, as Skamania County may specify, and

(2) the remainder shall be expended for the benefit of public roads and other public purposes of Skamania County, as Skamania County may specify.

(b) Subsection (a) shall not apply to any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (a) at the end of any fiscal year ending before the date of the enactment of this Act.

96 STAT. 309

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is hereby authorized to be appropriated to carry out the provisions of this Act, not to exceed $12,000,000 for the fiscal year beginning October 1, 1982, and such sums as may be necessary for each fiscal year thereafter.

Approved August 26, 1982.

LEGISLATIVE HISTORY—H.R. 6530 (S. 2133):

HOUSE REPORTS: No. 97-636, Pt. I (Comm. on Interior and Insular Affairs), Pt. II (Comm. on Agriculture) and No. 97-748 (Comm. of Conference).
SENATE REPORTS: No. 97-481 accompanying S. 2133 (Comm. on Energy and Natural Resources) and No. 97-523 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 128 (1982):
July 19, considered and passed House.
July 21, considered and passed Senate, amended.
Aug. 13, Senate agreed to conference report.
Aug. 17, House agreed to conference report.

Public Law 97-275
97th Congress

96 STAT. 1185

An Act

To amend the Emergency Fund Act (Act of June 26, 1948, 62 Stat. 1052).

Oct. 1, 1982
[S. 1628]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize an emergency fund for the Bureau of Reclamation to assure the continuous operation of its irrigation and power systems", approved June 26, 1948, is amended by striking the words "irrigation and power systems" in the title and substituting the words "project facilities" and by changing the first sentence of section 1 of the Act to read as follows: "In order to assure continuous operation of all projects and project facilities governed by the Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), including any project and facilities constructed with funds provided by the Small Reclamation Projects Act (Act of August 6, 1956, 70 Stat. 1044, and Acts amendatory thereof or supplementary thereto) or with funds provided by the Distribution System Loans Act (Act of May 14, 1956, 69 Stat. 244, and Acts amendatory thereof or supplementary thereto), there is hereby authorized to be appropriated from the reclamation fund an emergency fund which shall be available for defraying expenses which the Commissioner of Reclamation determines are required to be incurred because of unusual or emergency conditions.".

Emergency Fund Act, amendment.
43 USC 502.
43 USC 371 note.
43 USC 422k.
43 USC 421c.
Appropriation authorization.

Approved October 1, 1982.

LEGISLATIVE HISTORY—S. 1628:

HOUSE REPORT No. 97-769 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-363 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 128 (1982):
May 10, considered and passed Senate.
Sept. 20, considered and passed House.

96 STAT. 1411 Public Law 97-304
97th Congress

An Act

Oct. 13, 1982
[H.R. 6133]

To authorize appropriations to carry out the provisions of the Endangered Species Act of 1973 for fiscal years 1983, 1984, and 1985, and for other purposes.

Endangered Species Act Amendments of 1982.
16 USC 1531 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Endangered Species Act Amendments of 1982".

SEC. 2. LISTING PROCESS.

(a) Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended as follows:

(1) Subsection (a) is amended—

(A) by redesignating subparagraphs (1) through (5) of paragraph (1) as subparagraphs (A) through (E), respectively;

(B) by amending that part of paragraph (1) which precedes subparagraph (A) (as so redesignated) by inserting "promulgated in accordance with subsection (b)" immediately after "shall by regulation";

(C) by striking out "sporting," in paragraph (1)(B) (as so redesignated) and inserting in lieu thereof "recreational,";

(D) by striking out the last two sentences in paragraph (1); and

Regulations.

(E) by adding at the end thereof the following new paragraph:

"(3) The Secretary, by regulation promulgated in accordance with subsection (b) and to the maximum extent prudent and determinable—

"(A) shall, concurrently with making a determination under paragraph (1) that a species is an endangered species or a threatened species, designate any habitat of such species which is then considered to be critical habitat; and

"(B) may, from time-to-time thereafter as appropriate, revise such designation.".

(2) Subsection (b) is amended to read as follows:

"(b) BASIS FOR DETERMINATIONS.—(1)(A) The Secretary shall make determinations required by subsection (a)(1) solely on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction, or on the high seas.

"(B) In carrying out this section, the Secretary shall give consideration to species which have been—

"(i) designated as requiring protection from unrestricted commerce by any foreign nation, or pursuant to any international agreement; or

96 STAT. 1412

"(ii) identified as in danger of extinction, or likely to become so within the foreseeable future, by any State agency or by any agency of a foreign nation that is responsible for the conservation of fish or wildlife or plants.

"(2) The Secretary shall designate critical habitat, and make revisions thereto, under subsection (a)(3) on the basis of the best scientific data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary may exclude any area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.

Petition, findings.

"(3)(A) To the maximum extent practicable, within 90 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to add a species to, or to remove a species from, either of the lists published under subsection (c), the Secretary shall make a finding as to whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. If such a petition is found to present such information, the Secretary shall promptly commence a review of the status of the species concerned. The Secretary shall promptly publish each finding made under this subparagraph in the Federal Register.

Review.

Publications in Federal Register.

"(B) Within 12 months after receiving a petition that is found under subparagraph (A) to present substantial information indicating that the petitioned action may be warranted, the Secretary shall make one of the following findings:

"(i) The petitioned action is not warranted, in which case the Secretary shall promptly publish such finding in the Federal Register.

"(ii) The petitioned action is warranted, in which case the Secretary shall promptly publish in the Federal Register a general notice and the complete text of a proposed regulation to implement such action in accordance with paragraph (5).

"(iii) The petitioned action is warranted, but that—

"(I) the immediate proposal and timely promulgation of a final regulation implementing the petitioned action in accordance with paragraphs (5) and (6) is precluded by pending proposals to determine whether any species is an endangered species or a threatened species, and

"(II) expeditious progress is being made to add qualified species to either of the lists published under subsection (c) and to remove from such lists species for which the protections of the Act are no longer necessary,

in which case the Secretary shall promptly publish such finding in the Federal Register, together with a description and evaluation of the reasons and data on which the finding is based.

"(C)(i) A petition with respect to which a finding is made under subparagraph (B)(iii) shall be treated as a petition that is resubmitted to the Secretary under subparagraph (A) on the date of such finding and that presents substantial scientific or commercial information that the petitioned action may be warranted.

Judicial review.

96 STAT. 1413

"(ii) Any negative finding described in subparagraph (A) and any finding described in subparagraph (B)(i) or (iii) shall be subject to judicial review.

Petition, findings.

"(D)(i) To the maximum extent practicable, within 90 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to revise a critical habitat designation, the Secretary shall make a finding as to whether the petition presents substantial scientific information indicating that the revision may be warranted. The Secretary shall promptly publish such finding in the Federal Register.

Publications in Federal Register.

"(ii) Within 12 months after receiving a petition that is found under clause (i) to present substantial information indicating that the requested revision may be warranted, the Secretary shall determine how he intends to proceed with the requested revision, and shall promptly publish notice of such intention in the Federal Register.

"(4) Except as provided in paragraphs (5) and (6) of this subsection, the provisions of section 553 of title 5, United States Code (relating to rulemaking procedures), shall apply to any regulation promulgated to carry out the purposes of this Act.

"(5) With respect to any regulation proposed by the Secretary to implement a determination, designation, or revision referred to in subsection (a)(1) or (3), the Secretary shall—

"(A) not less than 90 days before the effective date of the regulation—

Notice.

"(i) publish a general notice and the complete text of the proposed regulation in the Federal Register, and

"(ii) give actual notice of the proposed regulation (including the complete text of the regulation) to the State agency in each State in which the species is believed to occur, and to each county or equivalent jurisdiction in which the species is believed to occur, and invite the comment of such agency, and each such jurisdiction, thereon;

"(B) insofar as practical, and in cooperation with the Secretary of State, give notice of the proposed regulation to each foreign nation in which the species is believed to occur or whose citizens harvest the species on the high seas, and invite the comment of such nation thereon;

"(C) give notice of the proposed regulation to such professional scientific organizations as he deems appropriate;

"(D) publish a summary of the proposed regulation in a newspaper of general circulation in each area of the United States in which the species is believed to occur; and

Hearings.

"(E) promptly hold one public hearing on the proposed regulation if any person files a request for such a hearing within 45 days after the date of publication of general notice.

Publication in Federal Register.

"(6)(A) Within the one-year period beginning on the date on which general notice is published in accordance with paragraph (5)(A)(i) regarding a proposed regulation, the Secretary shall publish in the Federal Register—

"(i) if a determination as to whether a species is an endangered species or a threatened species, or a revision of critical habitat, is involved, either—

"(I) a final regulation to implement such determination,

96 STAT. 1414

"(II) a final regulation to implement such revision or a finding that such revision should not be made,

"(III) notice that such one-year period is being extended under subparagraph (B)(i), or

"(IV) notice that the proposed regulation is being withdrawn under subparagraph (B)(ii), together with the finding on which such withdrawal is based; or

"(ii) subject to subparagraph (C), if a designation of critical habitat is involved, either—

"(I) a final regulation to implement such designation, or

"(II) notice that such one-year period is being extended under such subparagraph.

Additional information, extension period.

"(B)(i) If the Secretary finds with respect to a proposed regulation referred to in subparagraph (A)(i) that there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination or revision concerned, the Secretary may extend the one-year period specified in subparagraph (A) for not more than six months for purposes of soliciting additional data.

"(ii) If a proposed regulation referred to in subparagraph (A)(i) is not promulgated as a final regulation within such one-year period (or longer period if extension under clause (i) applies) because the Secretary finds that there is not sufficient evidence to justify the action proposed by the regulation, the Secretary shall immediately withdraw the regulation. The finding on which a withdrawal is based shall be subject to judicial review. The Secretary may not propose a regulation that has previously been withdrawn under this clause unless he determines that sufficient new information is available to warrant such proposal.

Publication in Federal Register.

"(iii) If the one-year period specified in subparagraph (A) is extended under clause (i) with respect to a proposed regulation, then before the close of such extended period the Secretary shall publish in the Federal Register either a final regulation to implement the determination or revision concerned, a finding that the revision should not be made, or a notice of withdrawal of the regulation under clause (ii), together with the finding on which the withdrawal is based.

"(C) A final regulation designating critical habitat of an endangered species or a threatened species shall be published concurrently with the final regulation implementing the determination that such species is endangered or threatened, unless the Secretary deems that—

"(i) it is essential to the conservation of such species that the regulation implementing such determination be promptly published; or

"(ii) critical habitat of such species is not then determinable, in which case the Secretary, with respect to the proposed regulation to designate such habitat, may extend the one-year period specified in subparagraph (A) by not more than one additional year, but not later than the close of such additional year the Secretary must publish a final regulation, based on such data as may be available at that time, designating, to the maximum extent prudent, such habitat.

"(7) Neither paragraph (4), (5), or (6) of this subsection nor section 553 of title 5, United States Code, shall apply to any regulation issued by the Secretary in regard to any emergency posing a significant risk to the well-being of any species of fish or wildlife or plants, but only if—

Publication in Federal Register.

"(A) at the time of publication of the regulation in the Federal Register the Secretary publishes therein detailed reasons why such regulation is necessary; and

"(B) in the case such regulation applies to resident species of fish or wildlife, or plants, the Secretary gives actual notice of such regulation to the State agency in each State in which such species is believed to occur.

Regulations, effective date.

Such regulation shall, at the discretion of the Secretary, take effect immediately upon the publication of the regulation in the Federal Register. Any regulation promulgated under the authority of this paragraph shall cease to have force and effect at the close of the 240-day period following the date of publication unless, during such 240-day period, the rulemaking procedures which would apply to such regulation without regard to this paragraph are complied with. If at any time after issuing an emergency regulation the Secretary determines, on the basis of the best appropriate data available to him, that substantial evidence does not exist to warrant such regulation, he shall withdraw it.

Data summary.

"(8) The publication in the Federal Register of any proposed or final regulation which is necessary or appropriate to carry out the purposes of this Act shall include a summary by the Secretary of the data on which such regulation is based and shall show the relationship of such data to such regulation; and if such regulation designates or revises critical habitat, such summary shall, to the maximum extent practicable, also include a brief description and evaluation of those activities (whether public or private) which, in the opinion of the Secretary, if undertaken may adversely modify such habitat, or may be affected by such designation.".

16 USC 1532.

(3) Subsection (c) is amended—

(A) by amending paragraph (1) by striking out ", and from time to time he may by regulation revise," in the first sentence thereof, and by adding at the end thereof the following new sentence: "The Secretary shall from time to time revise each list published under the authority of this subsection to reflect recent determinations, designations, and revisions made in accordance with subsections (a) and (b).",

(B) by striking out paragraphs (2) and (3) thereof; and

(C) by redesignating paragraph (4) thereof as paragraph (2).

16 USC 1533.

(4) Such section 4 is further amended—

(A) by amending subsection (d) by striking out "section 6(a)" and inserting in lieu thereof "section 6(c)";

(B) by striking out subsection (f) thereof;

(C) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively;

(D) by amending the second sentence of subsection (f) (as redesignated by subparagraph (C)) by striking out "recovery plans," and inserting in lieu thereof "recovery plans (1) shall, to the maximum extent practicable, give priority to those endangered species or threatened species most likely to benefit from such plans, particularly those species that are, or may be, in conflict with construction or other developmental projects or other forms of economic activity, and (2)";

(E) by amending subsection (g) (as redesignated by subparagraph (C))—

(i) by striking out "subsection (c)(2)" in paragraph (1) and inserting in lieu thereof "subsection (b)(3)",

(ii) by striking out "for listing" in paragraph (3) and inserting in lieu thereof "under subsection (a)(1) of this section", and

(iii) by striking out "subsection (g)" in paragraph (4) and inserting in lieu thereof "subsection (f)"; and

Comments. Written statement to agency.

(F) by inserting at the end thereof the following new subsection:

"(h) If, in the case of any regulation proposed by the Secretary under the authority of this section, a State agency to which notice thereof was given in accordance with subsection (b)(5)(A)(ii) files comments disagreeing with all or part of the proposed regulation, and the Secretary issues a final regulation which is in conflict with such comments, or if the Secretary fails to adopt a regulation pursuant to an action petitioned by a State agency under subsection (b)(3), the Secretary shall submit to the State agency a written justification for his failure to adopt regulations consistent with the agency's comments or petition.".

16 USC 1533 note. *Ante*, p. 1411.

(b)(1) Any petition filed under section 4(c)(2) of the Endangered Species Act of 1973 (as in effect on the day before the date of the enactment of this Act) and any regulation proposed under section 4(f) of such Act of 1973 (as in effect on such day) that is pending on such date of enactment shall be treated as having been filed or proposed on such date of enactment under section 4(b) of such Act of 1973 (as amended by subsection (a)); and the procedural requirements specified in such section 4(b) (as so amended) regarding such petition or proposed regulation shall be deemed to be complied with to the extent that like requirements under such section 4 (as in effect before the date of the enactment of this Act) were complied with before such date of enactment.

(2) Any regulation proposed after, or pending on, the date of the enactment of this Act to designate critical habitat for a species that was determined before such date of enactment to be endangered or threatened shall be subject to the procedures set forth in section 4 of such Act of 1973 (as amended by subsection (a)) for regulations proposing revisions to critical habitat instead of those for regulations proposing the designation of critical habitat.

(3) Any list of endangered species or threatened species (as in effect under section 4(c) of such Act of 1973 on the day before the date of the enactment of this Act) shall remain in effect unless and until determinations regarding species and designations and revisions of critical habitats that require changes to such list are made in accordance with subsection (b)(5) of such Act of 1973 (as added by subsection (a)).

Restrictions.

(4) Section 4(a)(3)(A) of such Act of 1973 (as added by subsection (a)) shall not apply with respect to any species which was listed as an endangered species or a threatened species before November 10, 1978.

SEC. 3. COOPERATION WITH THE STATES.

Section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535) is amended—

(1) by striking out "66⅔ per centum" in subsection (d)(2)(i) thereof and inserting in lieu thereof "75 percent"; and

(2) by striking out "75 per centum" in subsection (d)(2)(ii) thereof and inserting in lieu thereof "90 percent".

96 STAT. 1417

SEC. 4. INTERAGENCY COOPERATION AND COMMITTEE EXEMPTIONS.

(a) Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) is amended as follows:

(1) Subsection (a) is amended by redesignating paragraph (3) as paragraph (4), and by inserting immediately after paragraph (2) the following new paragraph:

"(3) Subject to such guidelines as the Secretary may establish, a Federal agency shall consult with the Secretary on any prospective agency action at the request of, and in cooperation with, the prospective permit or license applicant if the applicant has reason to believe that an endangered species or a threatened species may be present in the area affected by his project and that implementation of such action will likely affect such species.".

(2) Subsection (b) is amended to read as follows:

"(b) OPINION OF SECRETARY.—(1)(A) Consultation under subsection (a)(2) with respect to any agency action shall be concluded within the 90-day period beginning on the date on which initiated or, subject to subparagraph (B), within such other period of time as is mutually agreeable to the Secretary and the Federal agency.

Consultation period.

"(B) In the case of an agency action involving a permit or license applicant, the Secretary and the Federal agency may not mutually agree to conclude consultation within a period exceeding 90 days unless the Secretary, before the close of the 90th day referred to in subparagraph (A)—

"(i) if the consultation period proposed to be agreed to will end before the 150th day after the date on which consultation was initiated, submits to the applicant a written statement setting forth—

"(I) the reasons why a longer period is required,

"(II) the information that is required to complete the consultation, and

"(III) the estimated date on which consultation will be completed; or

"(ii) if the consultation period proposed to be agreed to will end 150 or more days after the date on which consultation was initiated, obtains the consent of the applicant to such period.

The Secretary and the Federal agency may mutually agree to extend a consultation period established under the preceding sentence if the Secretary, before the close of such period, obtains the consent of the applicant to the extension.

"(2) Consultation under subsection (a)(3) shall be concluded within such period as is agreeable to the Secretary, the Federal agency, and the applicant concerned.

"(3)(A) Promptly after conclusion of consultation under paragraph (2) or (3) of subsection (a), the Secretary shall provide to the Federal agency and the applicant, if any, a written statement setting forth the Secretary's opinion, and a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat. If jeopardy or adverse modification is found, the Secretary shall suggest those reasonable and prudent alternatives which he believes would not violate subsection (a)(2) and can be taken by the Federal agency or applicant in implementing the agency action.

Review and notification.

"(B) Consultation under subsection (a)(3), and an opinion issued by the Secretary incident to such consultation, regarding an agency action shall be treated respectively as a consultation under subsec-

96 STAT. 1418

tion (a)(2), and as an opinion issued after consultation under such subsection, regarding that action if the Secretary reviews the action before it is commenced by the Federal agency and finds, and notifies such agency, that no significant changes have been made with respect to the action and that no significant change has occurred regarding the information used during the initial consultation.

Written statement to agency.

"(4) If after consultation under subsection (a)(2), the Secretary concludes that—

"(A) the agency action will not violate such subsection, or offers reasonable and prudent alternatives which the Secretary believes would not violate such subsection; and

"(B) the taking of an endangered species or a threatened species incidental to the agency action will not violate such subsection;

the Secretary shall provide the Federal agency and the applicant concerned, if any, with a written statement that—

"(i) specifies the impact of such incidental taking on the species,

"(ii) specifies those reasonable and prudent measures that the Secretary considers necessary or appropriate to minimize such impact, and

"(iii) sets forth the terms and conditions (including, but not limited to, reporting requirements) that must be complied with by the Federal agency or applicant (if any), or both, to implement the measures specified under clause (ii).".

(3) Subsection (c) is amended by amending the penultimate sentence in paragraph (1) by inserting ", except that if a permit or license applicant is involved, the 180-day period may not be extended unless such agency provides the applicant, before the close of such period, with a written statement setting forth the estimated length of the proposed extension and the reasons therefor" immediately after "agency" and before the parenthesis.

(4) Subsection (e)(10) is amended by striking out the first sentence thereof.

(5) Subsection (g) is amended as follows:

(A) The sideheading is amended to read as follows: "APPLICATION FOR EXEMPTION AND REPORT TO THE COMMITTEE.—".

(B) The second sentence of paragraph (1) is amended to read as follows: "An application for an exemption shall be considered initially by the Secretary in the manner provided for in this subsection, and shall be considered by the Committee for a final determination under subsection (h) after a report is made pursuant to paragraph (5).".

Submittal to Secretary.

(C) Paragraph (2) is amended—

(i) by striking out the first sentence of subparagraph (A) and inserting in lieu thereof the following: "An exemption applicant shall submit a written application to the Secretary, in a form prescribed under subsection (f), not later than 90 days after the completion of the consultation process; except that, in the case of any agency action involving a permit or license applicant, such application shall be submitted not later than 90 days after the date on which the Federal agency concerned takes final agency action with respect to the issuance of the permit or license. For purposes of the preceding sentence, the term 'final agency action' means (i) a disposition by an agency with respect to the issuance of a permit or license that is subject to administrative review, whether or not such disposition is subject to judicial review; or (ii) if administrative

"Final agency action."

96 STAT. 1419

review is sought with respect to such disposition, the decision resulting after such review."; and

(ii) by amending subparagraph (B)—

Publication in Federal Register.

(I) by inserting "(i)" immediately after "promptly",

(II) by striking out "to the review board to be established under paragraph (3) and", and

(III) by inserting "; and (ii) publish notice of receipt of the application in the Federal Register, including a summary of the information contained in the application and a description of the agency action with respect to which the application for exemption has been filed" immediately before the period.

(D) Paragraphs (3), (4), (9), and (11) are repealed.

Application, determination.

(E) Paragraph (5) is redesignated as paragraph (3) and is further amended to read as follows:

"(3) The Secretary shall within 20 days after the receipt of an application for exemption, or within such other period of time as is mutually agreeable to the exemption applicant and the Secretary—

"(A) determine that the Federal agency concerned and the exemption applicant have—

"(i) carried out the consultation responsibilities described in subsection (a) in good faith and made a reasonable and responsible effort to develop and fairly consider modifications or reasonable and prudent alternatives to the proposed agency action which would not violate subsection (a)(2);

"(ii) conducted any biological assessment required by subsection (c); and

"(iii) to the extent determinable within the time provided herein, refrained from making any irreversible or irretrievable commitment of resources prohibited by subsection (d); or

"(B) deny the application for exemption because the Federal agency concerned or the exemption applicant have not met the requirements set forth in subparagraph (A)(i), (ii), and (iii).

The denial of an application under subparagraph (B) shall be considered final agency action for purposes of chapter 7 of title 5, United States Code.".

5 USC 701 *et seq.*

Hearings.

(F) Paragraph (6) is redesignated as paragraph (4) and is further amended to read as follows:

"(4) If the Secretary determines that the Federal agency concerned and the exemption applicant have met the requirements set forth in paragraph (3)(A)(i), (ii), and (iii) he shall, in consultation with the Members of the Committee, hold a hearing on the application for exemption in accordance with sections 554, 555, and 556 (other than subsection (b)(1) and (2) thereof) of title 5, United States Code, and prepare the report to be submitted pursuant to paragraph (5).".

Report to Committee.

(G) Paragraph (7) is redesignated as paragraph (5) and is further amended—

Report to Committee.

(i) by striking out that part which precedes subparagraph (A) and inserting in lieu thereof "Within 140 days after making the determinations under paragraph (3) or within such other period of time as is mutually agreeable to the exemption applicant and the Secretary, the Secretary shall submit to the Committee a report discussing—";

(ii) by striking out the period immediately after "by the Committee" in subparagraph (C) and inserting in lieu thereof "; and"; and

(iii) by adding at the end thereof the following:

"(D) whether the Federal agency concerned and the exemption applicant refrained from making any irreversible or irretrievable commitment of resources prohibited by subsection (d).".

(H) Paragraph (8) is redesignated as paragraph (6).

(I) Paragraph (10) is redesignated as paragraph (7) and is amended to read as follows:

"(7) Upon request of the Secretary, the head of any Federal agency is authorized to detail, on a nonreimbursable basis, any of the personnel of such agency to the Secretary to assist him in carrying out his duties under this section.".

(J) Paragraph (12) is redesignated as paragraph (8) and is further amended by striking out "of review boards" and inserting in lieu thereof "resulting from activities pursuant to this subsection".

(6) Subsection (h)(1) is amended—

(A) by striking out "90 days of receiving the report of the review board under subsection (g)(7)" in the matter preceding subparagraph (A) and inserting in lieu thereof "30 days after receiving the report of the Secretary pursuant to subsection (g)(5)";

(B) by striking out "review board" in subparagraph (A) and inserting in lieu thereof "Secretary, the record of the hearing held under subsection (g)(4)";

(C) by striking out "and" at the end of subparagraph (A)(ii);

(D) by inserting immediately after subparagraph (A)(iii) the following:

"(iv) neither the Federal agency concerned nor the exemption applicant made any irreversible or irretrievable commitment of resources prohibited by subsection (d); and".

(7) Subsection (o) is amended to read as follows:

16 USC 1533, 1538.

"(o) Notwithstanding sections 4(d) and 9(a)(1)(B) and (C) or any regulation promulgated to implement either such section—

"(1) any action for which an exemption is granted under subsection (h) shall not be considered to be a taking of any endangered species or threatened species with respect to any activity which is necessary to carry out such action; and

"(2) any taking that is in compliance with the terms and conditions specified in a written statement provided under subsection (b)(4)(iii) shall not be considered to be a taking of the species concerned.".

(b) Paragraph (11) of section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532(11)) is repealed.

SEC. 5. CONVENTION IMPLEMENTATION.

Section 8A of the Endangered Species Act of 1973 (16 U.S.C. 1537a) is amended—

(1) by amending subsection (c) by inserting "(1)" immediately after "SCIENTIFIC AUTHORITY FUNCTIONS.—", and by adding at the end thereof the following new paragraph:

"(2) The Secretary shall base the determinations and advice given by him under Article IV of the Convention with respect to wildlife upon the best available biological information derived from professionally accepted wildlife management practices; but is not required to make, or require any State to make, estimates of population size in making such determinations or giving such advice.";

Report to Congress.

(2) by amending subsection (d) to read as follows:

"(d) RESERVATIONS BY THE UNITED STATES UNDER CONVENTION.—If the United States votes against including any species in Appendix I or II of the Convention and does not enter a reservation pursuant to paragraph (3) of Article XV of the Convention with respect to that species, the Secretary of State, before the 90th day after the last day on which such a reservation could be entered, shall submit to the

Committee on Merchant Marine and Fisheries of the House of Representatives, and to the Committee on the Environment and Public Works of the Senate, a written report setting forth the reasons why such a reservation was not entered."; and

(3) by amending subsection (e) to read as follows:

"(e) Wildlife Preservation in Western Hemisphere.—(1) The Secretary of the Interior (hereinafter in this subsection referred to as the 'Secretary'), in cooperation with the Secretary of State, shall act on behalf of, and represent, the United States in all regards as required by the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354, T.S. 982, hereinafter in this subsection referred to as the 'Western Convention'). In the discharge of these responsibilities, the Secretary and the Secretary of State shall consult with the Secretary of Agriculture, the Secretary of Commerce, and the heads of other agencies with respect to matters relating to or affecting their areas of responsibility.

T.S. 981.

"(2) The Secretary and the Secretary of State shall, in cooperation with the contracting parties to the Western Convention and, to the extent feasible and appropriate, with the participation of State agencies, take such steps as are necessary to implement the Western Convention. Such steps shall include, but not be limited to—

"(A) cooperation with contracting parties and international organizations for the purpose of developing personnel resources and programs that will facilitate implementation of the Western Convention;

"(B) identification of those species of birds that migrate between the United States and other contracting parties, and the habitats upon which those species depend, and the implementation of cooperative measures to ensure that such species will not become endangered or threatened; and

"(C) identification of measures that are necessary and appropriate to implement those provisions of the Western Convention which address the protection of wild plants.

Report to Congress.

"(3) No later than September 30, 1985, the Secretary and the Secretary of State shall submit a report to Congress describing those steps taken in accordance with the requirements of this subsection and identifying the principal remaining actions yet necessary for comprehensive and effective implementation of the Western Convention.

96 STAT. 1422

"(4) The provisions of this subsection shall not be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate resident fish or wildlife under State law or regulations.".

Effective date. 16 USC 1537a note.

(b) The amendment made by paragraph (1) of subsection (a) shall take effect January 1, 1981.

SEC. 6. EXPERIMENTAL POPULATIONS AND OTHER EXCEPTIONS.

Section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) Permits.—(1) The Secretary may permit, under such terms and conditions as he shall prescribe—

16 USC 1538.

"(A) any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species, including, but not limited to, acts necessary for the establishment and maintenance of experimental populations pursuant to subsection (j); or

Post, p. 1424.

"(B) any taking otherwise prohibited by section 9(a)(1)(B) if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Permit issuance. Conservation plan.

"(2)(A) No permit may be issued by the Secretary authorizing any taking referred to in paragraph (1)(B) unless the applicant therefor submits to the Secretary a conservation plan that specifies—

act on behalf of, and represent, the United States in all regards as

"(ii) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps;

"(iii) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized; and

"(iv) such other measures that the Secretary may require as being necessary or appropriate for purposes of the plan.

"(B) If the Secretary finds, after opportunity for public comment, with respect to a permit application and the related conservation plan that—

"(i) the taking will be incidental;

"(ii) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;

"(iii) the applicant will ensure that adequate funding for the plan will be provided;

"(iv) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

"(v) the measures, if any, required under subparagraph (A)(iv) will be met;

and he has received such other assurances as he may require that the plan will be implemented, the Secretary shall issue the permit. The permit shall contain such terms and conditions as the Secretary deems necessary or appropriate to carry out the purposes of this paragraph, including, but not limited to, such reporting requirements as the Secretary deems necessary for determining whether such terms and conditions are being complied with.

96 STAT. 1423

Permit revocation.

"(C) The Secretary shall revoke a permit issued under this paragraph if he finds that the permittee is not complying with the terms and conditions of the permit.".

(2) Subsection (d) is amended by striking out "subsections (a)" and inserting in lieu thereof "subsections (a)(1)(A)".

(3) Subsection (f) is amended—

(A) by amending paragraph (1)(B) by inserting "substantial" immediately before "etching" and before "carving", and by adding at the end thereof the following new sentence: "For purposes of this subsection, polishing or the adding of minor superficial markings does not constitute substantial etching, engraving, or carving."; and

(B) by adding at the end thereof the following new paragraph:

Review.

"(9)(A) The Secretary shall carry out a comprehensive review of the effectiveness of the regulations prescribed pursuant to paragraph (5) of this subsection—

"(i) in insuring that pre-Act finished scrimshaw products, or the raw materials for such products, have been adequately accounted for and not disposed of contrary to the provisions of this Act; and

"(ii) in preventing the commingling of unlawfully imported or acquired marine mammal products with such exempted products either by persons to whom certificates of exemption have been issued under paragraph (4) of this subsection or by subsequent purchasers from such persons.

"(B) In conducting the review required under subparagraph (A), the Secretary shall consider, but not be limited to—

"(i) the adequacy of the reporting and records required of exemption holders;

"(ii) the extent to which such reports and records are subject to verification;

"(iii) methods for identifying individual pieces of scrimshaw products and raw materials and for preventing commingling of exempted materials from those not subject to such exemption; and

"(iv) the retention of unworked materials in controlled-access storage.

The Secretary shall submit a report of such review to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on the Environment and Public Works of the Senate and make it available to the general public. Based on such review, the Secretary shall, on or before October 1, 1983, propose and adopt such revisions to such regulations as he deems necessary and appropriate to carry out this paragraph. Upon publication of such revised regulations, the Secretary may renew for a further period of not to exceed three years any certificate of exemption previously renewed under paragraph (8) of this subsection, subject to such new terms and conditions as are necessary and appropriate under the revised regulations; except that any certificate of exemption that would, but for this clause, expire on or after the date of enactment of this paragraph and before the date of the adoption of such regulations may be extended until such time after the date of adoption as may be necessary for purposes of applying such regulations to the certificate. Notwithstanding the foregoing, however, no person may, after January 31, 1984, sell or offer for sale in interstate or foreign commerce any pre-Act finished scrimshaw product unless such person has been issued a valid certificate of exemption by the Secretary under this subsection and unless such product or the raw material for such product was held by such person on the date of the enactment of this paragraph.".

Report to congressional committees.
Public availability.

Certificate of exemption, renewal.

96 STAT. 1424

(4)(A) Subsection (h)(1) is amended—

(i) by striking out "(other than scrimshaw)"; and

(ii) by amending subparagraph (A) to read as follows: "(A) is not less than 100 years of age; ".

(B) The amendment made by subparagraph (A) shall take effect January 1, 1981.

Effective date.
16 USC 1539 note.

(5) Subsection (i) is amended to read as follows:

"(i) Noncommercial Transshipments.—Any importation into the United States of fish or wildlife shall, if—

"(1) such fish or wildlife was lawfully taken and exported from the country of origin and country of reexport, if any;

"(2) such fish or wildlife is in transit or transshipment through any place subject to the jurisdiction of the United States en route to a country where such fish or wildlife may be lawfully imported and received;

"(3) the exporter or owner of such fish or wildlife gave explicit instructions not to ship such fish or wildlife through any place subject to the jurisdiction of the United States, or did all that could have reasonably been done to prevent transshipment, and the circumstances leading to the transshipment were beyond the exporter's or owner's control;

"(4) the applicable requirements of the Convention have been satisfied; and

"(5) such importation is not made in the course of a commercial activity,

be an importation not in violation of any provision of this Act or any regulation issued pursuant to this Act while such fish or wildlife remains in the control of the United States Customs Service.".

(6) At the end thereof insert the following new subsection:

"(j) Experimental Populations.—(1) For purposes of this subsection, the term 'experimental population' means any population (including any offspring arising solely therefrom) authorized by the Secretary for release under paragraph (2), but only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species.

"(2)(A) The Secretary may authorize the release (and the related transportation) of any population (including eggs, propagules, or individuals) of an endangered species or a threatened species outside the current range of such species if the Secretary determines that such release will further the conservation of such species.

Release of endangered species.

"(B) Before authorizing the release of any population under subparagraph (A), the Secretary shall by regulation identify the population and determine, on the basis of the best available information, whether or not such population is essential to the continued existence of an endangered species or a threatened species.

"(C) For the purposes of this Act, each member of an experimental population shall be treated as a threatened species; except that—

16 USC 1536.

"(i) solely for purposes of section 7 (other than subsection (a)(1) thereof), an experimental population determined under subparagraph (B) to be not essential to the continued existence of a species shall be treated, except when it occurs in an area

96 STAT. 1425

within the National Wildlife Refuge System or the National

Ante, p. 1411.

Park System, as a species proposed to be listed under section 4; and

"(ii) critical habitat shall not be designated under this Act for any experimental population determined under subparagraph (B) to be not essential to the continued existence of a species.

"(3) The Secretary, with respect to populations of endangered species or threatened species that the Secretary authorized, before the date of the enactment of this subsection, for release in geographical areas separate from the other populations of such species, shall determine by regulation which of such populations are an experimental population for the purposes of this subsection and whether or not each is essential to the continued existence of an endangered species or a threatened species.".

SEC. 7. ENFORCEMENT.

Section 11 of the Endangered Species Act of 1973 (16 U.S.C. 1540) is amended as follows:

(1) Subsection (e) is amended by adding at the end thereof the following new paragraph:

"(6) The Attorney General of the United States may seek to enjoin any person who is alleged to be in violation of any provision of this Act or regulation issued under authority thereof.".

(2) Subsection (g) is amended—

(A) by amending paragraph (1)—

(i) by striking out "any State." in subparagraph (B) and inserting in lieu thereof "any State; or",

(ii) by inserting immediately after subparagraph (B) the following new subparagraph:

Ante, p. 1411.

"(C) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under section 4 which is not discretionary with the Secretary.", and

(iii) by amending the first sentence following subparagraph (C) (as added by clause (ii) of this subparagraph), by inserting "or to order the Secretary to perform such act or duty," immediately after "any such provision or regulation,"; and

(B) by amending paragraph (2) by adding the following new subparagraph immediately after subparagraph (B) thereof:

Written notification.

"(C) No action may be commenced under subparagraph (1)(C) of this section prior to sixty days after written notice has been given to the Secretary; except that such action may be brought immediately after such notification in the case of an action under this section respecting an emergency posing a significant risk to the well-being of any species of fish or wildlife or plants.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1542) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 15. (a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), there are authorized to be appropriated—

"(1) not to exceed $27,000,000 for each of fiscal years 1983, 1984, and 1985 to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this Act;

"(2) not to exceed $3,500,000 for each of fiscal years 1983, 1984, and 1985 to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this Act; and

"(3) not to exceed $1,850,000 for each of fiscal years 1983, 1984, and 1985 to enable the Department of Agriculture to carry out its functions and responsibilities with respect to the enforcement of this Act and the Convention which pertain to the importation or exportation of plants.

"(b) COOPERATION WITH STATES.—For the purposes of section 6, there are authorized to be appropriated not to exceed $6,000,000 for each of fiscal years 1983, 1984, and 1985.

16 USC 1535.

"(c) EXEMPTIONS FROM ACT.—There are authorized to be appropriated to the Secretary to assist him and the Endangered Species Committee in carrying out their functions under section 7(e), (g), and (h) not to exceed $600,000 for each of fiscal years 1983, 1984, and 1985.

Ante, p. 1417.

"(d) CONVENTION IMPLEMENTATION.—There are authorized to be appropriated to the Department of the Interior for purposes of carrying out section 8A(e) not to exceed $150,000 for each of fiscal years 1983 and 1984, and not to exceed $300,000 for fiscal year 1985, and such sums shall remain available until expended.".

Ante, p. 1421.

(b) Sections 6(i) and 7(q) of such Act of 1973 are repealed.

16 USC 1535, 1536.

SEC. 9. MISCELLANEOUS AMENDMENTS.

(a) Section 2(c) of the Endangered Species Act of 1973 (16 U.S.C. 1532(c)) is amended—

16 USC 1531.

(1) by inserting "(1)" immediately before "It is"; and

(2) by adding the following new paragraph:

"(2) It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.".

(b) Section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1538) is amended—

(1) by amending subsection (a)(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting the following new subparagraph immediately after subparagraph (A) thereof:

"(B) remove and reduce to possession any such species from areas under Federal jurisdiction;";

(2) by amending subsection (b)(1) to read as follows:

"(b)(1) SPECIES HELD IN CAPTIVITY OR CONTROLLED ENVIRONMENT.—The provisions of subsections (a)(1)(A) and (a)(1)(G) of this section shall not apply to any fish or wildlife which was held in captivity or in a controlled environment on (A) December 28, 1973, or (B) the date of the publication in the Federal Register of a final regulation adding such fish or wildlife species to any list published pursuant to subsection (c) of section 4 of this Act: *Provided*, That such holding and any subsequent holding or use of the fish or wildlife was not in the course of a commercial activity. With respect to any act prohibited by subsections (a)(1)(A) and (a)(1)(G) of this section which occurs after a period of 180 days from (i) December 28, 1973, or (ii) the date of publication in the Federal Register of a final regulation adding such fish or wildlife species to any list published pursuant to subsection (c) of section 4 of this Act, there shall be a rebuttable presumption that the fish or wildlife involved in such act is not entitled to the exemption contained in this subsection."; and

Ante, p. 1411.

Ante, p. 1411.

(3) by amending subsection (b)(2)(A) by striking out "This section shall not apply to" and inserting in lieu thereof "The provisions of subsection (a)(1) shall not apply to".

16 USC 1540.

(c) Section 11(a)(1) and (b)(1) of such Act of 1973 are each amended by striking out "or (C)" immediately after "(a)(2)(A), (B)," and inserting in lieu thereof "(C), or (D)".

Approved October 13, 1982.

LEGISLATIVE HISTORY—H.R. 6133 (S. 2309):

HOUSE REPORTS: No. 97-567 Pt. I (Comm. on Merchant Marine and Fisheries) and No. 97-835 (Comm. of Conference).

SENATE REPORT No. 97-418 accompanying S. 2309 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 128 (1982):
June 8, considered and passed House.
June 9, considered and passed Senate, amended, in lieu of S. 2309.
Sept. 20, Senate agreed to conference report.
Sept. 30, House agreed to conference report.

---

96 STAT. 1455

Public Law 97-310
97th Congress

An Act

Oct. 14, 1982
[H.R. 7293]

To provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center in Wolf Trap Farm Park, and for other purposes.

Wolf Trap Farm Park Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes", approved October 15, 1966 (16 U.S.C. 284–284b), is amended by adding at the end the following new sections:

Grant.
16 USC 284c.

"SEC. 4. (a) The Secretary is authorized to make available to the Foundation, in the form of a grant, $9,000,000 to be used for the reconstruction of the Center, subject to the provisions of this section. Such grant shall be made available in increments as needed for such purpose and only if the Foundation has agreed under terms and conditions satisfactory to the Secretary to provide, from non-Federal sources, sufficient contributions on a timely basis to complete the reconstruction of the Center.

Loans.

"(b) The Secretary may make loans to the Foundation to the extent needed to complete the reconstruction of the Center and to provide for noise mitigation measures, including those on adjacent public property, in an amount equal to twice the amount of non-Federal contributions received, and provided, by the Foundation for such reconstruction work. The total amount of such loans may not exceed $8,000,000. Loans made under this subsection shall be repaid in full, with interest on any unpaid obligation at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketing obligations of the United States with remaining periods to maturity comparable to the maturity of the loan, plus such additional charge, if any, as the Secretary may determine, for the purpose of covering other costs of servicing the loan. In determining the terms and conditions governing any loan, the Secretary shall fix a term of not more than five years from the date the loan agreement is executed.

Terms and conditions.

Written agreement.

"(c) No grants or loans may be made under this section unless the Secretary has entered into a written agreement with the Foundation under which the Foundation agrees—

"(1) to expend all funds for the reconstruction of the Center (and for construction or reconstruction of any related structures or fixtures) only in accordance with circulars published by the Office of Management and Budget applicable to Federal grants to nonprofit organizations, and in accordance with the provisions of the Davis-Bacon Act (40 U.S.C. 276a–a7);

"(2) to comply with such other terms and conditions as the Secretary deems appropriate; and

"(3) to maintain, during the term of the cooperative agreement described in section (5), and at the Foundation's expense, insurance on the Center respecting such risks, in such amounts, and containing such terms and conditions, as are satisfactory to the Secretary. Any repairs or reconstruction carried out with Funds obtained from the receipt of the proceeds of any such insurance shall be subject to the approval of the Secretary.

96 STAT. 1456

"(d) The Secretary shall be responsible for overseeing the reconstruction and shall have final approval over the plans for, and location and design of, the Center, and the Foundation shall be responsible for managing the construction activities, including the selection (in accordance with the requirements referred to in paragraphs (1) and (2) of subsection (c)) of persons to perform architectural, engineering, construction, and related services.

Easement.

"(e) No grants or loans may be made under this section unless the Secretary has received what the Secretary deems to be adequate written assurance from the Administrator of the Federal Aviation Administration that any easement granted to the Commonwealth of Virginia by the Administrator for construction of the Dulles Toll Road will contain noise standards ("A" weighted energy average sound level of 52 to 54 dB) and other standards set forth in the Final Environmental Impact Statement for the Dulles Airport Access Road Outer Parallel Toll Roads, prepared by the Federal Aviation Administration and issued in May of 1982, legally enforceable by the Administrator and by the Secretary which are adequate to protect the Center from undue noise pollution and other environmental degradation attributable to such toll road both during and after its construction, and will also contain legally enforceable assurances that the Commonwealth of Virginia will promptly take measures to achieve the noise levels specified in the easement. Such measures may include a partial or total ban on truck traffic on the toll road or other mitigation recommended by the Secretary and the Administrator.

Toll road, truck traffic ban.

"(f) The Secretary may also provide support services, as requested by the Foundation, on a reimbursable basis, for purposes of reconstruction of the Center.

Cooperative agreement.
16 USC 284d.

"SEC. 5. (a) The Secretary is authorized and directed to enter into a cooperative agreement with the Foundation respecting the presentation of performing arts and related educational and cultural programs at the Center, and in such other areas of the park as may be agreed to. The Secretary may provide technical and financial assistance under such a cooperative agreement for such purposes, pursuant to such terms and conditions as he deems appropriate.

"(b) As a condition of entering into a cooperative agreement under this section, the Secretary shall require that—

"(1) the Foundation maintain the insurance described in section 4(c)(3) of this Act; and

"(2) the Foundation maintain its status as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and exempt from taxation under section 501(a) of such Code.

26 USC 501.

Information disclosure.

"(c) A cooperative agreement under this section shall provide that—

"(1) the Secretary and the Comptroller General of the United States or their duly authorized representatives shall have access to any pertinent books, documents, papers, and records of the Foundation to make audits, examinations, excerpts, and transcripts;

Report to congressional committees.

"(2) the Foundation shall prepare an annual report to the Secretary, which shall also be submitted to the appropriate committees of the United States House of Representatives and the United States Senate, summarizing the activities of the previous year (together with a comparison of goals and objectives with actual accomplishments) and presenting a plan for the forthcoming year; and

96 STAT. 1457

Termination.

"(3) such cooperative agreement may be terminated at the convenience of the United States if the Secretary determines that such termination is required in the public interest.

Terms and conditions.

The cooperative agreement shall contain such other terms and conditions as the Secretary deems appropriate. Until such cooperative agreement is entered into, nothing in this section shall be construed to affect or impair the validity of the agreement between the National Park Service and the Foundation dated September 16, 1980. Such agreement shall remain in force and effect until terminated under the terms and conditions of such agreement or until an agreement is entered into under this section. Nothing in this section shall be construed to affect the authority of the Secretary under any other provision of law to enter into a contract or an agreement, not conflicting with the cooperative agreement described in this section, with any other organization or entity with respect to the administration of the park.

16 USC 284e.

"Sec. 6. All right, title, and interest in the Center shall be vested in the United States. Nothing in this Act shall be construed to provide that the Foundation shall be considered to be a Federal agency or instrumentality for purposes of applying any law or regulation of the United States or of any State.

Reports to congressional committees.
16 USC 284f.

"Sec. 7. Following disbursement of any grant under this Act for the reconstruction of the Center, the Secretary shall submit quarterly reports to the appropriate committees of the United States House of Representatives and the United States Senate setting forth the progress of the reconstruction, any present or anticipated problems of any type, the financial projections for remaining work, and the progress made by the Foundation in raising funds for purposes of the reconstruction. The report shall set forth quarterly goals respecting the reconstruction of the Center and shall compare the performance during the prior quarter to the goals set forth for that quarter.

16 USC 284g.

"Sec. 8. (a) The Secretary shall cooperate with, and seek cooperation from, other Federal, State, and local agencies (including the Federal Aviation Administration) to protect the park from undue noise intrusions, air pollution, and visual degradation.

Noise, pollution, monitoring.

"(b) The Secretary shall monitor noise pollution which is associated with the Dulles road corridor (including the airport access and toll roads) and shall notify the Federal Aviation Administration, the Commonwealth of Virginia, and the appropriate committees of Congress if, after conferring with the Administrator of the Federal Aviation Administration, the Secretary finds that such noise pollution is exceeding the standards set forth in section 4(e). Within sixty days after any such notification, the Administrator of the Federal Aviation Administration shall take steps to reduce noise pollution so as to conform to such standards. The Secretary or the Foundation may bring an action in the United States District Court for the District of Columbia to enjoin any violation by the Commonwealth of Virginia of the easement referred to in section 4(e).

Plan.
16 USC 284h.

"Sec. 9. A general management plan for the park shall be prepared and periodically revised in a timely manner in accordance with the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a through 1a-7). Such plan shall be submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate no later than January 1, 1984, and such revisions shall be submitted to such committees of the Congress in a timely manner.

Submittal to congressional committees.

96 STAT. 1458

Appropriation authorization.
16 USC 284i.

"Sec. 10. There is authorized to be appropriated not more than $17,000,000 to carry out sections 4 and 5 of this Act. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts.

Definitions.
16 USC 284j.

"Sec. 11. As used in this Act, the term—

"(1) 'Secretary' means the Secretary of the Interior.

"(2) 'Park' means the Wolf Trap Farm Park established under this Act, including the Center.

"(3) 'Center' means the Filene Center in the Park. Such term includes all real property and fixtures which are within or directly related to the Filene Center.

"(4) 'Foundation' means the Wolf Trap Foundation for the Performing Arts organized pursuant to the District of Columbia Nonprofit Organization Act.

"Sec. 12. This Act may be referred to as the 'Wolf Trap Farm Park Act'.".

Short title.
16 USC 284 note.

Approved October 14, 1982.

LEGISLATIVE HISTORY—H.R. 7293

CONGRESSIONAL RECORD, Vol. 128 (1982):
Oct. 1, considered and passed House and Senate.

Public Law 97-338
97th Congress

96 STAT. 1633

An Act

To authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes.

Oct. 15, 1982
[H.R. 6188]

Platte River, Nebr.
Federal-State study.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in a special study to assist the State of Nebraska in establishing water resource conservation and development priorities, consistent with constitutional and statutory provisions of the State of Nebraska, in the Platte River Basin from the western border of the State of Nebraska to the confluence of the Platte and Missouri Rivers.

The purposes of the study shall be to—

(a) determine the availability of water resources within the basin;

(b) identify, define, and quantify the existing and foreseeable intrabasin and interbasin demands on such resources within the State of Nebraska (including irrigation, ground water stabilization and recharge, enhancement of water quality, small community and rural domestic water supplies, management of fish and wildlife habitat, public outdoor recreation, preservation of scenic qualities, flood control, hydroelectric power development, municipal and industrial water supplies, and such other demands as the study may identify);

(c) identify, evaluate, and estimate costs for alternative methods of meeting the identified water demands, including but not limited to withdrawals from the Platte River, groundwater pumping, water conservation, and improved water management; and

(d) resolve the identified conflicts by making specific recommendations on the full and best utilization of the available water supply, including a priority ranking for implementing recommended water conservation and development projects.

Sec. 2. The special study authorized by section 1 of this Act shall be a Federal-State study conducted jointly by the Bureau of Reclamation and the Nebraska Natural Resources Commission. The broadly constituted study body responsible for making the recommendations required by section 1 shall consist of such citizens, representatives of agricultural, environmental and development groups, State and local officials, and Federal agency representatives as the Governor of Nebraska and the Secretary shall jointly determine. Federal agencies invited to participate shall include, but not be limited to, the U.S. Geological Survey, the U.S. Fish and Wildlife

Study completion.

Service, and the Environmental Protection Agency. The special study authorized by section 1 of this Act shall be completed within thirty months after funds are first appropriated under this Act.

Appropriation authorization.

96 STAT. 1634

SEC. 3. (a) There is hereby authorized to be appropriated the sum of $350,000 to carry out section 1 of this Act. One-half of this sum shall be made available as a grant to the Nebraska Natural Resources Commission and shall be matched equally by direct contribution or inkind services by the State of Nebraska, its political subdivisions, or other non-Federal entities.

(b) The sums expended or services provided by the State of Nebraska, its political subdivisions, or other non-Federal entities after March 9, 1982, for the purposes of this Act shall be considered in the determination of the matching non-Federal share.

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 6188:

HOUSE REPORT No. 97-713 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-562 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Aug. 16, considered and passed House.
Oct. 1, considered and passed Senate.

96 STAT. 1705

Public Law 97-357
97th Congress

An Act

Oct. 19, 1982
[H.R. 5139]

To authorize appropriations for certain insular areas of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States insular areas.
Appropriation authorization.

TITLE I—GUAM

48 USC 1422a.

SEC. 101. Section 7 of the Organic Act of Guam (64 Stat. 384, 387), as amended, is revised to read as follows:

"SEC. 7. (a) The people of Guam shall have the right of initiative and referendum, to be exercised under conditions and procedures specified in the laws of Guam.

Referendum election.

"(b) Any Governor, Lieutenant Governor, or member of the legislature of Guam may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such referendum election. The referendum election shall be initiated by the legislature of Guam following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) petition for such a referendum to the legislature by registered voters equal in number to at least 50 per centum of the whole number of votes cast at the last general election at which such official was elected preceding the filing of the petition.".

SEC. 102. Section 1(a)(1) of Public Law 95-348 (92 Stat. 487) is amended by deleting "involved." and inserting in lieu thereof "involved, and $6,052,000 for fiscal year 1983, such sums to remain available until expended.".

SEC. 103. Section 205 of Public Law 95-134 (91 Stat. 1159, 1162), as amended by subsection 1(d) of Public Law 95-348 (92 Stat. 487, 488), is further amended by deleting "Medical Center of the Marianas:" and inserting in lieu thereof "Medical Center of the Marianas, to renovate, maintain, and operate the Guam Memorial Hospital, and to construct, maintain, and operate a health care facility in the northern part of Guam:".

48 USC 1421 note.

SEC. 104. The Organic Act of Guam (64 Stat. 384), as amended, is further amended—

48 USC 1422.
Reports to Congress and Secretary of Interior.

(a) by deleting the first sentence of the sixth paragraph of section 6, as amended (82 Stat. 842, 843), and substituting the following: "The Governor shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report."; and

96 STAT. 1706

(b) by deleting section 9-A (82 Stat. 842, 845), as amended (91 Stat. 1159, 1161), in its entirety, and inserting in lieu thereof the following new section 9-A:

Transfer of functions to Inspector General.
48 USC 1422d.

"SEC. 9-A. (a) The following functions, powers, and duties heretofore vested in the government comptroller for Guam are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of Guam:

Audit.

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of Guam, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of Guam including those pertaining to trust funds held by the government of Guam.

Report.

"(2) The authority to report to the Secretary of the Interior and the Governor of Guam all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

"(b) The authority granted in paragraph (a) shall extend to all activities of the government of Guam, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

5 USC app.
Transfer of funds to Inspector General.

"(c) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for Guam related to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.".

TITLE II—TRUST TERRITORY OF THE PACIFIC ISLANDS

48 USC 1681 note.

SEC. 201. In section 402(a) of Public Law 96-597 (94 Stat. 3478) strike "by October 1, 1982," and insert in lieu thereof: "by a date not later than ninety days following termination of the trusteeship agreement governing the administration of the Trust Territory of the Pacific Islands,".

SEC. 202. (1) The Act of June 13, 1975 (89 Stat. 212), is amended by inserting the following language before the last sentence: "The corpus, income of, or distributions from such trust, or distributions to the beneficiaries of such trust shall not be subject to any form of United States Federal, State, or local taxation.".

Tax exclusions.
96 STAT. 1707

(2) The corpus, income of, or distributions from the Ujelang Trust Fund numbered 2 (established by the High Commissioner of the Trust Territory of the Pacific Islands), or distributions to the beneficiaries of such trust fund shall not be subject to any form of United States Federal, State, or local taxation.

48 USC 1692.

SEC. 203. The Act of March 21, 1972 (86 Stat. 87), relating to the Trust Territory of the Pacific Islands is amended—

Reports to Congress, Secretary of Interior and others.

(a) by amending section 5 (86 Stat. 88), to read: "The chief executives of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The chief executives shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress. The chief executives shall also make such other reports at such other times as may be required by the Congress or under applicable Federal laws. The chief executives shall submit to the Congress, the Secretary of the Interior, the High Commissioner of the Trust Territory of the Pacific Islands, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report. This section is not subject to termination under section 502(a)(3) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263, 268).";

48 USC 1681 note.

48 USC 1681b.

(b) by deleting section 4 of the Act of June 30, 1954 (68 Stat. 330), as amended (87 Stat. 354; 91 Stat. 1162; 94 Stat. 85), in its entirety, and inserting in lieu thereof the following new section 4:

Functions transferred to Inspector General.

"SEC. 4. (a) The following functions, powers, and duties heretofore vested in the government comptroller for Guam with respect to the government of the Trust Territory of the Pacific Islands and the government of the Northern Mariana Islands are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands:

Audit.

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the aforementioned governments including those pertaining to trust funds held by such governments.

Report.

"(2) The authority to report to the Secretary of the Interior, the High Commissioner of the Trust Territory of the Pacific

96 STAT. 1708

Islands, the chief executives of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands all failures to collect amounts due the governments, and expenditures of funds or uses of property which are irregular or not pursuant to law.

"(b) The authority granted in paragraph (a) shall extend to all activities of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands, and shall be in addition to the authority conferred upon the Inspector

5 USC app.

General by the Inspector General Act of 1978 (92 Stat. 1101), as amended. This section is not subject to termination under section 502(a)(3) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263, 268).

48 USC 1681 note.
Transfer of funds to Inspector General.

"(c) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for Guam related to its audit function, with respect to the government of the Trust Territory of the Pacific Islands and the government of the Northern Mariana Islands are hereby transferred to the Office of Inspector General, Department of the Interior.".

48 USC 1681c.

(d) Section 201(a) of Public Law 96-205 (94 Stat. 85), is hereby repealed in its entirety.

48 USC 1692 note.

(e) Nothing in this section shall be construed as requiring the Governor of the Northern Mariana Islands to submit any statement or report to the High Commissioner of the Trust Territory of the Pacific Islands.

28 USC 2680 note.

SEC. 204. That the Northern Mariana Islands shall not be considered a foreign country for purposes of subsection (k) of section 2680 of title 28, United States Code, with respect to claims which accrued no more than two years prior to the effective date of this Act.

Inventory and study.
48 USC 1681 note.

SEC. 205. The Secretary shall conduct, upon request of the affected regional governments and through the Director of the National Park Service, a comprehensive inventory and study of the most unique and significant natural, historical, cultural and recreational resources of the Trust Territory of the Pacific Islands (specifically composed of the Mariana, Caroline and Marshall Islands). Areas or sites exhibiting such qualities shall be described and evaluated with the objective of the preservation of their values and their careful use and appreciation by the public, along with a determination of their potential for attracting tourism. Alternative methodologies for such preservation and use shall be developed for each area or site (including continued assistance from the National Park Service); current or impending damage or threats to the resources of such areas or sites shall be identified and evaluated; and authorities needed to properly protect and allow for public use and appreciation shall be identified and discussed. Such inventory and study shall be conducted in full cooperation and consultation with affected governmental officials and the interested public. The inventory and study shall also identify areas or sites which qualify to be listed on the Registry of Natural Landmarks and the National Register of Historic Places. A full report on such inventory and study shall be transmitted to the respectively involved governments, the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate no later than two complete calendar years after the effective date of this Act.

Report to involved governments and congressional committees.

96 STAT. 1709

TITLE III—VIRGIN ISLANDS

Educational grant, effective date.

SEC. 301. (a) Effective October 1, 1982, there is authorized to be appropriated to the Secretary of the Interior $150,000 to be paid as a grant to the government of the Virgin Islands for use by the College of the Virgin Islands to study and plan for the creation of an institution for Caribbean educational, cultural, and technical interchange.

(b) The Secretary may place such stipulations as he deems appropriate on the use of funds appropriated pursuant to subsection (a) of this section.

(c) Grant funds appropriated pursuant to subsection (a) but not obligated or expended during the fiscal year in which they are appropriated shall remain available for obligation or expenditure in subsequent fiscal years.

48 USC 1574 note.

SEC. 302. Section 405 of Public Law 96-205 (94 Stat. 84, 89) is amended by adding at the end thereof the following new sentence:

"The officials of the Customs and Postal Services of the United States are directed to assist the appropriate officials of the United States Virgin Islands in the collection of these taxes.".

Appropriation authorization.

SEC. 303. There are authorized to be appropriated to the Secretary of the Interior, not to exceed $10,000,000 for grants to the government of the Virgin Islands for improvements in the generation and distribution of water and power, to remain available until expended.

Juvenile detention facilities. Appropriation authorization.

SEC. 304. There are authorized to be appropriated to the Secretary of the Interior $3,000,000 for grants to the government of the Virgin Islands for construction of two juvenile pretrial detention facilities, one on the island of Saint Thomas, and one on the island of Saint Croix, to remain available until expended.

SEC. 305. Sections 8 (d) and (e) of the Revised Organic Act of the Virgin Islands (68 Stat. 500; 48 U.S.C. 1574 (d) and (e)) are repealed.

SEC. 306. Section 4(d) of the Organic Act of the Virgin Islands of June 22, 1936 (49 Stat. 1808; 48 U.S.C. 1405c(d)) is amended by substituting the word "legislature" for the words "legislative assembly" wherever they appear.

Repeals.

48 USC 1405f.
48 USC 1405g.
48 USC 1405*l*.

SEC. 307. The following provisions of the Organic Act of the Virgin Islands of June 22, 1936, as amended, are repealed: Section 2 (49 Stat. 1807; 48 U.S.C. 1405a); section 3 (49 Stat. 1807; 48 U.S.C. 1405b); section 5 (49 Stat. 1808; 48 U.S.C. 1405d); section 6 (49 Stat. 1808; 48 U.S.C. 1405e); section 7 (49 Stat. 1808; 49 U.S.C. 1405f); section 8 (49 Stat. 1809; 49 U.S.C. 1405g); section 11 (49 Stat. 1809; 48 U.S.C. 1405j); section 12 (49 Stat. 1809; 48 U.S.C. 1405k); section 13 (49 Stat. 1810; 48 U.S.C. 1405l); section 14 (49 Stat. 1810; 48 U.S.C. 1405m); section 15 (49 Stat. 1810; 48 U.S.C. 1405n); section 16 (49 Stat. 1810; 48 U.S.C. 1405o); section 17 (49 Stat. 1811; 48 U.S.C. 1405p); section 19 (49 Stat. 1811; 48 U.S.C. 1405r); section 22 (49 Stat. 1812; 48 U.S.C. 1405u); section 23 (49 Stat. 1813; 48 U.S.C. 1405v); section 24 (49 Stat. 1813; 48 U.S.C. 1405w); section 25 (49 Stat. 1813; 48 U.S.C. 1405x); section 27 (49 Stat. 1813; 48 U.S.C. 1405z); section 28 (49 Stat. 1814; 48 U.S.C. 1406); section 29 (49 Stat. 1814; 48 U.S.C. 1406a); section 30 (49 Stat. 1814; 48 U.S.C. 1406b); section 31 (49 Stat. 1814; 48 U.S.C. 1406c); section 32 (49 Stat. 1814; 48 U.S.C. 1406d); section 33 (49 Stat. 1815; 48 U.S.C. 1406e); section 34 (49 Stat. 1815; 48 U.S.C. 1406g); and section 39 (49 Stat. 1817; 48 U.S.C. 1406k).

Repeals.

SEC. 308. The following statutes are repealed:

(a) That portion of section 1 of the Naval Service Appropriations Act, 1922, of July 12, 1921 (42 Stat. 123; 48 U.S.C. 1393), which reads: "That no person owing allegiance to any country other than the United States of America shall be able to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands: *Provided further,*".

(b) Section 8 of the Act of July 3, 1930 (46 Stat. 948), as amended, by section 1 of the Act of July 1, 1932 (47 Stat. 565; 48 U.S.C. 1399).

(c) Section 2 of the Act of July 1, 1932 (47 Stat. 565; 48 U.S.C. 1392b).

(d) The Act of December 20, 1944, as amended (58 Stat. 827; 48 U.S.C. 1409 to 1409j).

(e) The Act of June 30, 1949, as amended (63 Stat. 350; 48 U.S.C. 1407 to 1407i): *Provided,* That nothing in this subsection shall affect the pension rights of former employees of the Virgin Islands Corporation.

(f) The Act of October 29, 1951 (65 Stat. 661; 48 U.S.C. 1409m through 1409o).

(g) Section 4 of the Act of August 19, 1976 (90 Stat. 1195; 48 U.S.C. 1574d).

48 USC 1541 note. Reports to Congress, Secretary of Interior and others.

SEC. 309. The Revised Organic Act of the Virgin Islands (68 Stat. 497), as amended, is further amended—

(a) by amending the fourth paragraph of section 11 (68 Stat. 503), as amended (82 Stat. 837, 838), to read: "The Governor shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body."; and

48 USC 1591f.

(b) by deleting section 17 (68 Stat. 505), as amended (72 Stat. 1094; 76 Stat. 43; 82 Stat. 840; 91 Stat. 1162), in its entirety, and inserting in lieu thereof the following new section 17:

48 USC 1599.

"SEC. 17. (a) The following functions, powers, and duties heretofore vested in the government comptroller for the Virgin Islands are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of the Virgin Islands:

Transfer of functions to Inspector General.

96 STAT. 1711

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of the Virgin Islands, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

Audit.

"(2) The authority to report to the Secretary of the Interior and the Governor of the Virgin Islands all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

Report.

"(b) The authority granted in paragraph (a) shall extend to all activities of the government of the Virgin Islands, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

5 USC app.

"(c) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for the Virgin Islands related to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.".

Transfer of funds to Inspector General.

TITLE IV—AMERICAN SAMOA

SEC. 401. Effective January 1, 1983, section 5 of Public Law 95-556 (92 Stat. 2078) is amended by striking out the colon and all that follows and inserting a period in lieu thereof.

Effective date.
48 USC 1735.

SEC. 402. Section 501 of Public Law 96-205 (94 Stat. 90) is hereby deleted in its entirety, and inserted in lieu thereof is the following new section 501:

48 USC 1668.

"SEC. 501. (a) The Governor of American Samoa shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the

Reports to Congress, Secretary of Interior and others.

fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council of Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report.

Transfer of functions to Inspector General.

"(b) The following functions, powers, and duties heretofore vested in the government comptroller for American Samoa are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of American Samoa:

96 STAT. 1712

Audit.

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of American Samoa, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of American Samoa including those pertaining to trust funds held by the government of American Samoa.

Report.

"(2) The authority to report to the Secretary of the Interior and the Governor of American Samoa all failures to collect amounts due the government, and expenditures of funds or uses or property which are irregular or not pursuant to law.

"(c) The authority granted in paragraph (b) shall extend to all activities of the government of American Samoa, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

5 USC app.

"(d) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for American Samoa relating to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.".

TITLE V—PUERTO RICO

33 USC 1282.

SEC. 501. Section 202 of the Federal Water Pollution Control Act (Public Law 97-117) is amended by adding at the end thereof the following new subsection:

Funds, availability. 33 USC 1285.

"(c) Notwithstanding any other provision of law, sums allotted to the Commonwealth of Puerto Rico under section 205 of this Act for fiscal year 1981 shall remain available for obligation for the fiscal year for which authorized and for the period of the next succeeding twenty-four months. Such sums and any unobligated funds available to Puerto Rico from allotments for fiscal years ending prior to October 1, 1981, shall be available for obligation by the Administrator of the Environmental Protection Agency only to fund the following systems: Aguadilla, Arecibo, Mayaguez, Carolina, and Camuy Hatillo. These funds may be used by the Commonwealth of Puerto Rico to fund the non-Federal share of the costs of such projects. To the extent that these funds are used to pay the non-Federal share, the Commonwealth of Puerto Rico shall repay to the Environmental Protection Agency such amounts on terms and conditions developed and approved by the Administrator in consultation with the Governor of the Commonwealth of Puerto Rico. Agreement on such terms and conditions, including the payment of interest to be determined by the Secretary of the Treasury, shall be reached prior to the use of these funds for the Commonwealth's non-Federal share. No Federal funds awarded under this provision shall be used to replace local governments funds previously expended on these projects.".

TITLE VI—MISCELLANEOUS

48 USC 1641 note.

SEC. 601. Section 607 of Public Law 96-597 (94 Stat. 3477, 3483) is amended by deleting subsections (b), (c), and (d) and inserting in lieu thereof the following:

Plan, submittal to Secretary of Interior and Congress.

"(b) The Governors of Guam and the Virgin Islands shall, as a condition for a grant pursuant to subsection (a) of this section, submit a plan which is designed to eliminate the respective territory's general fund deficit by the beginning of fiscal year 1987 to the Secretary of the Interior. Within sixty days after he has received such a plan, the Secretary of the Interior shall transmit the plan, together with his comments and recommendations to the Congress. The plan shall provide for—

"(1) implementation of an effective budgetary and accounting system;

"(2) realistic revenue and expenditure projections which will progressively reduce current year general fund deficits and result in a balanced general fund budget no later than the beginning of fiscal year 1987;

"(3) financing of accumulated general fund deficits; and

"(4) quarterly goals and timetables for implementing the plan. The plan shall also indicate that the Governor has the necessary authority to implement the plan.

Report to Secretary of Interior and Congress.

"(c) Not later than thirty days after the close of each quarter which occurs after the plan has been transmitted to the Congress, the respective Governor shall submit a report to the Secretary of the Interior and the Congress describing in detail the success or failure of such territory in meeting the goals and timetables described in such plan.".

Approved October 19, 1982.

LEGISLATIVE HISTORY—H.R. 5139:

HOUSE REPORT No. 97-387 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-372 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Dec. 11, considered and passed House.
Vol. 128 (1982): May 10, considered and passed Senate, amended.
Sept. 9, House concurred in Senate amendment with an amendment.
Sept. 30, Senate concurred in House amendment with amendments.
Oct. 1, House concurred in Senate Amendments.

JUDICIAL ACTS

Public Law 97-164
97th Congress

96 STAT. 25

An Act

To establish a United States Court of Appeals for the Federal Circuit, to establish a United States Claims Court, and for other purposes.

Apr. 2, 1982
[H.R. 4482]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Courts Improvement Act of 1982".

Federal Courts Improvement Act of 1982.
28 USC 1 note.

TITLE I—UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT AND UNITED STATES CLAIMS COURT

PART A—ORGANIZATION, STRUCTURE, AND JURISDICTION

NUMBER AND COMPOSITION OF CIRCUITS

SEC. 101. Section 41 of title 28, United States Code, as amended by the Fifth Circuit Court of Appeals Reorganization Act of 1980 (Public Law 96-452; 94 Stat. 1994), is amended by striking out "twelve" and inserting in lieu thereof "thirteen" and by adding at the end thereof the following:

"Federal.. All Federal judicial districts.".

NUMBER OF CIRCUIT JUDGES

SEC. 102. (a) Section 44(a) of title 28, United States Code, as amended by the Fifth Circuit Court of Appeals Reorganization Act of 1980 (Public Law 96-452; 94 Stat. 1994), is amended by adding at the end thereof the following:

"Federal.. 12".

(b) Section 44(c) of title 28, United States Code, is amended by adding the following sentence at the end thereof: "While in active service, each circuit judge of the Federal judicial circuit appointed after the effective date of this Act, and the chief judge of the Federal judicial circuit, whenever appointed, shall reside within fifty miles of the District of Columbia.".

PANELS OF JUDGES; NUMBER OF JUDGES FOR HEARINGS

SEC. 103. (a) Section 46(a) of title 28, United States Code, is amended by striking out "divisions" and inserting in lieu thereof "panels".

(b) Section 46(b) of title 28, United States Code, is amended—

(1) by striking out "divisions" each place it appears and inserting in lieu thereof "panels";

(2) by inserting immediately before the period at the end of the first sentence the following: ", at least a majority of whom shall be judges of that court, unless such judges cannot sit because recused or disqualified, or unless the chief judge of that court certifies that there is an emergency including, but

not limited to, the unavailability of a judge of the court because of illness"; and

(3) by adding at the end thereof the following new sentence: "The United States Court of Appeals for the Federal Circuit shall determine by rule a procedure for the rotation of judges from panel to panel to ensure that all of the judges sit on a representative cross section of the cases heard and, notwithstanding the first sentence of this subsection, may determine by rule the number of judges, not less than three, who constitute a panel.".

(c) The first sentence of section 46(c) of title 28, United States Code, is amended by inserting immediately after "three judges" the following: "(except that the United States Court of Appeals for the Federal Circuit may sit in panels of more than three judges if its rules so provide)".

(d) Section 46(d) of title 28, United States Code, is amended by striking out "division" and inserting in lieu thereof "panel".

PLACES FOR HOLDING COURT

Sec. 104. (a) Section 48 of title 28, United States Code, is amended by striking out the first two sentences and inserting in lieu thereof the following:

"(a) The courts of appeals shall hold regular sessions at the places listed below, and at such other places within the respective circuit as each court may designate by rule.".

(b) Section 48 of title 28, United States Code, as amended by the Fifth Circuit Court of Appeals Reorganization Act of 1980 (Public Law 96-452; 94 Stat. 1994), is amended further by inserting at the end of the table of circuits and places the following:

"Federal .... District of Columbia, and in any other place listed above as the court by rule directs.".

(c) Section 48 of title 28, United States Code, is amended further by striking out the final paragraph and inserting in lieu thereof the following:

"(b) Each court of appeals may hold special sessions at any place within its circuit as the nature of the business may require, and upon such notice as the court orders. The court may transact any business at a special session which it might transact at a regular session.

"(c) Any court of appeals may pretermit, with the consent of the Judicial Conference of the United States, any regular session of court at any place for insufficient business or other good cause.

"(d) The times and places of the sessions of the Court of Appeals for the Federal Circuit shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the court with as little inconvenience and expense to citizens as is practicable.".

ORGANIZATION OF UNITED STATES CLAIMS COURT

Sec. 105. (a) Chapter 7 of title 28, United States Code, is amended to read as follows:

96 STAT. 27

"CHAPTER 7—UNITED STATES CLAIMS COURT

"Sec.

"171. Appointment and number of judges; character of court; designation of chief judge.
"172. Tenure and salaries of judges.
"173. Times and places of holding court.
"174. Assignment of judges; decisions.
"175. Official duty station; residence.
"176. Removal from office.
"177. Disbarment of removed judges.

"§ 171. Appointment and number of judges; character of court; designation of chief judge

28 USC 171.

"(a) The President shall appoint, by and with the advice and consent of the Senate, sixteen judges who shall constitute a court of record known as the United States Claims Court. The court is declared to be a court established under article I of the Constitution of the United States.

USC prec. title 1.

"(b) The President shall designate one of the judges of the Claims Court who is less than seventy years of age to serve as chief judge. The chief judge may continue to serve as such until he reaches the age of seventy years or until another judge is designated as chief judge by the President. After the designation of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the court for the balance of the term to which appointed.

"§ 172. Tenure and salaries of judges

28 USC 172.

"(a) Each judge of the United States Claims Court shall be appointed for a term of fifteen years.

"(b) Each judge shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title.

"§ 173. Times and places of holding court

28 USC 173.

"The principal office of the United States Claims Court shall be in the District of Columbia, but the Claims Court may hold court at such times and in such places as it may fix by rule of court. The times and places of the sessions of the Claims Court shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the Claims Court with as little inconvenience and expense to citizens as is practicable.

"§ 174. Assignment of judges; decisions

28 USC 174.

"(a) The judicial power of the United States Claims Court with respect to any action, suit, or proceeding, except congressional reference cases, shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

"(b) All decisions of the Claims Court shall be preserved and open to inspection.

"§ 175. Official duty station; residence

28 USC 175.

"(a) The official duty station of each judge of the United States Claims Court is the District of Columbia.

"(b) After appointment and while in active service, each judge shall reside within fifty miles of the District of Columbia.

96 STAT. 28

"§ 176. Removal from office

28 USC 176.

"(a) Removal of a judge of the United States Claims Court during the term for which he is appointed shall be only for incompetency, misconduct, neglect of duty, engaging in the practice of law, or physical or mental disability. Removal shall be by the United States Court of Appeals for the Federal Circuit, but removal may not occur unless a majority of all the judges of such court of appeals concur in the order of removal.

"(b) Before any order of removal may be entered, a full specification of the charges shall be furnished to the judge involved, and such judge shall be accorded an opportunity to be heard on the charges.

"(c) Any cause for removal of any judge of the United States Claims Court coming to the knowledge of the Director of the Administrative Office of the United States Courts shall be reported by him to the chief judge of the United States Court of Appeals for the Federal Circuit, and a copy of the report shall at the same time be transmitted to the judge.

28 USC 177. **"§ 177. Disbarment of removed judges**

"A judge of the United States Claims Court removed from office in accordance with section 176 of this title shall not be permitted at any time to practice before the Claims Court.".

(b) The item relating to chapter 7 in the chapter analysis of part I of title 28, United States Code, is amended to read as follows:

"7. United States Claims Court .... 171".

REPEAL OF PROVISIONS RELATING TO THE COURT OF CUSTOMS AND PATENT APPEALS

28 USC 221 *et seq.* SEC. 106. Chapter 9 of title 28, United States Code, and the item relating to chapter 9 in the chapter analysis of part I of such title, are repealed.

INTERLOCUTORY APPEALS FROM CERTAIN ORDERS

SEC. 107. Section 256(b) of title 28, United States Code, is amended by striking out "section 1541(b)" and all that follows through "in that section." and inserting in lieu thereof the following: "section 1292(d)(1) of this title, and the United States Court of Appeals for the Federal Circuit may, in its discretion, consider the appeal.".

REPEAL; ASSIGNMENT OF CIRCUIT JUDGES

SEC. 108. (a) Subsection (b) of section 291 of title 28, United States Code, is repealed.

(b) Subsection (c) of such section is amended by striking out "(c)" and inserting in lieu thereof "(b)".

ASSIGNMENT OF DISTRICT JUDGES

SEC. 109. Section 292(e) of title 28, United States Code, is amended by striking out "the Court of Claims, the Court of Customs and Patent Appeals or" and by striking out "in which the need arises".

96 STAT. 29

REPEAL; ASSIGNMENT OF OTHER JUDGES

SEC. 110. (a) Section 293 of title 28, United States Code, is amended—

(1) by repealing subsections (a), (c), and (d);

(2) by redesignating subsection (b) as subsection (a); and

(3) by redesignating subsection (e), as that subsection will become effective on April 1, 1984, as subsection (b).

(b) The section heading of section 293 of title 28, United States Code, is amended to read as follows:

"§ 293. Judges of the Court of International Trade".

(c) The item relating to section 293 in the section analysis of chapter 13 of title 28, United States Code, is amended to read as follows:

"293. Judges of the Court of International Trade.".

(d) Section 160(a) of title 28, United States Code, as that section will become effective on April 1, 1984, is amended by striking out "293(e)" and inserting in lieu thereof "293(b)".

JUDICIAL CONFERENCE

SEC. 111. Section 331 of title 28, United States Code, is amended—

(1) in the first paragraph, by striking out ", the chief judge of the Court of Claims, the chief judge of the Court of Customs and Patent Appeals,"; and

(2) in the third paragraph, by striking out the second sentence.

RETIREMENT

SEC. 112. (a) Section 372(a) of title 28, United States Code, is amended—

(1) in the third paragraph, by striking out "Court of Claims, Court of Customs and Patent Appeals, or"; and

(2) in the fifth paragraph, by striking out "Court of Claims, Court of Customs and Patent Appeals, or".

(b) Section 372(b) of title 28, United States Code, is amended by striking out "Court of Claims, Court of Customs and Patent Appeals, or" each place it appears.

(c) Section 372(c)(17) of title 28, United States Code, is amended by striking out "Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court" and inserting in lieu thereof "United States Claims Court, the Court of International Trade, and the Court of Appeals for the Federal Circuit".

REPEAL; DISTRIBUTION OF COURT OF CLAIMS DECISIONS

SEC. 113. Section 415 of title 28, United States Code, and the item relating to section 415 in the section analysis of chapter 19 of such title, are repealed.

DEFINITIONS

SEC. 114. Section 451 of title 28, United States Code (including that section as it will become effective on April 1, 1984), is amended—

(1) in the first definition, relating to court of the United States, by striking out "the Court of Claims, the Court of Customs and Patent Appeals,"; and

(2) in the third definition, relating to judge of the United States, by striking out "Court of Claims, Court of Customs and Patent Appeals,".

TRAVELING EXPENSES AND COURT ACCOMMODATIONS

SEC. 115. (a)(1) Section 456 of title 28, United States Code (including that section as it will become effective on April 1, 1984), is amended to read as follows:

"§ 456. Traveling expenses of justices and judges; official duty stations

"(a) The Director of the Administrative Office of the United States Courts shall pay each justice or judge of the United States, and each retired justice or judge recalled or designated and assigned to active duty, while attending court or transacting official business at a place other than his official duty station for any continuous period of less than thirty calendar days (1) all necessary transportation expenses certified by the justice or judge; and (2) a per diem allowance for travel at the rate which the Director establishes not to exceed the maximum per diem allowance fixed by section 5702(a) of title 5, or in accordance with regulations which the Director shall prescribe with the approval of the Judicial Conference of the United States, reimbursement for his actual and necessary expenses of subsistence not in excess of the maximum amount fixed by section 5702 of title 5. The Director of the Administrative Office of the United States Courts shall also pay each justice or judge of the United States, and each retired justice or judge recalled or designated and assigned to active duty, while attending court or transacting official business under an assignment authorized under chapter 13 of this title which exceeds in duration a continuous period of thirty calendar days, all necessary transportation expenses and actual and necessary expenses of subsistence actually incurred, notwithstanding the provisions of section 5702 of title 5, in accordance with regulations which the Director shall prescribe with the approval of the Judicial Conference of the United States.

28 USC 291 *et seq.*

"(b) The official duty station of the Chief Justice of the United States, the Justices of the Supreme Court of the United States, and the judges of the United States Court of Appeals for the District of Columbia Circuit, the United States Court of Appeals for the Federal Circuit, and the United States District Court for the District of Columbia shall be the District of Columbia.

"(c) The official duty station of the judges of the United States Court of International Trade shall be New York City.

"(d) The official duty station of each district judge shall be that place where a district court holds regular sessions at or near which the judge performs a substantial portion of his judicial work, which is nearest the place where he maintains his actual abode in which he customarily lives.

"(e) The official duty station of a circuit judge shall be that place where a circuit or district court holds regular sessions at or near which the judge performs a substantial portion of his judicial work, or that place where the Director provides chambers to the judge where he performs a substantial portion of his judicial work, which is nearest the place where he maintains his actual abode in which he customarily lives.

96 STAT. 31

28 USC 374.

"(f) The official duty station of a retired judge shall be established in accordance with section 374 of this title.

Notification to Director, Administrative Office, U.S. Courts.

"(g) Each circuit or district judge whose official duty station is not fixed expressly by this section shall notify the Director of the Administrative Office of the United States Courts in writing of his actual abode and official duty station upon his appointment and from time to time thereafter as his official duty station may change.".

(2) The item relating to section 456 in the section analysis of chapter 21 of title 28, United States Code, is amended to read as follows:

"456. Traveling expenses of justices and judges; official duty stations.".

(b)(1) Section 460 of title 28, United States Code, is amended to read as follows:

"§ 460. Application to other courts

Infra.

"(a) Sections 452 through 459 and section 462 of this chapter shall also apply to the United States Claims Court, to each court created by Act of Congress in a territory which is invested with any jurisdiction of a district court of the United States, and to the judges thereof.

"(b) The official duty station of each judge referred to in subsection (a) which is not otherwise established by law shall be that place where the court holds regular sessions at or near which the judge performs a substantial portion of his judicial work, which is nearest the place where he maintains his actual abode in which he customarily lives.".

(2) The item relating to section 460 in the section analysis of chapter 21 of title 28, United States Code, is amended to read as follows:

"460. Application to other courts.".

(c)(1) Chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new section:

28 USC 462.

"§ 462. Court accommodations

"(a) Sessions of courts of the United States (except the Supreme Court) shall be held only at places where the Director of the Administrative Office of the United States Courts provides accommodations, or where suitable accommodations are furnished without cost to the judicial branch.

"(b) The Director of the Administrative Office of the United States Courts shall provide accommodations, including chambers and courtrooms, only at places where regular sessions of court are authorized by law to be held, but only if the judicial council of the appropriate circuit has approved the accommodations as necessary.

"(c) The limitations and restrictions contained in subsection (b) of this section shall not prevent the Director from furnishing chambers to circuit judges at places where Federal facilities are available when the judicial council of the circuit approves.

"(d) The Director of the Administrative Office of the United States Courts shall provide permanent accommodations for the United States Court of Appeals for the Federal Circuit and for the United States Claims Court only at the District of Columbia. However, each such court may hold regular and special sessions at other places utilizing the accommodations which the Director provides to other courts.

96 STAT. 32

"(e) The Director of the Administrative Office of the United States Courts shall provide accommodations for probation officers, pretrial service officers, and Federal Public Defender Organizations at such places as may be approved by the judicial council of the appropriate circuit.

"(f) Upon the request of the Director, the Administrator of General Services is authorized and directed to provide the accommodations the Director requests, and to close accommodations which the Director recommends for closure with the approval of the Judicial Conference of the United States.".

(2) The section analysis of chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"462. Court accommodations.".

(3) Section 142 of title 28, United States Code, and the item relating to section 142 in the section analysis of chapter 5 of such title, are repealed.

EXPENSES OF LITIGATION

SEC. 116. (a) Chapter 21 of title 28, United States Code, as amended by section 115 of this Act, is further amended by adding at the end thereof the following new section:

"§ 463. Expenses of litigation

28 USC 463.

"Whenever a Chief Justice, justice, judge, officer, or employee of any United States court is sued in his official capacity, or is otherwise required to defend acts taken or omissions made in his official capacity, and the services of an attorney for the Government are not reasonably available pursuant to chapter 31 of this title, the Director of the Administrative Office of the United States Courts may pay the costs of his defense. The Director shall prescribe regulations for such payments subject to the approval of the Judicial Conference of the United States.".

28 USC 501 *et seq.*

(b) The analysis of chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"463. Expenses of litigation.".

INTERESTS OF THE UNITED STATES IN CERTAIN ACTIONS

SEC. 117. Section 518(a) of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court or in the United States Court of Appeals for the Federal Circuit".

TRANSMISSION OF PETITIONS IN SUITS AGAINST THE UNITED STATES

SEC. 118. (a) Section 520 of title 28, United States Code, is amended—

(1) in subsection (a), by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court or in the United States Court of Appeals for the Federal Circuit"; and

96 STAT. 33

(2) by striking out "Court of Claims" in the section heading and inserting in lieu thereof "United States Claims Court or in United States Court of Appeals for the Federal Circuit".

(b) The item relating to section 520 in the section analysis of chapter 31 of title 28, United States Code, is amended to read as follows:

"520. Transmission of petitions in United States Claims Court or in United States Court of Appeals for the Federal Circuit; statement furnished by departments.".

BUDGET ESTIMATES

SEC. 119. (a) Section 605 of title 28, United States Code, is amended—

(1) by inserting immediately before the period at the end of the second undesignated paragraph the following: "and the estimate with respect to the United States Court of Appeals for the Federal Circuit shall be approved by such court"; and

(2) by striking out "Bureau of the Budget" each place it appears and inserting in lieu thereof "Office of Management and Budget".

(b) Funds appropriated to the Court of Customs and Patent Appeals and the Court of Claims for fiscal year 1982 shall be made available for the operation of the United States Court of Appeals for the Federal Circuit and the United States Claims Court. Such sums shall be apportioned among the new appropriations as determined by the Director of the Administrative Office of the United States Courts in consultation with the chief judges of the respective courts.

DEFINITION OF COURTS

SEC. 120. (a) Section 610 of title 28, United States Code, is amended by striking out "the Court of Claims, the Court of Customs and Patent Appeals" and inserting in lieu thereof "the United States Claims Court".

(b)(1) Section 713 of title 28, United States Code, is amended to read as follows:

"§ 713. Librarians

"(a) Each court of appeals may appoint a librarian who shall be subject to removal by the court.

"(b) The librarian, with the approval of the court, may appoint necessary library assistants in such numbers as the Director of the Administrative Office of the United States Courts may approve. The librarian may remove such library assistants with the approval of the court.".

(2) The item relating to section 713 in the section analysis of chapter 47, United States Code, is amended to read as follows:

"713. Librarians.".

(c)(1) Chapter 47 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

28 USC 714.

"§ 714. Criers and messengers

"(a) Each court of appeals may appoint a crier who shall be subject to removal by the court.

"(b) The crier, with the approval of the court, may appoint necessary messengers in such number as the Director of the Administrative Office of the United States Courts may approve. The crier may remove such messengers with the approval of the court. The crier shall also perform the duties of bailiff and messenger.

96 STAT. 34

28 USC 715.

"§ 715. Staff attorneys and technical assistants

"(a) The chief judge of each court of appeals, with the approval of the court, may appoint a senior staff attorney, who shall be subject to removal by the chief judge with the approval of the court.

"(b) The senior staff attorney, with the approval of the chief judge, may appoint necessary staff attorneys and secretarial and clerical employees in such numbers as the Director of the Administrative Office of the United States Courts may approve, but in no event may the number of staff attorneys exceed the number of positions expressly authorized in an annual appropriation Act. The senior staff attorney may remove such staff attorneys and secretarial and clerical employees with the approval of the chief judge.

"(c) The chief judge of the Court of Appeals for the Federal Circuit, with the approval of the court, may appoint a senior technical assistant who shall be subject to removal by the chief judge with the approval of the court.

"(d) The senior technical assistant, with the approval of the court, may appoint necessary technical assistants in such number as the Director of the Administrative Office of the United States Courts may approve, but in no event may the number of technical assistants in the Court of Appeals for the Federal Circuit exceed the number of circuit judges in regular active service within such circuit. The senior technical assistant may remove such technical assistants with the approval of the court.".

(2) The section analysis of chapter 47, United States Code, is amended by adding at the end thereof the following new items:

"714. Criers and messengers.
"715. Staff attorneys and technical assistants.".

OFFICERS AND EMPLOYEES OF THE UNITED STATES CLAIMS COURT

SEC. 121. (a) Section 791 of title 28, United States Code, is amended by amending subsection (a) to read as follows:

"(a) The United States Claims Court may appoint a clerk, who shall be subject to removal by the court. The clerk, with the approval of the court, may appoint necessary deputies and employees in such numbers as may be approved by the Director of the Administrative Office of the United States Courts. Such deputies and employees shall be subject to removal by the clerk with the approval of the court.".

(b) Section 792 of title 28, United States Code, and the item relating to section 792 in the section analysis of chapter 51 of such title, are repealed.

Repeal.

(c)(1) Section 794 of title 28, United States Code, is amended to read as follows:

"§ 794. Law clerks and secretaries

"The judges of the United States Claims Court may appoint necessary law clerks and secretaries, in such numbers as the Judicial Conference of the United States may approve, subject to any limitation of the aggregate salaries of such employees which may be imposed by law.".

96 STAT. 35

(2) The item relating to section 794 in the section analysis of chapter 51 of title 28, United States Code, is amended to read as follows:

"794. Law clerks and secretaries.".

(d)(1) Section 795 of title 28, United States Code, is amended to read as follows:

"§ 795. Bailiffs and messengers

"The chief judge of United States Claims Court, with the approval of the court, may appoint necessary bailiffs and messengers, in such numbers as the Director of the Administrative Office of the United States Courts may approve, each of whom shall be subject to removal by the chief judge, with the approval of the court.".

(2) The item relating to section 795 in the section analysis of chapter 51 of title 28, United States Code, is amended to read as follows:

"795. Bailiffs and messengers.".

(e) Section 796 of title 28, United States Code, is amended by striking out "The Court of Claims" and inserting in lieu thereof "Subject to the approval of the United States Claims Court, the

Director of the Administrative Office of the United States Courts".

(f)(1) Section 797 of title 28, United States Code, is amended to read as follows:

"§ 797. Recall of retired judges

"(a) Any judge of the United States Claims Court who has retired from regular active service under subchapter III of chapter 83 of title 5 shall be known and designated as a senior judge and may perform duties as a judge when recalled pursuant to subsection (b) of this section. 5 USC 8331.

"(b) The chief judge of the Claims Court may, whenever he deems it advisable, recall any senior judge, with such judge's consent, to perform such duties as a judge and for such period of time as the chief judge may specify.

"(c) Any senior judge performing duties pursuant to this section shall not be counted as a judge for purposes of the number of judgeships authorized by section 171 of this title. *Ante*, p. 27.

"(d) Any senior judge, while performing duties pursuant to this section, shall be paid the same allowances for travel and other expenses as a judge in active service. Such senior judge shall also receive from the Claims Court supplemental pay in an amount sufficient, when added to his civil service retirement annuity, to equal the salary of a judge in active service for the same period or periods of time. Such supplemental pay shall be paid in the same manner as the salary of a judge.". Supplemental pay.

(2) The item relating to section 797 in the section analysis of chapter 51 of title 28, United States Code, is amended by striking out "commissioners" and inserting in lieu thereof "judges".

(g)(1) The item relating to chapter 51 in the chapter analysis of part III of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

96 STAT. 36

(2) The chapter heading of chapter 51 of title 28, United States Code, is amended by striking out "COURT OF CLAIMS" and inserting in lieu thereof "UNITED STATES CLAIMS COURT".

ABOLISHMENT OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Repeal. 28 USC 831 *et seq.*

Sec. 122. (a) Chapter 53 of title 28, United States Code, and the item relating to chapter 53 in the chapter analysis of part III of such title, are repealed.

(b) Section 957 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "(a)", and

(2) by repealing subsection (b).

TECHNICAL AND CONFORMING AMENDMENTS RELATING TO REPEAL OF COURT OF CUSTOMS AND PATENT APPEALS

Sec. 123. Sections 1255 and 1256 of title 28, United States Code, and the items relating to sections 1255 and 1256 in the section analysis of chapter 81 of such title, are repealed.

COURTS OF APPEALS JURISDICTION

Sec. 124. Section 1291 of title 28, United States Code, is amended—

(1) by inserting "(other than the United States Court of Appeals for the Federal Circuit)" after "courts of appeals"; and

(2) by adding at the end thereof the following new sentence: "The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292 (c) and (d) and 1295 of this title.". *Infra*; *post*, p. 37.

INTERLOCUTORY DECISIONS

SEC. 125. (a) Section 1292(a) of title 28, United States Code, is amended—

(1) by striking out "The courts" and inserting in lieu thereof "Except as provided in subsections (c) and (d) of this section, the courts";

(2) by striking out the semicolon at the end of paragraph (3) and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

(b) Section 1292 of title 28, United States Code, is amended by adding at the end thereof the following new subsections:

Exclusive jurisdiction.

"(c) The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction—

"(1) of an appeal from an interlocutory order or decree described in subsection (a) of this section in any case over which the court would have jurisdiction of an appeal under section 1295 of this title; and *Post*, p. 37.

"(2) of an appeal from a judgment in a civil action for patent infringement which would otherwise be appealable to the United States Court of Appeals for the Federal Circuit and is final except for an accounting.

"(d)(1) When the chief judge of the Court of International Trade issues an order under the provisions of section 256(b) of this title, *Ante*, p. 28. or when any judge of the Court of International Trade, in issuing 96 STAT. 37 any other interlocutory order, includes in the order a statement that a controlling question of law is involved with respect to which there is a substantial ground for difference of opinion and that an immediate appeal from that order may materially advance the ultimate termination of the litigation, the United States Court of Appeals for the Federal Circuit may, in its discretion, permit an appeal to be taken from such order, if application is made to that Court within ten days after the entry of such order.

"(2) When any judge of the United States Claims Court, in issuing an interlocutory order, includes in the order a statement that a controlling question of law is involved with respect to which there is a substantial ground for difference of opinion and that an immediate appeal from that order may materially advance the ultimate termination of the litigation, the United States Court of Appeals for the Federal Circuit may, in its discretion, permit an appeal to be taken from such order, if application is made to that Court within ten days after the entry of such order.

Stay of appeal.

"(3) Neither the application for nor the granting of an appeal under this subsection shall stay proceedings in the Court of International Trade or in the Claims Court, as the case may be, unless a stay is ordered by a judge of the Court of International Trade or of the Claims Court or by the United States Court of Appeals for the Federal Circuit or a judge of that court.".

CIRCUITS IN WHICH DECISIONS ARE REVIEWABLE

SEC. 126. Section 1294 of title 28, United States Code (including that section as it will become effective on April 1, 1984), is amended by striking out "Appeals" and inserting in lieu thereof "Except as provided in sections 1292(c), 1292(d), and 1295 of this title, appeals".

Ante, p. 36; *Infra*.

JURISDICTION OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SEC. 127. (a) Chapter 83 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

28 USC 1295.

"§ 1295. Jurisdiction of the United States Court of Appeals for the Federal Circuit

"(a) The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction—

"(1) of an appeal from a final decision of a district court of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, or the District Court for the Northern Mariana Islands, if the jurisdiction of that court was based, in whole or in part, on section 1338 of this title, except that a case involving a claim arising under any Act of Congress relating to copyrights or trademarks and no other claims under section 1338(a) shall be governed by sections 1291, 1292, and 1294 of this title;

"(2) of an appeal from a final decision of a district court of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, or the District Court for the Northern Mariana Islands, if the jurisdiction of that court was based, in whole or in part, on section 1346 of this title, except that jurisdiction of an appeal in a case brought in a district court under section 1346(a)(1), 1346(b), 1346(e), or 1346(f) of this title or under section 1346(a)(2) when the claim is founded upon an Act of Congress or a regulation of an executive department providing for internal revenue shall be governed by sections 1291, 1292, and 1294 of this title;

28 USC 1346.

"(3) of an appeal from a final decision of the United States Claims Court;

"(4) of an appeal from a decision of—

"(A) the Board of Appeals or the Board of Patent Interferences of the Patent and Trademark Office with respect to patent applications and interferences, at the instance of an applicant for a patent or any party to a patent interference, and any such appeal shall waive the right of such applicant or party to proceed under section 145 or 146 of title 35;

"(B) the Commissioner of Patents and Trademarks or the Trademark Trial and Appeal Board with respect to applications for registration of marks and other proceedings as provided in section 21 of the Trademark Act of 1946 (15 U.S.C. 1071); or

"(C) a district court to which a case was directed pursuant to section 145 or 146 of title 35;

"(5) of an appeal from a final decision of the United States Court of International Trade;

"(6) to review the final determinations of the United States International Trade Commission relating to unfair practices in import trade, made under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337);

"(7) to review, by appeal on questions of law only, findings of the Secretary of Commerce under headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (relating to importation of instruments or apparatus);

19 USC 1202 note.

"(8) of an appeal under section 71 of the Plant Variety Protection Act (7 U.S.C. 2461);

Post, p. 45.

"(9) of an appeal from a final order or final decision of the Merit Systems Protection Board, pursuant to sections 7703(b)(1) and 7703(d) of title 5; and

"(10) of an appeal from a final decision of an agency board of contract appeals pursuant to section 8(g)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607(g)(1)).

Post, p. 47.

"(b) The head of any executive department or agency may, with the approval of the Attorney General, refer to the Court of Appeals for the Federal Circuit for judicial review any final decision rendered by a board of contract appeals pursuant to the terms of any contract with the United States awarded by that department or agency which the head of such department or agency has concluded is not entitled to finality pursuant to the review standards specified in section 10(b) of the Contract Disputes Act of 1978 (41 U.S.C. 609(b)). The head of each executive department or agency shall make any referral under this section within one hundred and twenty days after the receipt of a copy of the final appeal decision.

"(c) The Court of Appeals for the Federal Circuit shall review the matter referred in accordance with the standards specified in section 10(b) of the Contract Disputes Act of 1978. The court shall proceed with judicial review on the administrative record made before the board of contract appeals on matters so referred as in other cases pending in such court, shall determine the issue of finality of the appeal decision, and shall, if appropriate, render judgment thereon, or remand the matter to any administrative or executive body or official with such direction as it may deem proper and just.

96 STAT. 39

"§ 1296. Precedence of cases in the United States Court of Appeals for the Federal Circuit

28 USC 1296.

"Civil actions in the United States Court of Appeals for the Federal Circuit shall be given precedence, in accordance with the law applicable to such actions, in such order as the court may by rule establish.".

(b) The section analysis of chapter 83 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1295. Jurisdiction of the United States Court of Appeals for the Federal Circuit.
"1296. Precedence of cases in the United States Court of Appeals for the Federal Circuit.".

INTERSTATE COMMERCE COMMISSION ORDERS; JURISDICTION

SEC. 128. Section 1336(b) of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

UNITED STATES AS DEFENDANT; JURISDICTION

SEC. 129. Section 1346(a) of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

INTERSTATE COMMERCE COMMISSION ORDERS; VENUE

SEC. 130. Section 1398(b) of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

UNITED STATES AS DEFENDANT; VENUE

SEC. 131. Section 1402(a) of title 28, United States Code, is amended by inserting "in a district court" after "civil action".

CURE OR WAIVER OF DEFECTS

SEC. 132. Section 1406 of title 28, United States Code, is amended—

(1) by repealing subsection (c); and
(2) by redesignating subsection (d) as subsection (c).

UNITED STATES CLAIMS COURT JURISDICTION AND VENUE

SEC. 133. (a) Section 1491 of title 28, United States Code, is amended to read as follows:

"§ 1491. Claims against United States generally; actions involving Tennessee Valley Authority

"(a)(1) The United States Claims Court shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort. For the purpose of this paragraph, an express or implied contract with the Army and Air Force

96 STAT. 40

USC prec. title 1.

Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.

"(2) To provide an entire remedy and to complete the relief afforded by the judgment, the court may, as an incident of and collateral to any such judgment, issue orders directing restoration to office or position, placement in appropriate duty or retirement status, and correction of applicable records, and such orders may be issued to any appropriate official of the United States. In any case within its jurisdiction, the court shall have the power to remand appropriate matters to any administrative or executive body or official with such direction as it may deem proper and just. The Claims Court shall have jurisdiction to render judgment upon any claim by or against, or dispute with, a contractor arising under section 10(a)(1) of the Contract Disputes Act of 1978. 41 USC 609.

"(3) To afford complete relief on any contract claim brought before the contract is awarded, the court shall have exclusive jurisdiction to grant declaratory judgments and such equitable and extraordinary relief as it deems proper, including but not limited to injunctive relief. In exercising this jurisdiction, the court shall give due regard to the interests of national defense and national security.

"(b) Nothing herein shall be construed to give the United States Claims Court jurisdiction of any civil action within the exclusive jurisdiction of the Court of International Trade, or of any action against, or founded on conduct of, the Tennessee Valley Authority, or to amend or modify the provisions of the Tennessee Valley Authority Act of 1933 with respect to actions by or against the Authority.". 16 USC 831.

(b) Section 1492 of title 28, United States Code, is amended by striking out "chief commissioner of the Court of Claims" and inserting in lieu thereof "chief judge of the United States Claims Court".

(c)(1) Sections 1494, 1495, 1496, and 1497 of title 28, United States Code, are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court".

(2) The section heading of section 1497 of title 28, United States Code, is amended by striking out "growers," and inserting in lieu thereof "growers'".

(d) Section 1498 of title 28, United States Code, is amended—

(1) in subsection (a), by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(2) in subsections (b) and (d), by striking out "Court of Claims" each place it appears and inserting in lieu thereof "Claims Court".

(e)(1) Sections 1499, 1500, 1501, 1502, and 1503 of title 28, United States Code, are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court".

(2)(A) The section heading of section 1499 of title 28, United States Code, is amended by inserting "and Safety" after "Hours".

(B) The item relating to section 1499 in the section analysis of chapter 91 of title 28, United States Code, is amended to read as follows:

"1499. Liquidated damages withheld from contractors under Contract Work Hours and Safety Standards Act.".

Repeal.

(f) Section 1504 of title 28, United States Code, and the item relating to section 1504 in the section analysis of chapter 91 of such title, are repealed.

(g) Section 1505 of title 28, United States Code, is amended—

(1) by striking out "Court of Claims" the first place it appears and inserting in lieu thereof "United States Claims Court"; and

(2) by striking out "Court of Claims" the second place it appears and inserting in lieu thereof "Claims Court".

(h) Section 1506 of title 28, United States Code, and the item relating to section 1506 in the section analysis of chapter 91 of such title, are repealed. Repeal.

(i) Section 1507 of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(j)(1) The item relating to chapter 91 in the chapter analysis of part IV of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(2) The chapter heading of chapter 91 of title 28, United States Code, is amended by striking out "COURT OF CLAIMS" and inserting in lieu thereof "UNITED STATES CLAIMS COURT".

REPEAL OF PROVISIONS RELATING TO THE COURT OF CUSTOMS AND PATENT APPEALS

SEC. 134. Chapter 93 of title 28, United States Code, and the item relating to chapter 93 in the chapter analysis of part IV of such title, are repealed. 28 USC 1541 *et seq.*

REPEAL; CURE OF DEFECTS

SEC. 135. Section 1584 of title 28, United States Code, and the item relating to section 1584 in the section analysis of chapter 95 of such title, are repealed.

REPEAL; TIME FOR APPEAL

SEC. 136. Section 2110 of title 28, United States Code, and the item relating to section 2110 in the section analysis of chapter 133 of such title, are repealed.

COURT OF APPEALS JURISDICTION

SEC. 137. Section 2342 of title 28, United States Code, is amended—

(1) by inserting "(other than the United States Court of Appeals for the Federal Circuit)" after "court of appeals";

(2) in paragraph (4), by inserting "and" after the semicolon;

(3) in paragraph (5), by striking out "; and" and inserting in lieu thereof a period; and

(4) by striking out paragraph (6).

PLANT VARIETY PROTECTION OFFICE DECISIONS

SEC. 138. Section 2353 of title 28, United States Code, and the item relating to section 2353 in the section analysis of chapter 158 of such title, are repealed. Repeal.

UNITED STATES CLAIMS COURT PROCEDURE

SEC. 139. (a) Sections 2501 and 2502(a) of title 28, United States Code, are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court".

(b)(1) Section 2503 of title 28, United States Code, is amended to read as follows:

"§ 2503. Proceedings generally

"(a) Parties to any suit in the United States Claims Court may appear before a judge of that court in person or by attorney, produce evidence, and examine witnesses.

"(b) The proceedings of the Claims Court shall be in accordance with such rules of practice and procedure (other than the rules of evidence) as the Claims Court may prescribe and in accordance with the Federal Rules of Evidence.

"(c) The judges of the Claims Court shall fix times for trials, administer oaths or affirmations, examine witnesses, receive evidence, and enter dispositive judgments. Hearings shall, if convenient, be held in the counties where the witnesses reside.".

Hearings.

(2) The item relating to section 2503 in the section analysis of chapter 165 of title 28, United States Code, is amended by striking out "before commissioners".

(c) Section 2504 of title 28, United States Code, is amended—

(1) by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(2) by striking out "commissioner" each place it appears and inserting in lieu thereof "judge".

(d) Section 2505 of title 28, United States Code, is amended—

(1) by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(2) by striking out "report findings" and inserting in lieu thereof "enter judgment".

(e) Section 2506 of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(f) Section 2507 of title 28, United States Code, is amended—

(1) in subsection (a), by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(2) in subsection (c), by striking out "Court of Claims" and inserting in lieu thereof "Claims Court".

(g) Section 2508 of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(h)(1) Section 2509 of title 28, United States Code, is amended by amending subsection (a) to read as follows:

96 STAT. 43

Hearing officer.

28 USC 1492.

"(a) Whenever a bill, except a bill for a pension, is referred by either House of Congress to the chief judge of the United States Claims Court pursuant to section 1492 of this title, the chief judge shall designate a judge as hearing officer for the case and a panel of three judges of the court to serve as a reviewing body. One member of the review panel shall be designated as presiding officer of the panel.".

(2) Section 2509 of title 28, United States Code, is amended—

(A) in subsections (b), (c), (d), and (f), by striking out "trial commissioner" each place it appears and inserting in lieu thereof "hearing officer";

(B) in subsections (b), (c), and (e), by striking out "chief commissioner" each place it appears and inserting in lieu thereof "chief judge";

(C) in subsections (b), (f), and (g), by striking out "Court of Claims" each place it appears and inserting in lieu thereof "Claims Court";

(D) in subsection (d), by striking out "of commissioners"; and

(E) in subsection (g), by striking out "commissioners serving as trial commissioners" and inserting in lieu thereof "judges serving as hearing officers".

(i)(1) Section 2510 of title 28, United States Code, is amended to read as follows:

28 USC 2510.

"§ 2510. Referral of cases by Comptroller General

"(a) The Comptroller General may transmit to the United States Claims Court for trial and adjudication any claim or matter of which the Claims Court might take jurisdiction on the voluntary action of the claimant, together with all vouchers, papers, documents, and proofs pertaining thereto.

"(b) The Claims Court shall proceed with the claims or matters so referred as in other cases pending in such Court and shall render judgment thereon.".

(2) The item relating to section 2510 in the section analysis of

chapter 165 of title 28, United States Code, is amended to read as follows:

"2510. Referral of cases by Comptroller General.".

(j)(1) Section 2511 of title 28, United States Code, is amended by striking out ", or of the Supreme Court upon review,".

(2) Sections 2511, 2512, 2513(c), 2514, 2515(a), and 2516(a) of title 28, United States Code, are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court".

(k) Section 2517 of title 28, United States Code, is amended—

(1) in subsection (a), by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(2) in subsection (b), by striking out the comma immediately after "discharged".

Repeal.

(l) Section 2518 of title 28, United States Code, and the item relating to section 2518 in the section analysis of chapter 165 of such title, are repealed.

(m) Section 2519 of title 28, United States Code, is amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court".

(n)(1) Section 2520 of title 28, United States Code, is amended in subsection (a)—

(A) by striking out "(a)";

(B) by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court"; and

(C) by striking out "$10" and inserting in lieu thereof "$60".

(2) Subsections (b) and (c) of section 2520 of title 28, United States Code, are repealed.

(3) The section heading of section 2520 of title 28, United States Code, is amended by striking out "; cost of printing record".

(4) The item relating to section 2520 in the section analysis of chapter 165 of title 28, United States Code, is amended to read as follows:

"2520. Fees.".

(o)(1) The item relating to chapter 165 in the chapter analysis of part VI of title 28, United States Code, is amended to read as follows:

"165. United States Claims Court Procedure .... 2501".

(2) The chapter heading of chapter 165 of title 28, United States Code, is amended by striking out "COURT OF CLAIMS" and inserting in lieu thereof "UNITED STATES CLAIMS COURT".

(p)(1) Section 1926 of title 28, United States Code, is amended to read as follows:

"§ 1926. Claims Court

Fees and costs, collection. 28 USC 1926.

"(a) The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected in the United States Claims Court.

"(b) The court and its officers shall collect only such fees and costs as the Judicial Conference prescribes. The court may require advance payment of fees by rule.".

(2) The item relating to section 1926 in the section analysis of chapter 123 of title 28, United States Code, is amended to read as follows:

"1926. Claims Court.".

(q)(1) Chapter 165 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 2522. Notice of appeal

28 USC 2522.

"Review of a decision of the United States Claims Court shall be obtained by filing a notice of appeal with the clerk of the Claims Court within the time and in the manner prescribed for appeals to United States courts of appeals from the United States district courts.".

(2) The section analysis of chapter 165 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"2522. Notice of appeal.".

REPEAL OF PROVISIONS RELATING TO THE COURT OF CUSTOMS AND PATENT APPEALS

28 USC 2601 *et seq.*

SEC. 140. Chapter 167 of title 28, United States Code, and the item relating to chapter 167 in the chapter analysis of part VI of such title, are repealed.

COURT OF INTERNATIONAL TRADE; PROCEDURE

SEC. 141. Section 2645(c) of title 28, United States Code, is amended by striking out "Customs and Patent Appeals within the time and in the manner provided in section 2601 of this title" and inserting in lieu thereof "Appeals for the Federal Circuit by filing a notice of appeal with the clerk of the Court of International Trade within the time and in the manner prescribed for appeals to United States courts of appeals from the United States district courts".

FEDERAL RULES OF EVIDENCE

28 USC app.

SEC. 142. Rule 1101(a) of the Federal Rules of Evidence is amended by striking out "Court of Claims" the first place it appears and inserting in lieu thereof "United States Claims Court" and by striking out "and commissioners of the Court of Claims".

PART B—CONFORMING AMENDMENTS OUTSIDE TITLE 28

FEDERAL SALARY ACT

SEC. 143. Section 225(f)(C) of the Federal Salary Act of 1967 (2 U.S.C. 356(C)), is amended by inserting "and the judges of the United States Claims Court" immediately before the semicolon at the end thereof.

MERIT SYSTEMS PROTECTION BOARD

SEC. 144. Section 7703 of title 5, United States Code, is amended—

(1) in subsection (b)(1), by striking out "Court of Claims or a United States court of appeals as provided in chapters 91 and 158, respectively, of title 28" and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit";

(2) in subsection (c), by striking out "Court of Claims or a United States court of appeals" and inserting in lieu thereof "Court of Appeals for the Federal Circuit"; and

(3) in subsection (d), by striking out "District of Columbia" and inserting in lieu thereof "Federal Circuit".

PLANT VARIETY PROTECTION ACT

SEC. 145. The second sentence of section 71 of the Plant Variety Protection Act (7 U.S.C. 2461) is amended to read as follows: "The United States Court of Appeals for the Federal Circuit shall have jurisdiction of any such appeal.".

FEDERAL FIRE PREVENTION ACT

SEC. 146. Section 11(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2210(d)) is amended by striking out "Court of Claims of the United States" and inserting in lieu thereof "United States Claims Court".

CRIMINAL CODE

Sec. 147. Section 204 of title 18, United States Code, and the section heading thereof are amended by striking out "Court of Claims" and inserting in lieu thereof "United States Claims Court or the United States Court of Appeals for the Federal Circuit".

TRADEMARK ACT

Sec. 148. Section 39 of the Trademark Act of 1946 (15 U.S.C. 1121) is amended by inserting "(other than the United States Court of Appeals for the Federal Circuit)" after "circuit courts of appeal of the United States".

INDIAN CLAIMS COMMISSION

Sec. 149. (a) Section 29 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (25 U.S.C. 70v-3), is amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "Claims Court".

(b) Subsection (c) of section 29 of such Act is repealed.

(c) Subsection (d) of section 29 of such Act is amended—

(1) by striking out "(d)" and inserting in lieu thereof "(c)"; and

(2) by striking out "Supreme Court in accordance with the provisions of section 1255" and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit in accordance with the provisions of section 1295". *Ante*, p. 37.

(d) Subsection (e) of section 29 of such Act is amended by striking out "(e)" and inserting in lieu thereof "(d)".

CLAIMS BY INDIANS OF CALIFORNIA

Sec. 150. Section 2 of the Act of May 18, 1928 (25 U.S.C. 652) is amended—

(1) by striking out "Court of Claims" the first place it appears and inserting in lieu thereof "United States Claims Court";

(2) by striking out "Court of Claims of the United States" and inserting in lieu thereof "United States Claims Court"; and

(3) by striking out "Supreme Court of the United States" and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit".

INTERNAL REVENUE CODE

Sec. 151. Section 7422(e) of the Internal Revenue Code of 1954 (26 U.S.C. 7422(e)) is amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court".

INTERNAL REVENUE CODE

Sec. 152. Section 7428 of the Internal Revenue Code of 1954 is amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "Claims Court". 26 USC 7428.

INTERNAL REVENUE CODE

Sec. 153. (a) The second sentence of section 7456(c) of the Internal Revenue Code of 1954 is amended to read as follows: "Each commissioner shall receive pay at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of title 28, United States Code, 26 USC 7456.

and also necessary traveling expenses and per diem allowances, as provided in subchapter I of chapter 57 of title 5, United States Code, while traveling on official business and away from Washington, District of Columbia.". 5 USC 5701.

26 USC 7456 note. (b) Notwithstanding the amendment made by subsection (a), until such time as a change in the salary rate of a commissioner of the United States Tax Court occurs in accordance with section 7456(c) of the Internal Revenue Code of 1954, the salary of such commissioner shall be equal to the salary of a commissioner of the Court of Claims immediately prior to the effective date of this Act.

INTERNAL REVENUE CODE

26 USC 7482. Sec. 154. Section 7482(a) of the Internal Revenue Code of 1954 is amended by inserting "(other than the United States Court of Appeals for the Federal Circuit)" after "United States Court of Appeals".

APPROPRIATION FOR JUDGMENTS AGAINST UNITED STATES

Sec. 155. Section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a), is amended by striking out "Court of Claims" and inserting in lieu thereof "Court of Appeals for the Federal Circuit or the United States Claims Court".

CONTRACT DISPUTES

Sec. 156. Section 8(g)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607(g)(1)) is amended—

(1) in subparagraph (A), by striking out "Court of Claims" and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit"; and

(2) in subparagraph (B), by striking out "United States Court of Claims for judicial review, under section 2510 of title 28, United States Code, as amended herein," and inserting in lieu thereof "Court of Appeals for the Federal Circuit for judicial review under section 1295 of title 28, United States Code,". *Ante*, p. 37.

CONTRACT DISPUTES

Sec. 157. Section 10(c) of the Contract Disputes Act of 1978 (41 U.S.C. 609(c)) is amended by striking out ", or, in its discretion" and all that follows through "of the case".

CONGRESSIONAL PRINTING

Sec. 158. Section 713 of title 44, United States Code, is amended—

96 STAT. 48 (1) by striking out "eight hundred and twenty-two" and inserting in lieu thereof "eight hundred and twenty";

(2) by inserting "and" after "Superintendent of Documents;"; and

(3) by striking out "to the Court of Claims, two copies; and".

EXECUTIVE AND JUDICIARY PRINTING

Sec. 159. Section 1103 of title 44, United States Code, is amended by striking out "the Court of Claims," and by striking out "chief judge of the Court of Claims,".

CONFORMING AMENDMENTS

Sec. 160. (a) The following provisions of law are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "United States Claims Court":

(1) Sections 1 and 2 of the Act of October 19, 1973 (87 Stat. 466). 25 USC 1401, 1402.

(2) Section 8715 of title 5, United States Code.

(3) Section 8912 of title 5, United States Code.

(4) Section 2273(b) of title 10, United States Code.

(5) Section 337(i) of the Tariff Act of 1930 (19 U.S.C. 1337(i)).

(6) Section 606(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2356(a)).

(7) Section 1 of the Act entitled "An Act providing for the allotment and distribution of Indian tribal funds", approved March 2, 1907 (25 U.S.C. 119).

(8) Section 2 of the Act of August 12, 1935 (25 U.S.C. 475a).

(9) Section 6110(i)(1) of the Internal Revenue Code of 1954. 26 USC 6110.

(10) Section 2 of the Act of May 28, 1908 (30 U.S.C. 193a).

(11) Section 7 of the Act of July 31, 1894 (31 U.S.C. 72).

(12) Section 183 of title 35, United States Code.

(13) Section 104(c) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 330(c)).

(14) Sections 13(b)(2) and 14 of the Contract Settlement Act of 1944 (41 U.S.C. 113(b) and 114).

(15) Sections 8(d) and 10(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d) and 609(d)).

(16) Sections 171 and 173 of the Atomic Energy Act of 1954 (42 U.S.C. 2221 and 2223).

(17) Section 10(i) of the Trading with the Enemy Act (50 U.S.C. App. 10(i)).

(18) Sections 103(f), 103(i), 105, 106(a)(6), 108, 108A, and 114(5) of the Renegotiation Act of 1951 (50 U.S.C. App. 1213(f), 1213(i), 1215, 1216(a)(6), 1218, 1218a, and 1224(5)).

(19) Section 4 of the Act of July 2, 1948 (50 U.S.C. App. 1984).

(b) The section heading of section 108A of the Renegotiation Act of 1951 (50 U.S.C. App. 1218a) is amended by striking out "COURT OF CLAIMS" and inserting in lieu thereof "UNITED STATES CLAIMS COURT".

(c) Section 108A of the Renegotiation Act of 1951 (50 U.S.C. App. 1218a) is amended by striking out "Supreme Court upon certiorari in the manner provided in section 1255" and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit in accordance with the provisions of section 1295".

96 STAT. 49

CONFORMING AMENDMENTS

SEC. 161. The following provisions of law are amended by striking out "Court of Claims" each place it appears and inserting in lieu thereof "Claims Court":

(1) Section 4(c) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(c)).

(2) Section 20 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831s).

(3) Section 403 of the International Claims Settlement Act of 1949 (22 U.S.C. 1642b).

(4) Section 2(a) of the Act of May 15, 1978 (92 Stat. 244).

(5) Section 311(i) of the Federal Water Pollution Control Act (33 U.S.C. 1321(i)).

(6) Section 10(b) of the Intervention on the High Seas Act (33 U.S.C. 1479(b)).

(7) Section 282 of title 35, United States Code.

(8) Section 5261 of the Revised Statutes (45 U.S.C. 87).

(9) Section 41(a) of the Trading with the Enemy Act (50 U.S.C. App. 42(a)).

(10) Section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)).

CONFORMING AMENDMENTS

SEC. 162. The following provisions of law are amended by striking out "United States Court of Customs and Patent Appeals" and "Court of Customs and Patent Appeals" each place they appear and inserting in lieu thereof "United States Court of Appeals for the Federal Circuit":

(1) Section 21 of the Trademark Act of 1946 (15 U.S.C. 1071).

(2) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

(3) Section 305(d) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(d)).

CONFORMING AMENDMENTS

SEC. 163. (a) The following provisions of law are amended by striking out "Court of Customs and Patent Appeals" each place it appears and inserting in lieu thereof "Court of Appeals for the Federal Circuit":

(1) Subsections (d) and (f) of section 516 of the Tariff Act of 1930 (19 U.S.C. 1516 (d) and (f)).

(2) Section 516A (c) and (e) of the Tariff Act of 1930 (19 U.S.C. 1516a (c) and (e)).

(3) Section 528 of the Tariff Act of 1930 (19 U.S.C. 1528).

(4) Section 337(c) of the Tariff Act of 1930 (19 U.S.C. 1337(c)).

(5) Section 284(c) of the Trade Act of 1974 (19 U.S.C. 2395(c)).

(6) Section 308(9) of the Ethics in Government Act (28 U.S.C. App.).

(7) Sections 141 through 146 of title 35, United States Code.

35 USC 141 *et seq.*

(b)(1) The item relating to section 141 in the section analysis of chapter 13 of title 35, United States Code, is amended by striking out "Court of Customs and Patent Appeals" and inserting in lieu thereof "Court of Appeals for the Federal Circuit".

(2) The section heading of section 141 of title 35, United States Code, is amended by striking out "Court of Customs and Patent Appeals" and inserting in lieu thereof "Court of Appeals for the Federal Circuit".

CONFORMING AMENDMENTS

SEC. 164. The following provisions of law are amended by striking out "the United States Court of Claims, the United States Court of Customs and Patent Appeals" each place it appears and inserting in lieu thereof "the United States Claims Court":

(1) Section 6001(4) of title 18, United States Code.

(2) Section 906 of title 44, United States Code.

PART C—MISCELLANEOUS PROVISIONS

CONTINUED SERVICE OF CURRENT JUDGES

28 USC 44 note.

SEC. 165. The judges of the United States Court of Claims and of the United States Court of Customs and Patent Appeals in regular active service on the effective date of this Act shall continue in office as judges of the United States Court of Appeals for the Federal Circuit. Senior judges of the United States Court of Claims and of the United States Court of Customs and Patent Appeals on the effective date of this Act shall continue in office as senior judges of the United States Court of Appeals for the Federal Circuit.

APPOINTMENT OF CHIEF JUDGE OF COURT OF APPEALS FOR THE FEDERAL CIRCUIT

28 USC 45 note.
Post, p. 51.

SEC. 166. Notwithstanding the provisions of section 45(a) of title 28, United States Code, the first chief judge of the United States Court of Appeals for the Federal Circuit shall be the Chief Judge of the United States Court of Claims or the Chief Judge of the United

States Court of Customs and Patent Appeals, whoever has served longer as chief judge of his court. Notwithstanding section 45 of title 28, United States Code, whichever of the two chief judges does not become the first chief judge of the United States Court of Appeals for the Federal Circuit under the preceding sentence shall, while in active service, have precedence and be deemed senior in commission over all the circuit judges of the United States Court of Appeals for the Federal Circuit (other than the first chief judge of that circuit). When the person who first serves as chief judge of the United States Court of Appeals for the Federal Circuit vacates that position, the position shall be filled in accordance with section 45(a) of title 28, United States Code, as modified by the preceding sentence of this section.

COURT OF CLAIMS COMMISSIONERS

Judge, U.S. Claims Court.

28 USC 171 note.

SEC. 167. (a) Notwithstanding the provisions of section 171(a) of title 28, United States Code, as amended by this Act, a commissioner of the United States Court of Claims serving immediately prior to the effective date of this Act shall become a judge of the United States Claims Court on the effective date of this Act.

Term of office.

(b) Notwithstanding the provisions of section 172(a) of title 28, United States Code, as amended by this Act, the initial term of office of a person who becomes a judge of the United States Claims

96 STAT. 51

Salary.

Court under subsection (a) of this section shall expire fifteen years after the date of his or her employment with the United States Court of Claims, or on October 1, 1986, whichever occurs earlier. Any such judge shall continue in office until a successor is sworn or until reappointed. No such individual shall serve as a judge after reaching the age of seventy years.

(c) Notwithstanding the provisions of section 172(b) of title 28, United States Code, as amended by this Act, until such time as a change in the salary rate of a judge of the United States Claims Court occurs in accordance with such section 172(b), the salary of such judge shall be equal to the salary of a Commissioner of the Court of Claims.

APPOINTMENT OF JUDGES BY THE PRESIDENT

28 USC 44 note.

SEC. 168. The Congress—

(1) takes notice of the fact that the quality of the Federal judiciary is determined by the competence and experience of its judges; and

(2) suggests that the President, in nominating individuals to judgeships on the United States Court of Appeals for the Federal Circuit and the United States Claims Court, select from a broad range of qualified individuals.

TENNESSEE VALLEY AUTHORITY LEGAL REPRESENTATION

28 USC 171 note.

16 USC 831.

SEC. 169. Nothing in this Act affects the authority of the Tennessee Valley Authority under the Tennessee Valley Authority Act of 1933 to represent itself by attorneys of its choosing.

TITLE II—GOVERNANCE AND ADMINISTRATION OF THE FEDERAL COURTS

PART A—CHIEF JUDGE TENURE

APPOINTMENT AND TERMS OF CHIEF JUDGES OF THE COURTS OF APPEALS

SEC. 201. (a) Section 45 of title 28, United States Code, is amended by amending subsection (a) to read as follows:

"(a)(1) The chief judge of the circuit shall be the circuit judge in regular active service who is senior in commission of those judges who—

"(A) are sixty-four years of age or under;

"(B) have served for one year or more as a circuit judge; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no circuit judge meets the qualifications of paragraph (1), the youngest circuit judge in regular active service who is sixty-five years of age or over and who has served as circuit judge for one year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no circuit judge in regular active service who has served as a circuit judge for one year or more, the circuit judge in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided in subparagraph (C), the chief judge of the circuit appointed under paragraph (1) shall serve for a term of 96 STAT. 52 seven years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge of the circuit.

"(B) Except as provided in subparagraph (C), a circuit judge acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge has been appointed who meets the qualifications under paragraph (1).

"(C) No circuit judge may serve or act as chief judge of the circuit after attaining the age of seventy years unless no other circuit judge is qualified to serve as chief judge of the circuit under paragraph (1) or is qualified to act as chief judge under paragraph (2).".

(b) Section 45 of title 28, United States Code, is amended by amending subsection (c) to read as follows:

"(c) If the chief judge desires to be relieved of his duties as chief judge while retaining his active status as circuit judge, he may so certify to the Chief Justice of the United States, and thereafter the chief judge of the circuit shall be such other circuit judge who is qualified to serve or act as chief judge under subsection (a).".

APPOINTMENT AND TERMS OF CHIEF JUDGES OF THE DISTRICT COURTS

SEC. 202. (a) Section 136 of title 28, United States Code, is amended by amending subsection (a) to read as follows:

"(a)(1) In any district having more than one district judge, the chief judge of the district shall be the district judge in regular active service who is senior in commission of those judges who—

"(A) are sixty-four years of age or under;

"(B) have served for one year or more as a district judge; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no district judge meets the qualifications of paragraph (1), the youngest district judge in regular active service who is sixty-five years of age or over and who has served as district judge for one year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no district judge in regular active service who has served as a district judge for one year or more, the district judge in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided in subparagraph (C), the chief judge of the district appointed under paragraph (1) shall serve for a term of seven years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge of the district.

"(B) Except as provided in subparagraph (C), a district judge acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge has been appointed who meets the qualifications under paragraph (1).

"(C) No district judge may serve or act as chief judge of the district after attaining the age of seventy years unless no other district judge is qualified to serve as chief judge of the district under paragraph (1) or is qualified to act as chief judge under paragraph (2).".

(b) Section 136 of title 28, United States Code, is amended by amending subsection (d) to read as follows:

"(d) If the chief judge desires to be relieved of his duties as chief judge while retaining his active status as district judge, he may so certify to the Chief Justice of the United States, and thereafter, the chief judge of the district shall be such other district judge who is qualified to serve or act as chief judge under subsection (a).".

EFFECTIVE DATE; APPLICABILITY

SEC. 203. (a) The amendments to section 45 of title 28, United States Code, and to section 136 of such title, made by sections 201 and 202 of this Act, shall not apply to or affect any person serving as chief judge on the effective date of this Act.

28 USC 45 note.

(b) The provisions of section 45(a) of title 28, United States Code, as in effect on the day before the effective date of this Act, shall apply to the chief judge of a circuit serving on such effective date. The provisions of section 136(a) of title 28, United States Code, as in effect on the day before the effective date of this part, shall apply to the chief judge of a district court serving on such effective date.

Ante, p. 51.

Ante, p. 52.

PART B—PRECEDENCE AND COMPOSITION OF PANEL

PRECEDENCE ON PANEL

SEC. 204. Section 45(b) of title 28, United States Code, is amended by inserting "of the court in regular active service" immediately after "circuit judges" in the second sentence.

COMPOSITION OF PANEL; REQUIREMENTS AND SIZE

SEC. 205. Section 46(c) of title 28, United States Code, is amended by striking out the period at the end of the second sentence and inserting in lieu thereof the following: ", or such number of judges as may be prescribed in accordance with section 6 of Public Law 95-486 (92 Stat. 1633), except that any senior circuit judge of the circuit shall be eligible to participate, at his election and upon designation and assignment pursuant to section 294(c) of this title and the rules of the circuit, as a member of an in banc court reviewing a decision of a panel of which such judge was a member.".

PART C—JUDICIAL COUNCILS OF THE CIRCUITS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 206. (a) Section 3006A(h)(2)(A) of title 18, United States Code, is amended—

(1) by striking out "judicial council" each place it appears and inserting in lieu thereof "court of appeals"; and

(2) by striking out "Judicial Council of the Circuit" and inserting in lieu thereof "court of appeals of the circuit".

(b) Section 3006A(i) of title 18, United States Code, is amended by striking "judicial council" and inserting in lieu thereof "court of appeals".

(c) The amendment made by subsection (a) of this section shall not affect the terms of existing appointments.

18 USC 3006A note.

PART D—JUDICIAL RESIGNATION; PENSIONS

PENSIONS OF JUDGES WHO RESIGN TO ACCEPT EXECUTIVE POSITIONS

SEC. 207. (a) Section 8332(b) of title 5, United States Code, is amended by striking out "and" at the end of paragraph (10), by striking out the period at the end of paragraph (11) and inserting

in lieu thereof "; and", and by inserting at the end thereof the following new paragraph:

"(12) service as a justice or judge of the United States, as defined by section 451 of title 28, and service as a judge of a court created by Act of Congress in a territory which is invested with any jurisdiction of a district court of the United States, but no credit shall be allowed for such service if the employee is entitled to a salary or an annuity under section 371, 372, or 373 of title 28.".

(b) Section 8334 of title 5, United States Code, is amended by inserting at the end thereof the following new subsection:

"(i)(1) The Director of the Administrative Office of the United States Courts shall pay to the Fund the amount which an employee may deposit under subsection (c) of this section for service creditable under section 8332(b)(12) of this title if such creditable service immediately precedes service as an employee subject to this subchapter with a break in service of no more than ninety working days. The Director shall pay such amount from any appropriation available to him as a necessary expense of the appropriation concerned.

"(2) The amount the Director pays in accordance with paragraph (1) of this subsection shall be reduced by the amount of any refund to the employee under section 376 of title 28. Except to the extent of such reduction, the amount the Director pays to the Fund shall satisfy the deposit requirement of subsection (c) of this section.

"(3) Notwithstanding any other provision of law, the amount the Director pays under this subsection shall constitute an employer contribution to the Fund, excludable under section 402 of the Internal Revenue Code of 1954 from the employee's gross income until such time as the contribution is distributed or made available to the employee, and shall not be subject to refund or to lump-sum payment to the employee.". 26 USC 402.

PART E—RULES OF PRACTICE

PUBLICATION OF RULES

SEC. 208. (a) Chapter 131 of title 28, the United States Code, is amended by adding at the end thereof the following new section:

28 USC 2077.

"§ 2077. Publication of rules; advisory committees

"(a) The rules for the conduct of the business of each court of appeals, including the operating procedures of such court, shall be published. Each court of appeals shall print or cause to be printed necessary copies of the rules. The Judicial Conference shall prescribe the fees for sales of copies under section 1913 of this title, but the Judicial Conference may provide for free distribution of copies to members of the bar of each court and to other interested persons.

"(b) Each court of appeals shall appoint an advisory committee for the study of the rules of practice and internal operating procedures of the court of appeals. The advisory committee shall make recommendations to the court concerning such rules and procedures. Members of the committee shall serve without compensation, but the Director may pay travel and transportation expenses in accordance with section 5703 of title 5.".

(b) The section analysis of chapter 131 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"2077. Publication of rules; advisory committees.".

TITLE III—JURISDICTION AND PROCEDURE

PART A—TRANSFER OF CASES

TRANSFER TO CURE WANT OF JURISDICTION

SEC. 301. (a) Title 28, United States Code, is amended by adding the following new chapter after chapter 97:

"CHAPTER 99.—GENERAL PROVISIONS

"Sec.
"1631. Transfer to cure want of jurisdiction.

"§ 1631. Transfer to cure want of jurisdiction 28 USC 1631.

"Whenever a civil action is filed in a court as defined in section 610 of this title or an appeal, including a petition for review of administrative action, is noticed for or filed with such a court and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it is transferred.".

(b) The chapter analysis of part IV of title 28, United States Code, is amended by adding at the end thereof the following:

"99. General Provisions .... 1631".

PART B—INTEREST

INTEREST ON JUDGMENTS

SEC. 302. (a) Section 1961 of title 28, United States Code, is amended—

(1) by inserting "(a)" immediately before "Interest shall" in the first sentence;

(2) by striking out "at the rate allowed by State law" in the last sentence and inserting in lieu thereof the following: "at a rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of the judgment. The Director of the Administrative Office of the United States Courts shall distribute notice of that rate and any changes in it to all Federal judges"; and

96 STAT. 56

(3) by adding at the end thereof the following new subsections:

"(b) Interest shall be computed daily to the date of payment except as provided in section 2516(b) of title 28, United States Code, and section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a), and shall be compounded annually.

"(c)(1) This section shall not apply in any judgment of any court with respect to any internal revenue tax case. Interest shall be allowed in such cases at a rate established under section 6621 of the Internal Revenue Code of 1954. 26 USC 6621.

"(2) Except as otherwise provided in paragraph (1) of this subsection, interest shall be allowed on all final judgments against the United States in the United States Court of Appeals for the Federal circuit, at the rate provided in subsection (a) and as provided in subsection (b).

"(3) Interest shall be allowed, computed, and paid on judgments of the United States Claims Court only as provided in paragraph (1) of this subsection or in any other provision of law.

"(4) This section shall not be construed to affect the interest on any judgment of any court not specified in this section.".

(b) Section 2411 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "(a)"; and

(2) by repealing subsection (b).

(c) Section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a), is amended by striking out "to which the provisions of section 2411(b) of Title 28 apply".

(d) Section 2516(b) of title 28, United States Code, is amended by striking out "at the rate of four percent per annum" and all that follows through "affirmance" and inserting in lieu thereof ", from the date of the filing of the transcript of the judgment in the General Accounting Office to the date of the mandate of the affirmance, at a rate of interest equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of the judgment".

TITLE IV—MISCELLANEOUS PROVISIONS

DISTRICT COURT REPORTERS

SEC. 401. (a) Section 753(b) of title 28, United States Code, shall be amended to read as follows:

Recording methods.

"(b) Each session of the court and every other proceeding designated by rule or order of the court or by one of the judges shall be recorded verbatim by shorthand, mechanical means, electronic sound recording, or any other method, subject to regulations promulgated by the Judicial Conference and subject to the discretion and approval of the judge. The regulations promulgated pursuant to the preceding sentence shall prescribe the types of electronic sound recording or other means which may be used. Proceedings to be recorded under this section include (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall agree specifically to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court as may be requested by any party to the proceeding.

Record preservation.

"The reporter or other individual designated to produce the record shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than ten years.

Transcripts.

"The reporter or other individual designated to produce the record shall transcribe and certify such parts of the record of proceedings as may be required by any rule or order of court, including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording as provided in this subsection and the original records so taken have been certified by him and filed with the clerk as provided in this subsection. He shall also transcribe and certify such other parts of the record of proceedings as may be required by rule or order of court. Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request.

"The reporter or other designated individual shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made.

"The transcript in any case certified by the reporter or other individual designated to produce the record shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated to produce the record.

Records, inspection availability.

"The original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge.".

Regulations, effective date. 28 USC 753 note.

(b) The regulations promulgated by the Judicial Conference pursuant to subsection (b) of section 753 of title 28, as amended by subsection (a) of this section, shall not take effect before one year after the effective date of this Act. During the one-year period after the date of the enactment of this Act, the Judicial Conference shall experiment with the different methods of recording court proceedings. Prior to the effective date of such regulations, the law and regulations in effect the day before the date of enactment of this Act shall remain in full force and effect.

EFFECTIVE DATE

28 USC 171 note.

Sec. 402. Unless otherwise specified, the provisions of this Act shall take effect on October 1, 1982.

EFFECT ON PENDING CASES

28 USC 171 note.

Sec. 403. (a) Any case pending before the Court of Claims on the effective date of this Act in which a report on the merits has been filed by a commissioner, or in which there is pending a request for review, and upon which the court has not acted, shall be transferred to the United States Court of Appeals for the Federal Circuit.

96 STAT. 58

(b) Any matter pending before the United States Court of Customs and Patent Appeals on the effective date of this Act shall be transferred to the United States Court of Appeals for the Federal Circuit.

(c) Any petition for rehearing, reconsideration, alteration, modification, or other change in any decision of the United States Court of Claims or the United States Court of Customs and Patent Appeals rendered prior to the effective date of this Act that has not been determined by either of those courts on that date, or that is filed after that date, shall be determined by the United States Court of Appeals for the Federal Circuit.

(d) Any matter pending before a commissioner of the United States Court of Claims on the effective date of this Act, or any pending dispositive motion that the United States Court of Claims has not determined on that date, shall be determined by the United States Claims Court.

(e) Any case in which a notice of appeal has been filed in a district court of the United States prior to the effective date of this Act shall be decided by the court of appeals to which the appeal was taken.

Approved April 2, 1982.

LEGISLATIVE HISTORY—H.R. 4482 (S. 1700):

HOUSE REPORT No. 97-312 (Comm. on the Judiciary).
SENATE REPORT No. 97-275 accompanying S. 1700 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Nov. 17, 18, considered and passed House.
Dec. 8, S. 1700 considered and passed Senate; proceedings vacated and H.R. 4482, amended, passed in lieu.
Vol. 128 (1982): Mar. 9, House concurred in Senate amendment, with an amendment.
Mar. 22, Senate concurred in House amendment.

96 STAT. 1136

Public Law 97-267
97th Congress

An Act

Sept. 27, 1982
[S. 923]

To amend chapter 207 of title 18, United States Code, relating to pretrial services.

Pretrial Services Act of 1982.
18 USC 3141 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pretrial Services Act of 1982".

SEC. 2. Section 3152 of title 18, United States Code, is amended to read as follows:

"§ 3152. Establishment of pretrial services

18 USC 3654.

"(a) On and after the date of the enactment of the Pretrial Services Act of 1982, the Director of the Administrative Office of the United States Courts (hereinafter in this chapter referred to as the 'Director') shall, under the supervision and direction of the Judicial Conference of the United States, provide directly, or by contract or otherwise (to such extent and in such amounts as are provided in appropriation Acts), for the establishment of pretrial services in each judicial district (other than the District of Columbia). Pretrial services established under this section shall be supervised by a chief probation officer appointed under section 3654 of this title or by a chief pretrial services officer selected under subsection (c) of this section.

"(b) Beginning eighteen months after the date of the enactment of the Pretrial Services Act of 1982, if an appropriate United States district court and the circuit judicial council jointly recommend the establishment under this subsection of pretrial services in a particular district, pretrial services shall be established under the general authority of the Administrative Office of the United States Courts.

"(c) The pretrial services established under subsection (b) of this section shall be supervised by a chief pretrial services officer selected by a panel consisting of the chief judge of the circuit, the chief judge of the district, and a magistrate of the district or their designees. The chief pretrial services officer appointed under this subsection shall be an individual other than one serving under authority of section 3654 of this title.".

SEC. 3. Section 3153 of title 18, United States Code, is amended to read as follows:

"§ 3153. Organization and administration of pretrial services

Position requirements and compensation rate.

"(a)(1) With the approval of the district court, the chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title shall appoint such other personnel as may be required. The position requirements and rate of compensation of the chief pretrial services officer and such other personnel shall be established by the Director with the approval of the Judicial Conference of the United States, except that no such rate of compensation shall exceed the rate of basic pay in effect and then payable for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code.

96 STAT. 1137

"(2) The chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title is authorized, subject to the general policy established by the Director and the approval of the district court, to procure temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code. The staff, other than clerical staff, may be drawn from law school students, graduate students, or such other available personnel.

18 USC 3651 *et seq.*

"(b) The chief probation officer in all districts in which pretrial services are established under section 3152(a) of this title shall designate personnel appointed under chapter 231 of this title to perform pretrial services under this chapter.

Information confidentiality.

"(c)(1) Except as provided in paragraph (2) of this subsection, information obtained in the course of performing pretrial services functions in relation to a particular accused shall be used only for the purposes of a bail determination and shall otherwise be confidential. Each pretrial services report shall be made available to the attorney for the accused and the attorney for the Government.

"(2) The Director shall issue regulations establishing the policy for release of information made confidential by paragraph (1) of this subsection. Such regulations shall provide exceptions to the confidentiality requirements under paragraph (1) of this subsection to allow access to such information —

Regulations.

"(A) by qualified persons for purposes of research related to the administration of criminal justice;

"(B) by persons under contract under section 3154(4) of this title;

"(C) by probation officers for the purpose of compiling presentence reports;

"(D) insofar as such information is a pretrial diversion report, to the attorney for the accused and the attorney for the Government; and

"(E) in certain limited cases, to law enforcement agencies for law enforcement purposes.

"(3) Information made confidential under paragraph (1) of this subsection is not admissible on the issue of guilt in a criminal judicial proceeding unless such proceeding is a prosecution for a crime committed in the course of obtaining pretrial release or a prosecution for failure to appear for the criminal judicial proceeding with respect to which pretrial services were provided.".

Sec. 4. Section 3154 of title 18, United States Code, is amended to read as follows:

"§ 3154. Functions and powers relating to pretrial services

"Pretrial services functions shall include the following:

"(1) Collect, verify, and report to the judicial officer, prior to the pretrial release hearing, information pertaining to the pretrial release of each individual charged with an offense, including information relating to any danger that the release of such person may pose to any other person or the community, and recommend appropriate release conditions for such individual.

"(2) Review and modify the reports and recommendations specified in paragraph (1) of this section for persons seeking release pursuant to section 3146(e) or section 3147 of this chapter.

18 USC 3146, 3147.

"(3) Supervise persons released into its custody under this chapter.

"(4) Operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including residential halfway houses, addict and alcoholic treatment centers, and counseling services.

"(5) Inform the court and the United States attorney of all apparent violations of pretrial release conditions, arrests of persons released to the custody of providers of pretrial services or under the supervision of providers of pretrial services, and any danger that any such person may come to pose to any other person or the community, and recommend appropriate modifications of release conditions.

"(6) Serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies.

"(7) Assist persons released under this chapter in securing any necessary employment, medical, legal, or social services.

"(8) Prepare, in cooperation with the United States marshal and the United States attorney such pretrail detention reports as are required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial.

18 USC app.

"(9) Develop and implement a system to monitor and evaluate bail activities, provide information to judicial officers on the results of bail decisions, and prepare periodic reports to assist in the improvement of the bail process.

"(10) To the extent provided for in an agreement between a chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title, or the chief probation officer in all other districts, and the United States attorney, collect, verify, and prepare reports for the United States attorney's office of information pertaining to the pretrial diversion of any individual who is or may be charged with an offense, and perform such other duties as may be required under any such agreement.

"(11) Make contracts, to such extent and in such amounts as are provided in appropriation Acts, for the carrying out of any pretrial services functions.

"(12) Perform such other functions as specified under this chapter.".

SEC. 5. Section 3155 of title 18, United States Code, is amended to read as follows:

"§ 3155. Annual reports

"Each chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title, and each chief probation officer in all other districts, shall prepare an annual report to the chief judge of the district court and the Director concerning the administration and operation of pretrial services. The Director shall be required to include in the Director's annual report to the Judicial Conference under section 604 of title 28 a report on the administration and operation of the pretrial services for the previous year.".

Report to congressional committee. 28 USC 604.

SEC. 6. The table of sections for chapter 207 of title 18, United States Code, is amended by striking out the item relating to section 3152 and all that follows through the item relating to section 3155 and inserting in lieu thereof the following:

96 STAT. 1139

"3152. Establishment of pretrial services.
"3153. Organization and administration of pretrial services.
"3154. Functions and powers relating to pretrial services.
"3155. Annual reports.".

SEC. 7. Section 604(a) of title 28, United States Code, is amended by—

(1) striking out "agencies" in paragraph (9);

(2) striking out "for pretrial services agencies" and inserting in lieu thereof "providing pretrial services" in paragraph (10);

(3) by striking out "pretrial service agencies" in paragraph (11) and inserting "offices providing pretrial services" in lieu thereof; and

(4) by striking out "pretrial services agencies" in paragraph (12) and inserting "offices providing pretrial services" in lieu thereof.

1
no

Ant

18 US
et seq.

SEC. 8. During the period beginning on the date of enactment of this Act and ending eighteen months after the date of the enactment of this Act, the pretrial services agencies established under section 3152 of title 18 of the United States Code in effect before the date of enactment of this Act may continue to operate, employ staff, provide pretrial services, and perform such functions and powers as are authorized under chapter 207 of title 18 of the United States Code.

Appropr. authorization. 18 USC 3152 note.

SEC. 9. (a) There are authorized to be appropriated, for the fiscal year ending September 30, 1984, and each succeeding fiscal year thereafter, such sums as may be necessary to carry out the functions and powers of pretrial services established under section 3152(b) of title 18, United States Code.

(b) There are authorized to be appropriated for the fiscal year ending September 30, 1983, and the fiscal year ending September 30, 1984, such sums as may be necessary to carry out the functions and powers of the pretrial services agencies established under section 3152 of title 18 of the United States Code in effect before the date of enactment of this Act.

Approved September 27, 1982.

LEGISLATIVE HISTORY—S. 923 (H.R. 3481):

HOUSE REPORTS: No. 97-56 accompanying H.R. 3481 (Comm. on the Judiciary) and
No. 97-792 (Comm. of Conference).
SENATE REPORT No. 97-77 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 127 (1981): June 18, considered and passed Senate.
Vol. 128 (1982): May 11, H.R. 3481 considered and passed House; proceedings
vacated and S. 923, amended, passed in lieu.
Aug. 20, Senate agreed to conference report.
Sept. 15, House agreed to conference report.

Public Law 97-285
97th Congress

96 STAT. 1219

An Act

To amend sections 351 and 1751 of title 18 of the United States Code to provide penalties for crimes against Cabinet officers, Supreme Court Justices, and Presidential staff members, and for other purposes.

Oct. 6, 1982
[S. 907]

Penalties for crimes against governmental officials.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 351 of title 18 of the United States Code is amended to read as follows:

"(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect, a member of the executive branch of the Government who is the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomination) or Deputy Director of Central Intelligence, or a Justice of the United States, as defined in section 451 of title 28, or a person nominated to be a Justice of the United States, during the pendency of such nomination, shall be punished as provided by sections 1111 and 1112 of this title.".

5 USC 101.

28 USC 451.

18 USC 1111, 1112.

(b) Section 351 of title 18 of the United States Code is amended by adding at the end the following:

"(h) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section.

"(i) There is extraterritorial jurisdiction over the conduct prohibited by this section.".

SEC. 2. (a) The section heading of section 351 of title 18 of the United States Code is amended to read as follows:

"§ 351. Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault; penalties".

(b) In the table of sections at the beginning of chapter 18 of title 18 of the United States Code, the item relating to section 351 is amended to read as follows:

"351. Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault; penalties.".

(c) The chapter heading of chapter 18 of title 18 of the United States Code is amended to read as follows:

"CHAPTER 18—CONGRESSIONAL, CABINET, AND SUPREME COURT ASSASSINATION, KIDNAPING, AND ASSAULT".

(d) The table of chapters at the beginning of part I of title 18 of the United States Code is amended so that the item relating to chapter 18 reads as follows:

96 STAT. 1220

"18. Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault .... 351".

(e) Subsection (c) of section 2516 of title 18 of the United States Code is amended by striking out "(violations with respect to congressional" and all that follows through "assault)" and inserting in lieu thereof the following: "(violations with respect to congressional, Cabinet, or Supreme Court assassinations, kidnaping, and assault)".

Sec. 3. (a) Subsection (a) of section 1751 of title 18 of the United States Code is amended to read as follows:

"(a) Whoever kills (1) any individual who is the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the Office of the President of the United States, the Vice President-elect, or any person who is acting as President under the Constitution and laws of the United States, or (2) any person appointed under section 105(a)(2)(A) of title 3 employed in the Executive Office of the President or appointed under section 106(a)(1)(A) of title 3 employed in the Office of the Vice President, shall be punished as provided by sections 1111 and 1112 of this title.".

3 USC 105.
3 USC 106.
18 USC 1111, 1112.

(b) Subsection (e) of section 1751 of title 18 of the United States Code is amended to read as follows:

Fines or imprisonment.

"(e) Whoever assaults any person designated in subsection (a)(1) shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Whoever assaults any person designated in subsection (a)(2) shall be fined not more than $5,000, or imprisoned not more than one year, or both; and if personal injury results, shall be fined not more than $10,000, or imprisoned not more than ten years, or both.".

(c) Subsection (g) of section 1751 of title 18 of the United States Code is amended by striking out "this section" and inserting in lieu thereof "subsection (a)(1)".

(d) Section 1751 of title 18 of the United States Code is amended by adding at the end the following:

"(j) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section.

"(k) There is extraterritorial jurisdiction over the conduct prohibited by this section.".

Sec. 4. (a) The section heading of section 1751 of title 18 of the United States Code is amended to read as follows:

"§ 1751. Presidential and Presidential staff assassination, kidnaping, and assault; penalties".

(b) In the table of sections at the beginning of chapter 84 of title 18 of the United States Code the item relating to section 1751 is amended to read as follows:

"1751. Presidential and Presidential staff assassination, kidnaping, and assault; penalties.".

(c) The heading of chapter 84 of title 18 of the United States Code is amended to read as follows:

"CHAPTER 84—PRESIDENTIAL AND PRESIDENTIAL STAFF ASSASSINATION, KIDNAPING, AND ASSAULT".

(d) The table of chapters at the beginning of part I of title 18 of the United States Code is amended so that the item relating to chapter 84 reads as follows:

96 STAT. 1221

"84. Presidential and Presidential staff assassination, kidnaping, and assault .... 1751".

(e) Subsection (c) of section 2516 of title 18 of the United States Code is amended by striking out "(Presidential assassinations, kidnapping, and assault)" and inserting in lieu therecf "(Presidential and Presidential staff assassination, kidnaping, and assault)".

Approved October 6, 1982.

LEGISLATIVE HISTORY—S. 907:

HOUSE REPORT No. 97-803 (Comm. on the Judiciary).
SENATE REPORT No. 97-320 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  May 5, considered and passed Senate.
  Sept. 14, considered and passed House, amended.
  Sept. 22, Senate concurred in House amendment.

LABOR, HEALTH AND HUMAN SERVICES ACTS

Public Law 97-300
97th Congress

96 STAT. 1322

An Act

To provide for a job training program and for other purposes.

Oct. 13, 198
[S. 20 6]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Job Training Partnership Act.

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Job Training Partnership Act".

29 USC 1501 note.

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of purpose.
Sec. 3. Authorization of appropriations.
Sec. 4. Definitions.

TITLE I—JOB TRAINING PARTNERSHIP

PART A—SERVICE DELIVERY SYSTEM

Sec. 101. Establishment of service delivery areas.
Sec. 102. Establishment of private industry council.
Sec. 103. Functions of private industry council.
Sec. 104. Job training plan.
Sec. 105. Review and approval of plan.
Sec. 106. Performance standards.
Sec. 107. Selection of service providers.
Sec. 108. Limitation on certain costs.

PART B—ADDITIONAL STATE RESPONSIBILITIES

Sec. 121. Governor's coordination and special services plan.
Sec. 122. State job training coordinating council.
Sec. 123. State education coordination and grants.
Sec. 124. Training programs for older individuals.
Sec. 125. State labor market information programs.
Sec. 126. Authority of State legislature.
Sec. 127. Interstate agreements.

PART C—PROGRAM REQUIREMENTS FOR SERVICE DELIVERY SYSTEM

Sec. 141. General program requirements.
Sec. 142. Benefits.
Sec. 143. Labor standards.
Sec. 144. Grievance procedure.
Sec. 145. Prohibition against Federal control of education.

PART D—FEDERAL AND FISCAL ADMINISTRATIVE PROVISIONS

Sec. 161. Program year.
Sec. 162. Prompt allocation of funds.
Sec. 163. Monitoring.
Sec. 164. Fiscal controls; sanctions.
Sec. 165. Reports, recordkeeping, and investigations.
Sec. 166. Administrative adjudication.
Sec. 167. Nondiscrimination.
Sec. 168. Judicial review.
Sec. 169. Administrative provisions.
Sec. 170. Utilization of services and facilities.
Sec. 171. Obligational authority.

96 STAT. 1323

PART E—MISCELLANEOUS PROVISIONS

Sec. 181. Transition.
Sec. 182. Criminal provisions.
Sec. 183. Reference.
Sec. 184. Repealers.

TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

PART A—ADULT AND YOUTH PROGRAMS

Sec. 201. Allotment.
Sec. 202. Within State allocation.
Sec. 203. Eligibility for services.
Sec. 204. Use of funds.
Sec. 205. Exemplary youth programs.

PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

Sec. 251. Authorization of appropriations; allotment and allocation.
Sec. 252. Use of funds.
Sec. 253. Limitations.
Sec. 254. Applicable provisions.

TITLE III—EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS

Sec. 301. Allocation of funds.
Sec. 302. Identification of dislocated workers.
Sec. 303. Authorized activities.
Sec. 304. Matching requirement.
Sec. 305. Program review.
Sec. 306. Consultation with labor organizations.
Sec. 307. Limitations.
Sec. 308. State plans; coordination with other programs.

TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS

Sec. 401. Native American programs.
Sec. 402. Migrant and seasonal farmworker programs.

PART B—JOB CORPS

Sec. 421. Statement of purpose.
Sec. 422. Establishment of the Job Corps.
Sec. 423. Individuals eligible for the Job Corps.
Sec. 424. Screening and selection of applicants: general provisions.
Sec. 425. Screening and selection: special limitations.
Sec. 426. Enrollment and assignment.
Sec. 427. Job Corps centers.
Sec. 428. Program activities.
Sec. 429. Allowances and support.
Sec. 430. Standards of conduct.
Sec. 431. Community participation.
Sec. 432. Counseling and job placement.
Sec. 433. Experimental and developmental projects and coordination with other programs.
Sec. 434. Advisory boards and committees.
Sec. 435. Participation of the States.
Sec. 436. Application of provisions of Federal law.
Sec. 437. Special provisions.
Sec. 438. General provisions.
Sec. 439. Donations.

PART C—VETERANS' EMPLOYMENT PROGRAMS

Sec. 441. Programs authorized.

PART D—NATIONAL ACTIVITIES

Sec. 451. Multistate programs.
Sec. 452. Research and demonstration.
Sec. 453. Pilot projects.
96 STAT. 1324 Sec. 454. Evaluation.
Sec. 455. Training and technical assistance.

PART E—LABOR MARKET INFORMATION

Sec. 461. Labor market information; availability of funds.
Sec. 462. Cooperative labor market information program.
Sec. 463. Special Federal responsibilities.
Sec. 464. National Occupational Information Coordinating Committee.
Sec. 465. Job bank program.

PART F—NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Sec. 471. Statement of purpose.
Sec. 472. Commission established.
Sec. 473. Functions of the Commission.
Sec. 474. Administrative provisions.
Sec. 475. Reports.

PART G—TRAINING TO FULFILL AFFIRMATIVE ACTION OBLIGATIONS

Sec. 481. Affirmative action.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Amendments to the Wagner-Peyser Act.
Sec. 502. Amendments to part C of title IV of the Social Security Act.
Sec. 503. Earnings disregard.
Sec. 504. Enforcement of Military Selective Service Act.

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in special need of such training to obtain productive employment. 29 USC 1501.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a)(1) There are authorized to be appropriated to carry out part A of title II and title IV (other than part B of such title) such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year. 29 USC 1502. *Post*, pp. 1358, 1368.

(2) From the amount appropriated pursuant to paragraph (1) for any fiscal year, an amount equal to not more than 7 percent of the total amount appropriated pursuant to this section shall be available to carry out parts A, C, D, E, F, and G of title IV. *Post*, pp. 1368, 1380, 1381, 1383, 1387, 1390.

(3) Of the amount so reserved under paragraph (2)—

(A) 5 percent shall be available for part C of title IV, and

(B) $2,000,000 shall be available for part F of title IV.

(b) There are authorized to be appropriated to carry out part B of title II such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year. *Post*, p. 1364.

(c) There are authorized to be appropriated to carry out title III such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year. *Post*, p. 1364.

(d) There are authorized to be appropriated $618,000,000 for fiscal year 1983, and such sums as may be necessary for each succeeding fiscal year, to carry out part B of title IV of this Act.

(e) The authorizations of appropriations contained in this section are subject to the program year provisions of section 161. *Post*, p. 1347.

96 STAT. 1325

DEFINITIONS

SEC. 4. For the purposes of this Act, the following definitions apply: 29 USC 1503.

(1) The term "academic credit" means credit for education, training, or work experience applicable toward a secondary school diploma, a postsecondary degree, or an accredited certificate of completion, consistent with applicable State law and regulation and the requirements of an accredited educational agency or institution in a State.

(2) The term "administrative entity" means the entity designated to administer a job training plan under section 103(b)(1)(B).

(3) The term "area of substantial unemployment" means any area of sufficient size and scope to sustain a program under part A of title II of this Act and which has an average rate of unemployment of at least 6.5 percent for the most recent twelve

months as determined by the Secretary. Determinations of areas of substantial unemployment shall be made once each fiscal year.

(4) The term "chief elected official" includes—

(A) in the case of a State, the Governor;

(B) in the District of Columbia, the mayor; and

(C) in the case of a service delivery area designated under section 101(a)(4)(A)(iii), the governing body.

(5) The term "community-based organizations" means private nonprofit organizations which are representative of communities or significant segments of communities and which provide job training services (for example, Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainstream, the National Puerto Rican Forum, National Council of La Raza, 70,001, Jobs for Youth, organizations operating career intern programs, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities (as defined in section 7(10) of the Rehabilitation Act of 1973), agencies serving youth, agencies serving the handicapped, agencies serving displaced homemakers, union-related organizations, and employer-related nonprofit organizations), and organizations serving nonreservation Indians (including the National Urban Indian Council), as well as tribal governments and Native Alaskan groups.

29 USC 706.

(6) Except as otherwise provided therein, the term "council" means the private industry council established under section 102.

(7) The term "economic development agencies" includes local planning and zoning commissions or boards, community development agencies, and other local agencies and institutions responsible for regulating, promoting, or assisting in local economic development.

(8) The term "economically disadvantaged" means an individual who (A) receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program; (B) has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level; (C) is receiving food stamps pursuant to the Food Stamp Act of 1977; (D) is a foster child on behalf of whom State or local government payments are made; or (E) in cases permitted by regulations of the Secretary, is an adult handicapped individual whose own income meets the requirements of clause (A) or (B), but who is a member of a family whose income does not meet such requirements.

96 STAT. 1326

(9) The term "Governor" means the chief executive of any State.

(10) The term "handicapped individual" means any individual who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment.

(11) The term "Hawaiian native" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

(12) The term "institution of higher education" means any institution of higher education as that term is defined in section 1201(a) of the Higher Education Act of 1965.

20 USC 1141.

(13) The term "labor market area" means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can read-

ily change employment without changing their place of residence. Such areas shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

(14) The term "local educational agency" means such an agency as defined in section 195(10) of the Vocational Education Act of 1963. 20 USC 2461.

(15) The term "low-income level" means $7,000 with respect to income in 1969, and for any later year means that amount which bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

(16) The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent "lower living family budget" issued by the Secretary.

(17) The term "offender" means any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom services under this Act may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(18) The term "postsecondary institution" means an institution of higher education as that term is defined in section 481(a)(1) of the Higher Education Act of 1965. 20 USC 1088.

(19) The term "private sector" means, for purposes of the State job training councils and private industry councils, persons who are owners, chief executives or chief operating officers of private for-profit employers and major nongovernmental employers, such as health and educational institutions or other executives of such employers who have substantial management or policy responsibility.

96 STAT. 1327

(20) The term "public assistance" means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

(21) The term "Secretary" means the Secretary of Labor.

(22) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(23) The term "State educational agency" means such an agency as defined in section 195(11) of the Vocational Education Act of 1963. 20 USC 2461.

(24) The term "supportive services" means services which are necessary to enable an individual eligible for training under this Act, but who cannot afford to pay for such services, to participate in a training program funded under this Act. Such supportive services may include transportation, health care, special services and materials for the handicapped, child care, meals, temporary shelter, financial counseling, and other reasonable expenses required for participation in the training program and may be provided in-kind or through cash assistance.

(25) The term "unemployed individuals" means individuals who are without jobs and who want and are available for work. The determination of whether individuals are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(26) The term "unit of general local government" means any general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers.

(27)(A) The term "veteran" means an individual who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(B) The term "disabled veteran" means (i) a veteran who is entitled to compensation under laws administered by the Veterans' Administration, or (ii) an individual who was discharged or released from active duty because of service-connected disability.

(28) The term "vocational education" has the meaning provided in section 195(1) of the Vocational Education Act of 1963.

TITLE I—JOB TRAINING PARTNERSHIP

PART A—SERVICE DELIVERY SYSTEM

ESTABLISHMENT OF SERVICE DELIVERY AREAS

29 USC 1512.

SEC. 101. (a)(1) The Governor shall, after receiving the proposal of the State job training coordinating council, publish a proposed designation of service delivery areas for the State each of which—

(A) is comprised of the State or one or more units of general local government;

96 STAT. 1328

(B) will promote effective delivery of job training services; and

(C)(i) is consistent with labor market areas or standard metropolitan statistical areas, but this clause shall not be construed to require designation of an entire labor market area; or

(ii) is consistent with areas in which related services are provided under other State or Federal programs.

(2) The Council shall include in its proposal a written explanation of the reasons for designating each service delivery area.

(3) Units of general local government (and combinations thereof), business organizations, and other affected persons or organizations shall be given an opportunity to comment on the proposed designation of service delivery areas and to request revisions thereof.

Request.

(4)(A) The Governor shall approve any request to be a service delivery area from—

(i) any unit of general local government with a population of 200,000 or more;

(ii) any consortium of contiguous units of general local government with an aggregate population of 200,000 or more which serves a substantial part of a labor market area; and

(iii) any concentrated employment program grantee for a rural area which served as a prime sponsor under the Comprehensive Employment and Training Act.

Post, p. 1357.

(B) The Governor may approve a request to be a service delivery area from any unit of general local government or consortium of contiguous units of general local government, without regard to population, which serves a substantial portion of a labor market area.

(C) If the Governor denies a request submitted under subparagraph (A) and the entity making such request alleges that the decision of the Governor is contrary to the provisions of this section, such entity may appeal the decision to the Secretary, who shall make a final decision within 30 days after such appeal is received.

(b) The Governor shall make a final designation of service delivery areas within the State. Before making a final designation of service delivery areas for the State, the Governor shall review the comments submitted under subsection (a)(3) and requests submitted under subsection (a)(4).

(c)(1) In accordance with subsection (a), the Governor may redesignate service delivery areas no more frequently than every two years. Such redesignations shall be made not later than 4 months before the beginning of a program year.

(2) Subject to paragraph (1), the Governor shall make such a redesignation if a petition to do so is filed by an entity specified in subsection (a)(4)(A).

(3) The provisions of this subsection are subject to section 105(c).

ESTABLISHMENT OF PRIVATE INDUSTRY COUNCIL

SEC. 102. (a) There shall be a private industry council for every service delivery area established under section 101, to be selected in accordance with this subsection. Each council shall consist of—

29 USC 1512.

(1) representatives of the private sector, who shall constitute a majority of the membership of the council and who shall be owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility; and

(2) representatives of educational agencies (representative of all educational agencies in the service delivery area), organized labor, rehabilitation agencies, community-based organizations, economic development agencies, and the public employment service.

Chairman.

(b) The Chairman of the council shall be selected from among members of the council who are representatives of the private sector.

Private sector representatives.

(c)(1)(A) Private sector representatives on the council shall be selected from among individuals nominated by general purpose business organizations after consulting with, and receiving recommendations from, other business organizations in the service delivery area. The number of such nominations shall be at least 150 percent of the number of individuals to be appointed under subsection (a)(1). Such nominations, and the individuals selected from such nominations, shall reasonably represent the industrial and demographic composition of the business community. Whenever possible, at least one-half of such business and industry representatives shall be representatives of small business, including minority business.

Definitions.

(B) For the purpose of this paragraph, the term—

(i) "general purpose business organizations" means organizations which admit to membership any for-profit business operating within the service delivery area; and

(ii) "small business" means private for-profit enterprises employing 500 or fewer employees.

Education representatives.

(2) Education representatives on the council shall be selected from among individuals nominated by local educational agencies, vocational education institutions, institutions of higher education, or general organizations of such agencies or institutions, and by private and proprietary schools or general organizations of such schools, within the service delivery area.

(3) The remaining members of the council shall be selected from individuals recommended by interested organizations. Labor representatives shall be recommended by recognized State and local labor organizations or appropriate building trades councils.

Chief elected official.

(d)(1) In any case in which there is only one unit of general local government with experience in administering job training programs within the service delivery area, the chief elected official of that unit shall appoint members to the council from the individuals nominated or recommended under subsection (c).

(2) In any case in which there are two or more such units of general local government in the service delivery area, the chief elected officials of such units shall appoint members to the council from the individuals so nominated or recommended in accordance with an agreement entered into by such units of general local government. In the absence of such an agreement, the appointments shall be made by the Governor from the individuals so nominated or recommended.

(e) The initial number of members of the council shall be determined—

(1) by the chief elected official in the case described in subsection (d)(1),

(2) by the chief elected officials in accordance with the agreement in the case described in subsection (d)(2), or

(3) by the Governor in the absence of such agreement.

Thereafter, the number of members of the council shall be determined by the council.

Term.

(f) Members shall be appointed for fixed and staggered terms and may serve until their successors are appointed. Any vacancy in the membership of the council shall be filled in the same manner as the original appointment. Any member of the council may be removed for cause in accordance with procedures established by the council.

(g) The Governor shall certify a private industry council if the Governor determines that its composition and appointments are consistent with the provisions of this subsection. Such certification shall be made or denied within 30 days after the date on which a list of members and necessary supporting documentation are submitted to the Governor. When the Governor certifies the council, it shall be convened within 30 days by the official or officials who made the appointments to such council under subsection (d).

(h) In any case in which the service delivery area is a State, the State job training coordinating council or a portion of such council may be reconstituted to meet the requirements of this section.

FUNCTIONS OF PRIVATE INDUSTRY COUNCIL

29 USC 1513.

SEC. 103. (a) It shall be the responsibility of the private industry council to provide policy guidance for, and exercise oversight with respect to, activities under the job training plan for its service delivery area in partnership with the unit or units of general local government within its service delivery area.

(b)(1) The council, in accordance with an agreement or agreements with the appropriate chief elected official or officials specified in subsection (c), shall—

(A) determine procedures for the development of the job training plan, which may provide for the preparation of all or any part of the plan (i) by the council, (ii) by any unit of general local government in the service delivery area, or by an agency thereof, or (iii) by such other methods or institutions as may be provided in such agreement; and

(B) select as a grant recipient and entity to administer the job training plan (which may be separate entities), (i) the council, (ii) a unit of general local government in its service delivery area, or an agency thereof, (iii) a nonprofit private organization or corporation, or (iv) any other agreed upon entity or entities.

(2) The council is authorized to provide oversight of the programs conducted under the job training plan in accordance with procedures established by the council. In order to carry out this paragraph, the council shall have access to such information concerning the operations of such programs as is necessary.

(c) For purposes of subsection (b), the appropriate chief elected official or officials means—

(1) the chief elected official of the sole unit of general local government in the service delivery area,

(2) the individual or individuals selected by the chief elected officials of all units of general local government in such area as their authorized representative, or

(3) in the case of a service delivery area designated under section 104(a)(4)(A)(iii), the representative of the chief elected official for such area (as defined in section 4(4)(C)).

(d) No job training plan prepared under section 104 may be submitted to the Governor unless (1) the plan has been approved by the council and by the appropriate chief elected official or officials specified in subsection (c), and (2) the plan is submitted jointly by the council and such official or officials.

Budget.

(e) In order to carry out its functions under this Act, the council—

(1) shall, in accordance with the job training plan, prepare and approve a budget for itself, and

(2) may hire staff, incorporate, and solicit and accept contributions and grant funds (from other public and private sources).

(f) As used in this section, the term "oversight" means reviewing, monitoring, and evaluating. "Oversight."

JOB TRAINING PLAN

SEC. 104. (a) No funds appropriated for any fiscal year may be provided to any service delivery area under this Act except pursuant to a job training plan for two program years which is prepared in accordance with section 103 and which meets the requirements of this section. 29 USC 1514.

(b) Each job training plan shall contain—

(1) identification of the entity or entities which will administer the program and be the grant recipient of funds from the State;

(2) a description of the services to be provided, including the estimated duration of service and the estimated training cost per participant;

(3) procedures for identifying and selecting participants and for eligibility determination and verification;

(4) performance goals established in accordance with standards prescribed under section 106;

(5) procedures, consistent with section 107, for selecting service providers which take into account past performance in job training or related activities, fiscal accountability, and ability to meet performance standards;

(6) the budget for two program years and any proposed expenditures for the succeeding two program years, in such detail as is determined necessary by the entity selected to prepare this portion of the plan pursuant to section 103(b)(1)(B) and to meet the requirements of section 108;

(7) a description of methods of complying with the coordination criteria contained in the Governor's coordination and special services plan;

(8) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of individual service delivery area programs, including—

(A) assessments of needs and problems in the labor market that form the basis for program planning;

(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

(9) fiscal control, accounting, audit and debt collection procedures to assure the proper disbursal of, and accounting for, funds received under this title; and

(10) procedures for the preparation and submission of an annual report to the Governor which shall include— Report.

96 STAT. 1332

(A) a description of activities conducted during the program year;

(B) characteristics of participants; and

(C) the extent to which the activities exceeded or failed to meet relevant performance standards.

(c) If changes in labor market conditions, funding, or other factors require substantial deviation from an approved job training plan, the private industry council and the appropriate chief elected official or officials (as described in section 103(c)) shall submit a modification of such plan (including modification of the budget under subsection (b)(6)), which shall be subject to review in accordance with section 105.

REVIEW AND APPROVAL OF PLAN

SEC. 105. (a)(1) Not less than 120 days before the beginning of the first of the two program years covered by the job training plan— 29 USC 1515.

(A) the proposed plan or summary thereof shall be published; and

(B) such plan shall be made available for review and comment to—

(i) each house of the State legislature for appropriate referral;

(ii) appropriate local educational and other public agencies in the service delivery area; and

(iii) labor organizations in the area which represent employees having the skills in which training is proposed; and

(C) such plan shall be reasonably available to the general public through such means as public hearings and local news facilities.

Publication. Submittal to Governor.

(2) The final plan, or a summary thereof, shall be published not later than 80 days before the first of the two program years and shall be submitted to the Governor in accordance with section 103(d)(2). Any modification shall be published not later than 80 days before it is effective and shall be submitted to the Governor in accordance with such section.

(b)(1) The Governor shall approve the job training plan or modification thereof unless he finds that—

(A) corrective measures for deficiencies found in audits or in meeting performance standards from previous years have not been taken or are not acceptably underway;

(B) the entity proposed to administer the program does not have the capacity to administer the funds;

(C) there are inadequate safeguards for the protection of funds received;

(D) the plan (or modification) does not comply with a particular provision or provisions of this Act or of regulations of the Secretary under this Act; or

(E) the plan (or modification) does not comply with the criteria under section 121(b) for coordinating activities under this Act with related program activities.

Appeal.

(2) The Governor shall approve or disapprove a job training plan (or modification) within 30 days after the date that the plan (or modification) is submitted, except that if a petition is filed under paragraph (3) such period shall be extended to 45 days. Any disapproval by the Governor may be appealed to the Secretary, who shall make a final decision of whether the Governor's disapproval complies with paragraph (1) of this subsection within 45 days after receipt of the appeal.

96 STAT. 1333

Petition.

(3)(A) Interested parties may petition the Governor within 15 days of the date of submission for disapproval of the plan or modification thereof if—

(i) the party can demonstrate that it represents a substantial client interest,

(ii) the party took appropriate steps to present its views and seek resolution of disputed issues prior to submission of the plan to the Governor, and

(iii) the request for disapproval is based on a violation of statutory requirements.

Petitioner, notification.

(B) If the Governor approves the plan (or modification), the Governor shall notify the petitioner in writing of such decision and the reasons therefor.

Service delivery areas, redesignation.

(c)(1) If a private industry council and the appropriate chief elected official or officials fail to reach the agreement required under section 103 (b) or (d) and, as a consequence, funds for a service delivery area may not be made available under section 104, then the Governor shall redesignate, without regard to sections 101 (a)(4) and (c)(1), the service delivery areas in the State to merge the affected area into one or more other service delivery areas, in order to promote the reaching of agreement.

(2) In any State in which service delivery areas are redesignated under paragraph (1), private industry councils shall, to the extent

necessary for the redesignation, be reconstituted and job training plans modified as required to comply with sections 102 and 103. Services under an approved plan shall not be suspended while the council is reconstituted and the plan is modified.

Plan submittal.

(d) In any case in which the service delivery area is a State, the plan (or modification) shall be submitted to the Secretary for approval. For the purpose of this subsection, the Secretary shall have the same authority as the Governor has under this section.

PERFORMANCE STANDARDS

29 USC 1516.

SEC. 106. (a) The Congress recognizes that job training is an investment in human capital and not an expense. In order to determine whether that investment has been productive, the Congress finds that—

(1) it is essential that criteria for measuring the return on this investment be developed; and

(2) the basic return on the investment is to be measured by the increased employment and earnings of participants and the reductions in welfare dependency.

Adult training programs.

(b)(1) The basic measure of performance for adult training programs under title II is the increase in employment and earnings and the reductions in welfare dependency resulting from participation in the program. In order to determine whether these basic measures are achieved, the Secretary shall prescribe standards on the basis of appropriate factors which may include (A) placement in unsubsidized employment, (B) retention in unsubsidized employment, (C) the increase in earnings, including hourly wages, and (D) reduction in the number of individuals and families receiving cash welfare payments and the amounts of such payments.

Youth programs.

(2) In prescribing standards under this section the Secretary shall also designate factors for evaluating the performance of youth programs which, in addition to appropriate utilization of the factors described in paragraph (1), shall be (A) attainment of recognized employment competencies recognized by the private industry council, (B) elementary, secondary, and postsecondary school completion, or the equivalent thereof, and (C) enrollment in other training programs or apprenticeships, or enlistment in the Armed Forces.

(3) The standards shall include provisions governing—

(A) the base period prior to program participation that will be used;

(B) a representative period after termination from the program that is a reasonable indicator of postprogram earnings and cash welfare payment reductions; and

(C) cost-effective methods for obtaining such data as is necessary to carry out this section, which, notwithstanding any other provision of law, may include access to earnings records, State employment security records, Federal Insurance Contributions Act records, State aid to families with dependent children records, statistical sampling techniques, and similar records or measures.

(4) The Secretary shall prescribe performance standards relating gross program expenditures to various performance measures.

(c) Within six months after the date of the enactment of this Act, the Secretary shall establish initial performance standards which are designed to contribute to the achievement of the performance goals set forth in subsection (b)(1), based upon data accumulated under the Comprehensive Employment and Training Act, from the National Commission for Employment Policy, and from other appropriate sources. In the development of the initial standards under this subsection, the Secretary shall relate gross program expenditures to the accomplishment of program goals set forth in subsection (b)(1).

Post, p. 1357.

(d)(1) The Secretary shall, not later than January 31, 1984, prescribe performance standards for the first program year under this

Act to measure the results of the participation in the program to achieve the goals set forth in subsection (b)(1) based upon the initial standards established in subsection (c).

Report to Congress.

(2) The Secretary, not later than six months after the completion of the first two program years, shall prepare and submit a report to the Congress containing the performance standards established under paragraph (1) of this subsection, together with an analysis of the manner in which the performance standards contribute to the achievement of the goals set forth in subsection (b)(1), including the relative importance of each standard to the accomplishment of such goals.

(3) The Secretary shall prescribe variations in performance standards for special populations to be served, including Native Americans, migrant and seasonal farmworkers, and ex-offenders, taking into account their special circumstances.

Modification.

(4)(A) The Secretary may modify the performance standards under this subsection not more often than once every two program years and such modifications shall not be retroactive.

Report to Congress.

(B) The Secretary shall prepare and submit a report to the Congress containing any modifications established under subparagraph

96 STAT. 1335

(A), and the reasons for such modifications.

Variations of standards.

(e) Each Governor may prescribe, within parameters established by the Secretary, variations in the standards under this subsection based upon specific economic, geographic, and demographic factors in the State and in service delivery areas within the State, the characteristics of the population to be served, and the type of services to be provided.

Development of standards.

(f) The National Commission for Employment Policy shall (1) advise the Secretary in the development of performance standards under this section for measuring results of participation in job training and in the development of parameters for variations of such standards referred to in subsection (e), (2) evaluate the usefulness of such standards as measures of desired performance, and (3) evaluate the impacts of such standards (intended or otherwise) on the choice of who is served, what services are provided, and the cost of such services in service delivery areas.

Post, p. 1364.

(g) The Secretary shall prescribe performance standards for programs under title III based on placement and retention in unsubsidized employment.

Reorganizaiton plan.

(h)(1) The Governor shall provide technical assistance to programs which do not meet performance criteria. If the failure to meet performance standards persists for a second year, the Governor shall impose a reorganization plan. Such plan may restructure the private industry council, prohibit the use of designated service providers or make such other changes as the Governor deems necessary to improve performance. The Governor may also select an alternate entity to administer the program for the service delivery area.

(2) The alternate administrative entity may be a newly formed private industry council or any agency jointly selected by the Governor and the chief elected official of the largest unit of general local government in the service delivery area.

(3) No change may be made under this subsection without an opportunity for a hearing before a hearing officer.

Appeal.

(4) The decision of the Governor may be appealed to the Secretary, who shall make a final decision within 60 days of the receipt of the appeal.

SELECTION OF SERVICE PROVIDERS

29 USC 1517.

SEC. 107. (a) The primary consideration in selecting agencies or organizations to deliver services within a service delivery area shall be the effectiveness of the agency or organization in delivering comparable or related services based on demonstrated performance, in terms of the likelihood of meeting performance goals, cost, quality of training, and characteristics of participants. In complying with this subsection, proper consideration shall be given to community-based organizations as service providers.

Restrictions.

(b) Funds provided under this Act shall not be used to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State, or local sources, unless it is demonstrated that alternative services or facilities would be more effective or more likely to achieve the service delivery area's performance goals.

Educational services.

(c) Appropriate education agencies in the service delivery area shall be provided the opportunity to provide educational services, unless the administrative entity demonstrates that alternative agencies or organizations would be more effective or would have greater potential to enhance the participants' continued occupational and career growth.

96 STAT. 1336

(d) The administrative entity shall not fund any occupational skills training program unless the level of skills provided in the program are in accordance with guidelines established by the private industry council.

LIMITATION ON CERTAIN COSTS

29 USC 1518.

Post, p. 1358.

SEC. 108. (a) Not more than 15 percent of the funds available to a service delivery area for any fiscal year for programs under part A of title II may be expended for the cost of administration. For purposes of this paragraph, costs of program support (such as counseling) which are directly related to the provision of education or training and such additional costs as may be attributable to the development of training described in section 204(28) shall not be counted as part of the cost of administration.

(b)(1) Not more than 30 percent of the funds available to a service delivery area for any fiscal year for programs under part A of title II may be expended for administrative costs (as defined under subsection (a)) and costs specified in paragraph (2).

(2)(A) For purposes of paragraph (1), the costs specified in this paragraph are—

(i) 50 percent of any work experience expenditures which meet the requirements of paragraph (3);

(ii) 100 percent of the cost of any work experience program expenditures which do not meet the requirements of paragraph (3);

(iii) supportive services; and

(iv) needs-based projects described in section 204(27).

(B) For purposes of paragraph (1), the costs specified in this paragraph do not include expenditures for tryout employment which meets the requirements of section 205(d)(3)(B).

Work experience expenditure.

(3) For purposes of paragraph (2), a work experience expenditure meets the requirements of this paragraph if—

(A) the work experience is of not more than 6 months' duration and is combined with a classroom or other training program;

(B) an individual participant is prohibited from participating in any other work experience program following participation in a program meeting the requirements of this paragraph;

(C) the classroom or other training program component is specified in a preemployment contract or meets established academic standards; and

(D) wages paid in the work experience program do not exceed the prevailing entry-level wage for the same occupation in the same labor market area.

(c)(1) Notwithstanding subsection (b), expenditures may be made in excess of the limitation contained in such subsection if such expenditures are made in accordance with the requirements of this subsection.

(2) Expenditures may be made in excess of the limitation contained in subsection (b) in any service delivery area if—

(A) the private industry council for such area initiates a request for such excess costs; and

96 STAT. 1337

(B) excess costs are due to one or more of the following conditions in such area:

(i) an unemployment rate (in the service delivery area or that portion within which services resulting in excess costs are to be provided) which exceeds the national average unemployment rate by at least 3 percentage points, and the ratio of current private employment to population in such area or portion is less than the national average of such ratio;

(ii) the job training plan for such area proposes to serve a disproportionately high number of participants from groups requiring exceptional supportive service costs, such as handicapped individuals, offenders, and single heads of households with dependent children;

(iii) the cost of providing necessary child care exceeds one-half of the costs specified in paragraph (2) of subsection (b);

(iv) the costs of providing necessary transportation exceeds one-third of the costs specified in paragraph (2) of subsection (b); or

(v) a substantial portion of the participants in programs in the service delivery area are in training programs of 9 months' duration or more.

(3) Expenditures may be made in excess of the limitation contained in subsection (b) if the need for and the amount of the excess is stated in the job training plan (or modification thereof) for the service delivery area and such plan demonstrates that administrative costs comply with subsection (a) of this section.

(4) The provisions of this subsection shall not be available to the extent that supportive services provided under the job training plan duplicate services provided by any other public or private source that are available to participants without cost.

Plan disapproval.

(5) The Governor shall not disapprove any plan (or modification thereof) on the basis of any statement of the need for and amount of excess costs in the job training plan if such plan or modification meets the requirements of this subsection.

(d) The provisions of this section do not apply to any service delivery area designated pursuant to section 101(a)(4)(A)(iii).

(e) This section shall not be construed to exempt programs under an approved plan from the performance standards established under section 106.

PART B—ADDITIONAL STATE RESPONSIBILITIES

GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN

Annual statement.
29 USC 1531.

29 USC 49g.

SEC. 121. (a)(1) The Governor shall annually prepare a statement of goals and objectives for job training and placement programs within the State to assist in the preparation of the plans required under section 104 of this Act and section 8 of the Act of June 6, 1933 (known as the Wagner-Peyser Act).

(2) Any State seeking financial assistance under this Act shall submit a Governor's coordination and special services plan for two program years to the Secretary describing the use of all resources provided to the State and its service delivery areas under this Act and evaluating the experience over the preceding two years.

Post, p. 1364.

96 STAT. 1338

(b)(1) The plan shall establish criteria for coordinating activities under this Act (including title III) with programs and services provided by State and local education and training agencies (including vocational education agencies), public assistance agencies, the employment service, rehabilitation agencies, postsecondary institutions, economic development agencies, and such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the State. Such criteria shall not affect local discretion concerning the selection of eligible participants or service providers in accordance with the provisions of sections 107 and 203.

(2) The plan shall describe the projected use of resources, including oversight and support activities, priorities and criteria for State incentive grants, and performance goals for State supported programs.

Report to Secretary.

(3) The Governor shall report to the Secretary the adjustments made in the performance standards and the factors that are used in making the adjustments.

Modification.

(4) If major changes occur in labor market conditions, funding, or other factors during the two-year period covered by the plan, the State shall submit a modification to the Secretary describing these changes.

(c) Governor's coordination and special services activities may include—

(1) making available to service delivery areas, with or without reimbursement and upon request, appropriate information and technical assistance to assist in developing and implementing plans and programs;

(2) carrying out special model training and employment programs and related services (including programs receiving financial assistance from private sources);

(3) providing programs and related services for offenders and other individuals whom the Governor determines require special assistance;

(4) providing financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas;

(5) providing training opportunities in the conservation and efficient use of energy, and the development of solar energy sources as defined in section 3 of the Solar Energy Research, Development and Demonstration Act of 1974; 42 USC 5552.

(6) industry-wide training;

(7) activities under title III of this Act; *Post*, p. 1364.

(8) developing and providing to service delivery areas information on a State and local area basis regarding economic, industrial, and labor market conditions;

(9) providing preservice and inservice training for planning, management, and delivery staffs of administrative entities and private industry councils, as well as contractors for State supported programs; and

(10) providing statewide programs which provide for joint funding of activities under this Act with services and activities under other Federal, State, or local employment-related programs.

(d) A Governor's coordination and special services plan shall be approved by the Secretary unless the Secretary determines that the plan does not comply with specific provisions of this Act.

96 STAT. 1339

STATE JOB TRAINING COORDINATING COUNCIL

29 USC 1532.

SEC. 122. (a)(1) Any State which desires to receive financial assistance under this Act shall establish a State job training coordinating council (hereinafter in this section referred to as the "State council"). Funding for the council shall be provided pursuant to section 202(b)(4).

(2) The State council shall be appointed by the Governor, who shall designate one nongovernmental member thereof to be chairperson. In making appointments to the State council, the Governor shall ensure that the membership of the State council reasonably represents the population of the State.

Membership.

(3) The State council shall be composed as follows:

(A) One-third of the membership of the State council shall be representatives of business and industry (including agriculture, where appropriate) in the State, including individuals who are representatives of business and industry on private industry councils in the State.

(B) Not less than 20 percent of the membership of the State council shall be representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State advisory council on vocational education, the State board of education (when not otherwise represented), State public assistance agencies, the State employment security agency, the State rehabilitation agency, the State occupational information coordinating committee, State postsecondary institutions, the State economic development agency, State veterans' affairs agencies or equivalent, and such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the State.

(C) Not less than 20 percent of the membership of the State council shall be representatives of the units or consortia of units of general local government in such State (including those which are administrative entities or grantees under this Act) which shall be nominated by the chief executive officers of the units or consortia of units of general local government; and

(D) Not less than 20 percent of the membership of the State council shall be representatives of the eligible population and of the general public, representatives of organized labor, representatives of community-based organizations, and representatives of local educational agencies (nominated by local educational agencies).

Meetings.

(4) The State council shall meet at such times and in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

(5) The State council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this Act.

(6) In order to assure objective management and oversight, the State council shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, coordinate, and monitor the provision of such programs and services.

Approval.

(7) The plans and decisions of the State council shall be subject to approval by the Governor.

96 STAT. 1340

20 USC 2305

(8) For purposes of section 105 of the Vocational Education Act of 1963, the State council shall be considered to be the same as either the State Manpower Services Council referred to in that section or the State Employment and Training Council authorized under the Comprehensive Employment and Training Act.

Post, p. 1357.

(b) The State council shall—

(1) recommend a Governor's coordination and special services plan;

(2) recommend to the Governor substate service delivery areas, plan resource allocations not subject to section 202(a), provide management guidance and review for all programs in the State, develop appropriate linkages with other programs, coordinate activities with private industry councils, and develop the Governor's coordination and special services plan and recommend variations in performance standards;

(3) advise the Governor and local entities on job training plans and certify the consistency of such plans with criteria under the Governor's coordination and special services plan for coordination of activities under this Act with other Federal, State, and local employment-related programs, including programs operated in designated enterprise zones;

(4) review the operation of programs conducted in each service delivery area, and the availability, responsiveness, and adequacy of State services, and make recommendations to the Governor, appropriate chief elected officials, and private indus-

try councils, service providers, the State legislature, and the general public with respect to ways to improve the effectiveness of such programs or services;

(5) review and comment on the State plan developed for the State employment service agency;

(6) make an annual report to the Governor which shall be a public document, and issue such other studies, reports, or documents as it deems advisable to assist service delivery areas in carrying out the purposes of this Act; Report.

(7)(A) identify, in coordination with the appropriate State agencies, the employment and training and vocational education needs throughout the State, and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other Federal, State, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs; and

(B) comment at least once annually on the reports required pursuant to section 105(d)(3) of the Vocational Education Act of 1963; and Comments. 20 USC 2305.

(8) review plans of all State agencies providing employment, training, and related services, and provide comments and recommendations to the Governor, the State legislature, the State agencies, and the appropriate Federal agencies on the relevancy and effectiveness of employment and training and related service delivery systems in the State.

(c) In addition to the functions described in subsection (b), the Governor may, to the extent permitted by applicable law, transfer functions which are related to functions under this Act to the council established under this section from any State coordinating committee for the work incentive program under title IV of the Social Security Act or any advisory council established under the Wagner-Peyser Act. 42 USC 601. 29 USC 49 note.

STATE EDUCATION COORDINATION AND GRANTS

SEC. 123. (a) The sums available for this section pursuant to section 202(b)(1) shall be used by the Governor to provide financial assistance to any State education agency responsible for education and training— 29 USC 1533.

(1) to provide services for eligible participants through cooperative agreements between such State education agency or agencies, administrative entities in service delivery areas in the State, and (where appropriate) local educational agencies; and

(2) to facilitate coordination of education and training services for eligible participants through such cooperative agreements.

(b) The cooperative agreements described in subsection (a) shall provide for the contribution by the State agency or agencies, and the local educational agency (if any), of a total amount equal to the amount provided, pursuant to subsection (a)(1), in the grant subject to such agreement. Such matching amount shall not be provided from funds available under this Act, but may include the direct cost of employment or training services provided by State or local programs.

(c)(1) Funds available under this section may be used to provide education and training, including vocational education services, and related services to participants under title II. Such services may include services for offenders and other individuals whom the Governor determines require special assistance. Funds. *Post*, p. 1358.

(2)(A) Not more than 20 percent of the funds available under this section may be spent for activities described in clause (2) of subsection (a).

(B) At least 80 percent of the funds available under this section shall be used for clause (1) of subsection (a) for the Federal share of the cost of carrying out activities described in clause (1). For the purpose of this subparagraph, the Federal share shall be the amount provided for in the cooperative agreements in subsection (b).

(3) Not less than 75 percent of the funds available for activities under clause (1) of subsection (a) shall be expended for activities for economically disadvantaged individuals.

(d) If no cooperative agreement is reached on the use of funds under this section, the funds shall be available to the Governor for use in accordance with section 121.

TRAINING PROGRAMS FOR OLDER INDIVIDUALS

29 USC 1534.

SEC. 124. (a) From funds available for use under section 202(b)(2), the Governor is authorized to provide for job training programs which are developed in conjunction with service delivery areas within the State and which are consistent with the plan for the service delivery area prepared and submitted in accordance with the provisions in section 104, and designed to assure the training and placement of older individuals in employment opportunities with private business concerns.

(b) In carrying out this section, the Governor shall, after consultation with appropriate private industry councils and chief elected officials, enter into agreements with public agencies, nonprofit private organizations, and private business concerns.

96 STAT. 1342

(c) The Governor shall give consideration to assisting programs involving training for jobs in growth industries and jobs reflecting the use of new technological skills.

Eligibility requirement.

(d) An individual shall be eligible to participate in a job training program under this section only if the individual is economically disadvantaged and has attained 55 years of age.

STATE LABOR MARKET INFORMATION PROGRAMS

29 USC 1535.

SEC. 125. (a) In order to be eligible for Federal financial assistance for State labor market information programs under this Act from funds made available under section 202(b)(4) and section 461(b), the Governor shall designate the State occupational information coordinating committee or other organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system, which shall—

(1) design a comprehensive cost-efficient labor market and occupational supply and demand information system which—

(A) is responsive to the economic demand and education and training supply support needs of the State and areas within the State, and

44 USC 3501.

(B) meets the Federal standards under chapter 35 of title 44, United States Code, and other appropriate Federal standards established by the Bureau of Labor Statistics;

(2) standardize available Federal and State multi-agency administrative records and direct survey data sources to produce an employment and economic analysis with a published set of projections for the State and designated areas within the State which, at the minimum, includes—

(A) identification of geographic and occupational areas of potential growth or decline; and

(B) an assessment of the potential impact of such growth or decline on individuals, industries, and communities, including occupational supply and demand characteristics data;

(3) assure, to the extent feasible, that—

(A) automated technology will be used by the State;

(B) administrative records have been designed to reduce paperwork; and

(C) multiple survey burdens on the employers of the State have been reduced;

(4) publish and disseminate labor market and occupational supply and demand information and individualized career infor-

mation to State agencies, area public agencies, libraries, and private not-for-profit users, and individuals who are in the process of making career decision choices; and

(5) conduct research and demonstration projects designed to improve any aspect of the statewide information system.

(b)(1) The analysis required under clause (2) of subsection (a) shall be used to contribute in carrying out the provisions of this Act, the Vocational Education Act of 1963, and the Act of June 6, 1933, known as the Wagner-Peyser Act. 20 USC 2301 note. 29 USC 49 note.

(2) The assurance required by clause (3) of subsection (a) shall also include that the State will, to the maximum extent possible, assure consolidation of available administrative data and surveys to reduce duplication of recordkeeping of State and local agencies, including secondary and postsecondary educational institutions.

(3) If any Federal funds are used to carry out clause (5) of subsection (a), access to and information on the results will remain in the public domain.

Reimbursement

(c) The Secretary through the National Occupational Information Coordinating Committee shall reimburse the States the costs of carrying out the provisions of this section but the aggregate reimbursements in any fiscal year shall not exceed the amount available under part E of title IV for this subsection. *Post*, p. 1383.

Notice.

(d) No provision of this part or any other provision of Federal law shall be construed to prohibit any State from combining or consolidating Federal administrative management information reporting requirements relating to employment, productivity, or training, if notice is transmitted by the Governor to the head of each appropriate Federal and State agency responsible for the laws governing the Federal reporting requirements. The notice shall specify the intent to combine or consolidate such requirements. The head of each appropriate Federal agency shall approve the combination or consolidation unless, within sixty days after receiving the notice, the Federal agency can demonstrate that the combination or consolidation will not meet the essential purposes of the affected Federal law.

AUTHORITY OF STATE LEGISLATURE

Sec. 126. Nothing in this Act shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this Act, of the programs assisted under this Act. 29 USC 1536.

INTERSTATE AGREEMENTS

Sec. 127. In the event that compliance with provisions of this Act would be enhanced by cooperative agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary. 29 USC 1537.

Part C—Program Requirements for Service Delivery System

GENERAL PROGRAM REQUIREMENTS

Sec. 141. Except as otherwise provided, the following conditions are applicable to all programs under this Act: 29 USC 1551.

(a) Each job training plan shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities and shall make efforts to provide equitable services among substantial segments of the eligible population.

(b) Funds provided under this Act shall only be used for activities which are in addition to those which would otherwise be available in the area in the absence of such funds.

Restrictions.

(c) No funds may be used to assist in relocating establishments, or parts thereof, from one area to another unless such relocation will not result in an increase in unemployment in the area of original location or in any other area.

(d)(1) Training provided with funds made available under this Act shall be only for occupations for which there is a demand in the area served or in another area to which the participant is willing to relocate, and consideration in the selection of training programs may be given to training in occupations determined to be in sectors of the economy which have a high potential for sustained demand or growth.

96 STAT. 1344

(2) Efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and overcoming sex-stereotyping in occupations traditional for the other sex.

(3) Commercially available training packages, including advanced learning technology, may be purchased for off-the-shelf prices and without requiring a breakdown of the cost components of the package if such packages are purchased competitively and include performance criteria.

Post, p. 1358.

(e) Only eligible individuals residing in the service delivery area may be served by employment and training activities funded under title II, except that the job training plan may provide for limited exceptions to this requirement.

Voting.

(f) No member of any council under this Act shall cast a vote on the provision of services by that member (or any organization which that member directly represents) or vote on any matter which would provide direct financial benefit to that member.

(g) Payments to employers for on-the-job training which shall not, during the period of such training, average more than 50 percent of the wages paid by the employer to such participants, and payments in such amount shall be deemed to be in compensation for the extraordinary costs associated with training participants under this title and in compensation for the costs associated with the lower productivity of such participants.

Restriction.

(h) Funds provided under this Act shall not be used to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State, or local sources, unless the plan establishes that alternative services or facilities would be more effective or more likely to achieve performance goals.

Fund, allocation.

(i) Each administrative entity shall be responsible for the allocation of funds and the eligibility of those enrolled in its programs and shall have responsibility to take action against its subcontractors, subgrantees, and other recipients to eliminate abuses in the programs they are carrying out, and to prevent any misuse of funds by such subcontractors, subgrantees, and other recipients. Administrative entities may delegate the responsibility for determination of eligibility under reasonable safeguards, including provisions for reimbursement of cost incurred because of erroneous determinations made with insufficient care, if such an arrangement is included in an approved job training plan.

Fee.

(j) No person or organization may charge an individual a fee for the placement or referral of such individual in or to a training program under this Act.

Restriction.

(k) No funds may be provided under this Act for any subsidized employment with any private for-profit employer unless the individual employed is a youth aged 16 to 21, inclusive, who is economically disadvantaged and the employment is provided in accordance with section 205(d)(3)(B).

(l) The Secretary shall not provide financial assistance for any program under this Act which involves political activities.

(m) Pursuant to regulations of the Secretary, income generated under any program may be retained by the recipient to continue to carry out the program, notwithstanding the expiration of financial assistance for that program.

96 STAT. 1345

(n) The Secretary shall notify the Governor and the appropriate private industry councils and chief elected officials of, and consult with the Governor and such councils and officials concerning, any activity to be funded by the Secretary under this Act within the State or service delivery area; and the Governor shall notify the appropriate private industry councils and chief elected officials of, and consult with such concerning, any activity to be funded by the Governor under this Act within the service delivery area.

(o)(1) All education programs for youth supported with funds provided under title II shall be consistent with applicable State and local educational standards. *Post*, p. 1358.

(2) Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in programs conducted under such title shall be consistent with the requirements of applicable State and local law and regulation.

(p) No funds available under part B of this title or part A of title II may be used for public service employment.

BENEFITS

Wages and earnings.
29 USC 1552.

SEC. 142. (a) Except as otherwise provided in this Act, the following provisions shall apply to all activities financed under this Act:

(1) A trainee shall receive no payments for training activities in which the trainee fails to participate without good cause.

(2) Individuals in on-the-job training shall be compensated by the employer at the same rates, including periodic increases, as similarly situated employees or trainees and in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 or the applicable State or local minimum wage law. 29 USC 206.

(3) Individuals employed in activities authorized under this Act shall be paid wages which shall not be less than the highest of (A) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938, (B) the minimum wage under the applicable State or local minimum wage law, or (C) the prevailing rates of pay for individuals employed in similar occupations by the same employer.

(b) Allowances, earnings and payments to individuals participating in programs under this Act shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid, other than programs under the Social Security Act. 42 USC 1305.

LABOR STANDARDS

SEC. 143. (a)(1) Conditions of employment and training shall be appropriate and reasonable in light of such factors as the type of work, geographical region, and proficiency of the participant. 29 USC 1553.

(2) Health and safety standards established under State and Federal law, otherwise applicable to working conditions of employees, shall be equally applicable to working conditions of participants. With respect to any participant in a program conducted under this Act who is engaged in activities which are not covered by health and safety standards under the Occupational Safety and Health Act of 1970, the Secretary shall prescribe, by regulation, such standards as may be necessary to protect the health and safety of such participants. Regulation. 29 USC 651 note.

96 STAT. 1346

Workers' compensation.

(3) To the extent that a State workers' compensation law is applicable, workers' compensation benefits in accordance with such law shall be available with respect to injuries suffered by participants. To the extent that such law is not applicable, each recipient of funds under this Act shall secure insurance coverage for injuries suffered by such participants, in accordance with regulations prescribed by the Secretary.

(4) All individuals employed in subsidized jobs shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(5) No funds available under this Act may be used for contributions on behalf of any participant to retirement systems or plans. Restriction.

(b)(1) No currently employed worker shall be displaced by any participant (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) No program shall impair existing contracts for services or collective bargaining agreements, except that no program under this Act which would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

Job vacancy.

(3) No participant shall be employed or job opening filled (A) when any other individual is on layoff from the same or any substantially equivalent job, or (B) when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.

(4) No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

(c)(1) Each recipient of funds under this Act shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.

Comments.

(2) Where a labor organization represents a substantial number of employees who are engaged in similar work or training in the same area as that proposed to be funded under this Act, an opportunity shall be provided for such organization to submit comments with respect to such proposal.

(d) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Act of March 3, 1921 (40 U.S.C. 276a–276a–5), popularly known as the Davis-Bacon Act. The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)). The provisions of this subsection shall not apply to a bona fide trainee in a training program under this Act. The provisions of section 167(a)(4) shall apply to such trainees.

40 USC 276c.

GRIEVANCE PROCEDURE

29 USC 1554.

96 STAT. 1347

SEC. 144. (a) Each administrative entity, contractor, and grantee under this Act shall establish and maintain a grievance procedure for grievances or complaints about its programs and activities from participants, subgrantees, subcontractors, and other interested persons. Hearings on any grievance shall be conducted within 30 days of filing of a grievance and decisions shall be made not later than 60 days after the filing of a grievance. Except for complaints alleging fraud or criminal activity, complaints shall be made within one year of the alleged occurrence.

Hearings.

(b) Each recipient of financial assistance under this Act which is an employer of participants under this Act shall continue to operate or establish and maintain a grievance procedure relating to the terms and conditions of employment.

Investigation.

(c) Upon exhaustion of a recipient's grievance procedure without decision, or where the Secretary has reason to believe that the recipient is failing to comply with the requirements of this Act or the terms of the job training plan, the Secretary shall investigate the allegation or belief and determine within 120 days after receiving the complaint whether such allegation or complaint is true.

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

29 USC 1555.

SEC. 145. No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

PART D—FEDERAL AND FISCAL ADMINISTRATIVE PROVISIONS

PROGRAM YEAR

SEC. 161. (a) Beginning with fiscal year 1985 and thereafter, appropriations for any fiscal year for programs and activities under this Act shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made. 29 USC 1571.

(b) Funds obligated for any program year may be expended by each recipient during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the job training plan.

(c)(1) Appropriations for fiscal year 1984 shall be available both to fund activities for the period between October 1, 1983, and July 1, 1984, and for the program year beginning July 1, 1984.

(2) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this subsection for the transition to program year funding. Appropriation authorization.

PROMPT ALLOCATION OF FUNDS

SEC. 162. (a) All allotments and allocations under this Act shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to economically disadvantaged and low-income persons shall be based on 1980 Census or later data. 29 USC 1572.

(b) Whenever the Secretary allots and allocates funds required to be allotted or allocated by formula under this Act, the Secretary shall publish in a timely fashion in the Federal Register the proposed amount to be distributed to each recipient. Publication in Federal Register.

96 STAT. 1348

(c) All funds required to be distributed by formula under this Act shall be allotted within 45 days after enactment of the appropriations, except that, if such funds are appropriated in advance as authorized by section 161, such funds shall be allotted not later than the March 31 preceding the program year for which such funds are to be available for obligation. Funds, distribution.

(d) Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under this Act, the Secretary shall, not later than 30 days prior to such allotment or allocation, publish such formula in the Federal Register for comments along with the rationale for the formula and the proposed amounts to be distributed to each State and area. After consideration of any comments received, the Secretary shall publish final allotments and allocations in the Federal Register. Publication in Federal Register.

(e) Funds shall be made available to the grant recipient for the service delivery area not later than 30 days after the date they are made available to the Governor or 7 days after the date the plan is approved, whichever is later.

MONITORING

SEC. 163. (a) The Secretary is authorized to monitor all recipients of financial assistance under this Act to determine whether they are complying with the provisions of this Act and the regulations issued under this Act. 29 USC 1573.

(b) The Secretary may investigate any matter the Secretary deems necessary to determine compliance with this Act and regulations issued under this Act. The investigations authorized by this subsection may include examining records (including making certified copies thereof), questioning employees, and entering any premises or onto any site in which any part of a program of a recipient is conducted or in which any of the records of the recipient are kept. Investigations.

(c) For the purpose of any investigation or hearing under this Act, the provisions of section 9 of the Federal Trade Commission Act (15 U.S.C. 49) (relating to the attendance of witnesses and the production of books, papers, and documents) are made applicable to the Secretary.

FISCAL CONTROLS; SANCTIONS

Audits.
29 USC 1574.

Post, pp. 1358, 1364.

SEC. 164. (a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds paid to the recipient under titles II and III. The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidance for the proper performance of audits. Such guidance shall include a review of fiscal controls and fund accounting procedures established by States under this section.

(2) At least once every two years, the State shall prepare or have prepared an independent financial and compliance audit of each recipient of funds under titles II and III of this Act. Under criteria established by the Director of the Office of Management and Budget, and upon application by the Governor, the Secretary may exempt designated recipients from all or part of the requirements of this section, except that any such exemption shall not apply to the State administering agency, the entity which is the administrative entity for the job training plan for a service delivery area, or a private industry council. Any exemption under this section may be withdrawn by the Secretary in consultation with the Director of the Office of Management and Budget.

96 STAT. 1349

(3) Each audit shall be conducted in accordance with applicable auditing standards set forth in the financial and compliance element of the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

Notice of intent.

(b)(1) Whenever, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this Act or the regulations, and corrective action has not been taken, the Governor may issue a notice of intent to revoke approval of all or part of the plan affected. Such notice may be appealed to the Secretary under the same terms and conditions as the disapproval of the plan and shall not become effective until (A) the time for appeal has expired or (B) the Secretary has issued a decision.

(2) The Governor shall withdraw the notice if the appropriate corrective action has been taken.

(c)(1) The Comptroller General of the United States shall, on a selective basis, evaluate the expenditures by the recipients of grants under this Act in order to assure that expenditures are consistent with the provisions of this Act and to determine the effectiveness of each recipient in accomplishing the purposes of this Act. The Comptroller General shall conduct the evaluations whenever he determines it necessary and he shall periodically report to the Congress on the findings of such evaluations.

(2) Nothing in this Act shall be deemed to relieve the Inspector General of the Department of Labor of his responsibilities under the Inspector General Act.

Information, disclosure.

(3) For the purpose of evaluating and reviewing programs established or provided for by this Act, the Comptroller General shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody, or control of the State, a private industry council established under section 102 of this Act, any recipient of funds under this Act, or any subgrantee or contractor of such recipients.

Repayment of funds.

(d) Every recipient shall repay to the United States amounts found not to have been expended in accordance with this Act. The Secretary may offset such amounts against any other amount to which the recipient is or may be entitled under this Act unless he

Notice and hearing.

determines that such recipient should be held liable pursuant to subsection (e). No such action shall be taken except after notice and opportunity for a hearing have been given to the recipient.

(e)(1) Each recipient shall be liable to repay such amounts, from funds other than funds received under this Act, upon a determination that the misexpenditure of funds was due to willful disregard of the requirements of this Act, gross negligence, or failure to observe accepted standards of administration. No such finding shall be made except after notice and opportunity for a fair hearing.

Violations.

96 STAT. 1350

(2) In determining whether to impose any sanction authorized by this section against a recipient for violations by a subgrantee of such recipient under this Act or the regulations under this Act, the Secretary shall first determine whether such recipient has adequately demonstrated that it has—

(A) established and adhered to an appropriate system for the award and monitoring of contracts with subgrantees which contains acceptable standards for ensuring accountability;

(B) entered into a written contract with such subgrantee which established clear goals and obligations in unambiguous terms;

(C) acted with due diligence to monitor the implementation of the subgrantee contract, including the carrying out of the appropriate monitoring activities (including audits) at reasonable intervals; and

(D) taken prompt and appropriate corrective action upon becoming aware of any evidence of a violation of this Act or the regulations under this Act by such subgrantee.

(3) If the Secretary determines that the recipient has demonstrated substantial compliance with the requirements of paragraph (2), the Secretary may waive the imposition of sanctions authorized by this section upon such recipient. The Secretary is authorized to impose any sanction consistent with the provisions of this Act and any applicable Federal or State law directly against any subgrantee for violation of this Act or the regulations under this Act.

Financial assistance, termination.
Notice and hearing.

(f) In emergency situations, if the Secretary determines it is necessary to protect the integrity of the funds or ensure the proper operation of the program, the Secretary may immediately terminate or suspend financial assistance, in whole or in part, if the recipient is given prompt notice and the opportunity for a subsequent hearing within 30 days after such termination or suspension. The Secretary shall not delegate any of the functions or authority specified in this subsection, other than to an officer whose appointment was required to be made by and with the advice and consent of the Senate.

Discrimination

(g) If the Secretary determines that any recipient under this Act has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding or investigation under or related to this Act, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this Act or the Secretary's regulations, the Secretary shall, within thirty days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

(h) The remedies under this section shall not be construed to be exclusive remedies.

REPORTS, RECORDKEEPING, AND INVESTIGATIONS

29 USC 1575.

Sec. 165. (a)(1) Recipients shall keep records that are sufficient to permit the preparation of reports required by this Act and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

(2) Every recipient shall maintain such records and submit such reports, in such form and containing such information, as the

Secretary requires regarding the performance of its programs. Such 96 STAT. 1351 records and reports shall be submitted to the Secretary but shall not be required to be submitted more than once each quarter unless specifically requested by the Congress or a committee thereof.

Investigations (b)(1)(A) In order to evaluate compliance with the provisions of this Act, the Secretary shall conduct, in several States, in each fiscal year investigations of the use of funds received by recipients under this Act.

(B) In order to insure compliance with the provisions of this Act, the Comptroller General of the United States may conduct investigations of the use of funds received under this Act by any recipient.

(2) In conducting any investigation under this Act, the Secretary or the Comptroller General of the United States may not request the compilation of any new information not readily available to such recipient.

Ante, p. 1327. (c) Each State, each administrative entity designated under title I, and each recipient (other than a subrecipient, grantee or contractor of a recipient) receiving funds under this Act shall—

(1) make such reports concerning its operations and expenditures as shall be prescribed by the Secretary, and

(2) prescribe and maintain a management information system, in accordance with guidelines prescribed by the Secretary, designed to facilitate the uniform compilation and analysis of programmatic and financial data, on statewide and service delivery area bases, necessary for reporting, monitoring, and evaluating purposes.

ADMINISTRATIVE ADJUDICATION

29 USC 1576. SEC. 166. (a) Whenever any applicant for financial assistance under this Act is dissatisfied because the Secretary has made a determination not to award financial assistance in whole or in part to such applicant, the applicant may request a hearing before an administrative law judge of the Department of Labor. A similar hearing may also be requested by any recipient upon whom a corrective action or a sanction has been imposed by the Secretary. Except to the extent provided for in section 167, all other disputes arising under this Act shall be adjudicated under grievance procedures established by the recipient or under applicable law other than this Act.

(b) The decision of the administrative law judge shall constitute final action by the Secretary unless, within 20 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part thereof has filed exceptions with the Secretary specifically identifying the procedure, fact, law, or policy to which exception is taken. Any exception not specifically urged shall be deemed to have been waived. Thereafter the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 30 days of such filing, has notified the parties that the case has been accepted for review. Waiver.

(c) Any case accepted for review by the Secretary shall be decided within one hundred and eighty days of such acceptance. If not so decided, the decision of the administrative law judge shall become the final decision of the Secretary.

(d) The provisions of section 168 of this Act shall apply to any final 96 STAT. 1352 action of the Secretary under this section.

NONDISCRIMINATION

29 USC 1577. **SEC. 167. (a)(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and**

42 USC 6101 note. 29 USC 794. 20 USC 1681. 42 USC 2000d.

activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such program because of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief.

(3) Participants shall not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(4) With respect to terms and conditions affecting, or rights provided to, individuals who are participants in activities supported by funds provided under this Act, such individuals shall not be discriminated against solely because of their status as such participants.

(5) Participation in programs and activities financially assisted in whole or in part under this Act shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States.

(b) Whenever the Secretary finds that a State or other recipient has failed to comply with a provision of law referred to in subsection (a)(1), with paragraph (2), (3), (4), or (5) of subsection (a), or with an applicable regulation prescribed to carry out such paragraphs, the Secretary shall notify such State or recipient and shall request it to comply. If within a reasonable period of time, not to exceed sixty days, the State or recipient fails or refuses to comply, the Secretary may—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act, as may be applicable; or

(3) take such other action as may be provided by law.

42 USC 2000d, 6101 note; 29 USC 794.

(c) When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or other recipient is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) For purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.

96 STAT. 1353

JUDICIAL REVIEW

29 USC 1578.

SEC. 168. (a)(1) With respect to any final order by the Secretary under section 166 whereby the Secretary determines to award, to not award, or to only conditionally award, financial assistance, with respect to any final order of the Secretary under section 166 with respect to a corrective action or sanction imposed under section 164, and with respect to a denial of an appeal under section 101(4)(C) or 105(b)(2), any party to a proceeding which resulted in such final order may obtain review of such final order in the United States Court of Appeals having jurisdiction over the applicant or recipient of funds, by filing a review petition within 30 days of such final order.

(2) The clerk of the court shall transmit a copy of the review petition to the Secretary who shall file the record upon which the final order was entered as provided in section 2112 of title 28, United States Code. Review petitions unless ordered by the court, shall not stay the Secretary's order. Petitions under this Act shall be heard expeditiously, if possible within ten days of the filing of a reply brief.

(3) No objection to the order of the Secretary shall be considered by the court unless the objection shall have been specifically and timely urged before the Secretary. Review shall be limited to questions of law and the Secretary's findings of fact shall be conclusive if supported by substantial evidence.

(b) The court shall have jurisdiction to make and enter a decree affirming, modifying, or setting aside the order of the Secretary in whole or in part. The court's judgment shall be final, subject to certiorari review by the Supreme Court of the United States as provided in section 1254(1) of title 28, United States Code.

ADMINISTRATIVE PROVISIONS

Rules and regulations.
29 USC 1579.
5 USC 500.

42 USC 4214
Publication in Federal Register.

SEC. 169. (a) The Secretary may, in accordance with chapter 5 of title 5, United States Code, prescribe such rules and regulations (including performance standards) as the Secretary deems necessary. Such rules and regulations may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968. All such rules and regulations shall be published in the Federal Register at least thirty days prior to their effective date. Copies of all such rules and regulations shall be transmitted to the appropriate committees of the Congress at the same time and shall contain, with respect to each material provision of such rules and regulations, citations to the particular substantive section of law which is the basis therefor.

31 USC 665.

(b) The Secretary is authorized, in carrying out this Act, to accept, purchase, or lease in the name of the department, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes of the United States.

96 STAT. 1354

(c) The Secretary may make such grants, contracts, or agreements, establish such procedures and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds under this Act as necessary to carry out this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments.

Report to Congress.

(d) The Secretary shall prepare and submit to the Congress an annual report for employment and training programs. The Secretary shall include in such report—

(1) a summary of the achievements, failures, and problems of the programs authorized in this Act in meeting the objective of this Act;

(2) a summary of major findings from research, evaluation, pilot projects, and experiments conducted in the previous fiscal year;

(3) recommendations for program modifications based upon analysis of such findings; and

(4) such other recommendations for legislative or administrative action as the Secretary deems appropriate.

(e) The Secretary shall develop methods to ascertain, and shall ascertain annually, energy development and conservation employment impact data by type and scale of energy technologies used. The Secretary shall present the best available data to the Secretary of Energy, the Secretary of Housing and Urban Development, and the Director of the Office of Management and Budget as part of the budgetary process and to the appropriate Committees of Congress annually.

UTILIZATION OF SERVICES AND FACILITIES

29 USC 1580.

SEC. 170. The Secretary is authorized, in carrying out this Act, and to the extent permitted by law other than this Act, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with its consent.

OBLIGATIONAL AUTHORITY

SEC. 171. Notwithstanding any other provision of this Act, no authority to enter into contracts or financial assistance agreements under this Act shall be effective except to such extent or in such amount as are provided in advance in appropriation Acts. 29 USC 1581.

PART E—MISCELLANEOUS PROVISIONS

TRANSITION

SEC. 181. (a) Except as otherwise provided in this section, the Secretary, from funds appropriated pursuant to this Act or pursuant to the Comprehensive Employment and Training Act, shall provide financial assistance under this Act in the same manner that such assistance was provided under the Comprehensive Employment and Training Act (as in effect on the day before the enactment of this Act) until September 30, 1983. 29 USC 1591. *Post*, p. 1357.

(b) The Commission established by title V of the Comprehensive Employment and Training Act shall continue to be authorized until September 30, 1983, and on such date the personnel, property, and records of such Commission shall be transferred to the Commission established by part F of title IV of this Act. *Post*, p. 1357. *Post*, p. 1387

96 STAT. 1355

(c) Notwithstanding the provisions of subsection (a), Governors, prime sponsors, and other recipients of financial assistance under this Act, or under the Comprehensive Employment and Training Act, may expend funds received under this Act, or under the Comprehensive Employment and Training Act, prior to October 1, 1983, in order to— *Post*, p. 1357.

(1) administer consolidated programs formed by the combining of programs previously administered under different titles, parts, and subparts of the Comprehensive Employment and Training Act;

(2) establish for new participants, in accordance with the eligibility criteria for title II of this Act, uniform eligibility criteria and other provisions relating to participation for programs consolidated pursuant to paragraph (1);

(3) conduct planning for any program or activity authorized under this Act; and

(4) conduct any other activity deemed necessary by the recipient to provide for an orderly transition to the operation, as of October 1, 1983, of programs under this Act.

(d) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges, which have been issued under the Comprehensive Employment and Training Act (as in effect on the date before the date of enactment of this Act), or which are issued under that Act on or before September 30, 1983, shall continue in effect until modified or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law other than this Act. Effective date.

(e) The provisions of this Act shall not affect administrative or judicial proceedings pending on the date of enactment of this Act, or begun between the date of enactment of this Act and September 30, 1984, under the Comprehensive Employment and Training Act.

(f)(1) By January 1, 1983, the Secretary shall have published in the Federal Register final regulations governing the establishment of the State job training coordinating councils and the designation of service delivery areas. Publications in Federal Register.

(2) By January 15, 1983, the Secretary shall have published in the Federal Register final regulations governing the establishment of private industry councils.

(3) By March 15, 1983, the Secretary shall have published in the Federal Register final regulations governing all aspects of programs under title II of this Act not described in paragraphs (1) and (2) of this subsection.

Effective dates.

(4) All other regulations for programs under this Act shall take effect no later than October 1, 1983.

Publications in Federal Register.

(5) Pursuant to section 169(a) of this Act the rules described in paragraphs (1), (2), and (3) of this section shall take effect thirty days after publication. In promulgating the rules described in paragraphs (1), (2), and (3), the Secretary shall be exempt from all requirements of law regarding rulemaking procedures except that such rules, prior to their publication in final form, shall be published in the Federal Register for comment for thirty days in the case of rules under paragraphs (2) and (3) and twenty days in the case of rules under paragraph (1).

96 STAT. 1356

Effective rules.

(6) The Secretary may subsequently modify rules issued pursuant to paragraphs (1), (2), and (3) but, with respect to the program period October 1, 1983, to June 30, 1984, such subsequent rules shall not affect the legitimacy of any State job training coordinating council or private industry council, or the composition of any service delivery area, established under the rules issued pursuant to paragraphs (1) or (2). In addition, with respect to the program period October 1, 1983, to June 30, 1984, no modifications of the rules published pursuant to paragraph (3) shall be effective unless they are published in final form by May 15, 1983.

Post, p. 1357.

(7) Upon the certification of any private industry council under section 102(g) the Secretary, from discretionary funds appropriated under this Act or Comprehensive Employment Training Act, for fiscal year 1983, may provide up to $80,000 to each such council to assist it in performing its functions under section 103.

(g) Notwithstanding any other provision of law, any real or nonexpendable personal property, which was acquired on or before September 30, 1983, by prime sponsors (including by their contractors or subrecipients) with funds under the Comprehensive Employment and Training Act or under this Act, and with respect to which the Secretary reserved the right to take title, shall be transferred, as of October 1, 1983, from such prime sponsors to the custody of the entity which is administering programs under title II of this Act in the geographic area in which such property is located. Such transfer shall be subject to the Secretary's rights in such property, which shall continue unchanged.

(h) Funds for fiscal year 1982 allocated to areas served by prime sponsors or to other recipients under the Comprehensive Employment and Training Act, which were not obligated by the prime sponsor or other recipient prior to the end of such fiscal year, shall remain available for obligation by the prime sponsor or other recipient during fiscal year 1983. No reduction shall be made in the allocation for any area served by such a prime sponsor from appropriations to carry out this Act for fiscal year 1983 on account of the carryover of such funds from fiscal year 1982 to fiscal year 1983.

Effective date.

(i) The amendments made by sections 501 and 502 shall be effective October 1, 1983, but, the Secretary is authorized to use funds appropriated for fiscal year 1983 to plan for the orderly implementation of such amendments.

(j)(1) In order to facilitate the development of a service delivery area's job training plan for the program period October 1, 1983, to June 30, 1984, the various time limits contained in this Act which pertain to the planning process shall not be applicable, except that the job training plan must be submitted to the Governor by August 31, 1983. This provision shall apply only to the time limits and shall not apply to any of the required planning procedures, or to the required chronological order of such procedures except that the job training plan and budget need only be for the October 1, 1983 to June 30, 1984 program period.

(2) In order to facilitate planning for the program period October 1, 1983, to June 30, 1984, the local agreement or agreements between the private industry council and the appropriate chief elected offi-

cial or officials may provide for interim procedures applicable only to that program. Such interim agreements may also, notwithstanding the provisions of section 107, authorize service deliverers under the Comprehensive Employment and Training Act or under this Act during fiscal year 1983 to continue as service deliverers under the program as established by this Act for such period.

Post, p. 1357.

(3) The performance standards described in section 106 shall apply to service delivery areas for the program period October 1, 1983, to June 30, 1984. No service delivery area, however, shall suffer a penalty for not meeting such standards during that initial program period.

(k) All participants who are in programs funded under this Act, or under the Comprehensive Employment and Training Act, on September 30, 1983, shall be eligible to continue to participate in such programs, provided such programs have been approved for funding under the service delivery area's newly effective job training plan.

Infra.

CRIMINAL PROVISIONS

Sec. 182. Section 665 of title 18, United States Code, is amended to read as follows:

"THEFT OR EMBEZZLEMENT FROM EMPLOYMENT AND TRAINING FUNDS; IMPROPER INDUCEMENT; OBSTRUCTION OF INVESTIGATIONS

"Sec. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under the Comprehensive Employment and Training Act or the Job Training Partnership Act knowingly enrolls an ineligible participant, embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a financial assistance agreement or contract pursuant to such Act shall be fined not more than $10,000 or imprisoned for not more than 2 years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, such person shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Penalty.

29 USC 801 note.

Ante, p. 1322.

"(b) Whoever, by threat or procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a financial assistance agreement or contract under the Comprehensive Employment and Training Act or the Job Training Partnership Act induces any person to give up any money or thing of any value to any person (including such organization or agency receiving funds) shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.

Penalty.

"(c) Any person whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under the Comprehensive Employment and Training Act or the Job Training Partnership Act, or the regulations thereunder, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.".

Penalty.

REFERENCE

Sec. 183. Effective on the date of enactment of this Act, all references in any other statute other than this Act, and other than in section 665 of title 18, United States Code, to the Comprehensive Employment and Training Act shall be deemed to refer to the Job Training Partnership Act.

29 USC 1592.

REPEALERS

Sec. 184. (a) Effective on the date of enactment of this Act—

(1) the Comprehensive Employment and Training Act is repealed;

29 USC 801 *et seq.*

Repeal.
29 USC 829a.

(2) section 5(b) of the Comprehensive Employment and Training Act Amendments of 1978 is repealed.

96 STAT. 1358

TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

PART A—ADULT AND YOUTH PROGRAMS

ALLOTMENT

29 USC 1601.

SEC. 201. (a) Not more than $5,000,000 of the amount appropriated pursuant to section 3(a)(1) for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(b)(1) Subject to the provisions of paragraph (2), of the remainder of the amount available for this part for each fiscal year—

(A) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all the States;

(B) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States;

(C) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged individuals within the State compared to the total number of economically disadvantaged individuals in all States, except that, for the allotment for any State in which there is any service delivery area described in section 101(a)(4)(A)(iii), the allotment shall be based on the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

(2)(A) No State shall receive less than one-quarter of 1 percent of the amounts available for allotment under this subsection for each such fiscal year.

(B) No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made. For the purpose of this subparagraph, the allotment percentage for each State for the fiscal year 1982 is the percent that each State received in 1982, pursuant to the formula allocations made under the Comprehensive Employment and Training Act, of the total such formula allocations for all States made under that Act in fiscal year 1982. For each succeeding fiscal year, the allotment percentage of a State shall be the percentage which the State received of all allotments pursuant to this subsection.

Ante, p. 1357.

Definitions.

(3) For purposes of paragraph (1)—

(A) the term "excess number" means the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State, or the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State; and

(B) the term "economically disadvantaged" means an individual who has, or is a member of a family which has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level.

96 STAT. 1359

WITHIN STATE ALLOCATION

29 USC 1602.

SEC. 202. (a)(1) The Governor shall, in accordance with section 162, allocate 78 percent of the allotment of the State (under section

201(b)) for such fiscal year among service delivery areas within the State in accordance with paragraph (2).

(2) Of the amount allocated under this subsection—

(A) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each service delivery area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

(B) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in the State;

(C) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged individuals within each service delivery area compared to the total number of economically disadvantaged individuals in the State, except that the allocation for any service delivery area described in section 101(a)(4)(A)(iii) shall be based on the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

Definitions.

(3) For the purpose of this section—

(A) the term "excess number" means the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the service delivery area or the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such service delivery area; and

(B) the term "economically disadvantaged" means an individual who has, or is a member of a family which has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level.

(b)(1) Eight percent of the allotment of each State (under section 201(b)) for each fiscal year shall be available to carry out section 123, relating to State education programs under this Act.

(2) Three percent of such allotment of each State for each fiscal year shall be available to carry out section 124, relating to training programs for older individuals.

(3)(A) Six percent of such allotment of each State for each fiscal year shall be available to carry out subparagraph (B) of this paragraph.

Incentive grants.

96 STAT. 1360

(B) The amount reserved under subparagraph (A) of this paragraph shall be used by the Governor to provide incentive grants for programs exceeding performance standards, including incentives for serving hard-to-serve individuals. The incentive grants made under this subparagraph shall be distributed among service delivery areas within the State exceeding their performance standards in an equitable proportion based on the degree by which the service delivery areas exceed their performance standards. If the full amount reserved under subparagraph (A) of this paragraph is not needed to make incentive grants under this subparagraph, the Governor shall use the amount not so needed for technical assistance to service delivery areas in the State which do not qualify for incentive grants under this subparagraph.

(4) Five percent of such allotment of the State for each fiscal year shall be available to the Governor of the State to be used for the cost of auditing activities, for administrative activities, and for other activities under sections 121 and 122.

ELIGIBILITY FOR SERVICES

29 USC 1603.

SEC. 203. (a)(1) Except as provided in paragraph (2), an individual shall be eligible to particpate in programs receiving assistance under this title only if such individual is economically disadvantaged.

(2) Up to 10 percent of the participants in all programs in a service delivery area receiving assistance under this part may be individuals who are not economically disadvantaged if such individuals have encountered barriers to employment. Such individuals may include, but are not limited to, those who have limited English-language proficiency, or are displaced homemakers, school dropouts, teenage parents, handicapped, older workers, veterans, offenders, alcoholics, or addicts.

(b)(1) Funds provided under this part shall be used in accordance with the job training plan to provide authorized services to disadvantaged youth and adults. Except as provided in paragraph (2), not less than 40 percent of the funds available for such services shall be expended to provide such services to eligible youth.

(2) To the extent that the ratio of economically disadvantaged youth to economically disadvantaged adults in the service delivery area differs from the ratio of such individuals nationally (as published by the Secretary), the amount which shall be required to expend for services for youth under paragraph (1) shall be reduced or increased proportionately in accordance with regulations prescribed by the Secretary.

42 USC 601.
42 USC 602.

(3) Recipients of payments made under the program of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act who are required to, or have, registered under section 402(a)(19) of that Act, and eligible school dropouts shall be served on an equitable basis, taking into account their proportion of economically disadvantaged persons sixteen years of age or over in the area. For purposes of this paragraph, a school dropout is an individual who is neither attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

School dropout.

96 STAT. 1361

(4) In each service delivery area the ratio of participants in on-the-job training assisted under this title in the public sector to participants in such training in the private sector shall not exceed the ratio between civilian governmental employment and nongovernmental employment in such area.

(c) For purposes of this title—

"Youth."

(1) the term "youth" means an individual who is aged 16 through 21, and

"Adult."

(2) the term "adult" means an individual who is 22 years of age or older.

USE OF FUNDS

29 USC 1604.

SEC. 204. Services which may be made available to youth and adults with funds provided under this title may include, but need not be limited to—

(1) job search assistance,
(2) job counseling,
(3) remedial education and basic skills training,
(4) institutional skill training,
(5) on-the-job training,
(6) programs of advanced career training which provide a formal combination of on-the-job and institutional training and internship assignments which prepare individuals for career employment,
(7) training programs operated by the private sector, including those operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment, and personnel to train workers in occupations for which demand exceeds supply,

(8) outreach to make individuals aware of, and encourage the use of employment and training services,

(9) specialized surveys not available through other labor market information sources,

(10) programs to develop work habits and other services to individuals to help them obtain and retain employment,

(11) supportive services necessary to enable individuals to participate in the program and to assist them in retaining employment for not to exceed 6 months following completion of training,

(12) upgrading and retraining,

(13) education-to-work transition activities,

(14) literacy training and bilingual training,

(15) work experience,

(16) vocational exploration,

(17) attainment of certificates of high school equivalency,

(18) job development,

(19) employment generating activities to increase job opportunities for eligible individuals in the area,

(20) pre-apprenticeship programs,

(21) disseminating information on program activities to employers,

(22) use of advanced learning technology for education, job preparation, and skills training,

(23) development of job openings,

(24) on-site industry-specific training programs supportive of industrial and economic development,

(25) followup services with participants placed in unsubsidized employment,

96 STAT. 1362

(26) coordinated programs with other Federal employment-related activities,

(27) needs-based payments necessary to participation in accordance with a locally developed formula or procedure, and

(28) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of that training.

EXEMPLARY YOUTH PROGRAMS

29 USC 1605.

SEC. 205. (a) In addition to the services for youth which may be available in accordance with section 204, the job training plan may, at the option of those responsible for its preparation, elect to include one or more of the exemplary youth programs described in subsections (b) through (e) of this section, each of which may be modified by the plan to accommodate local conditions.

(b)(1) The job training plan may provide for the conduct of an "education for employment program" for eligible youth who have not attained a high school diploma or who have educational deficiencies despite the attainment of a diploma, with priority given to high school dropouts.

(2) The education for employment programs may provide for the maintenance of a network of learning centers offering individualized or group instruction in convenient locations, such as schools, neighborhood organizations, libraries, and other sites, including mobile vans in rural areas.

(3) The curricula provided by such network shall be designed to prepare the student to meet State and locally determined general education diploma and basic education competency requirements.

(4) For purposes of this section, priority shall be given in the selection of service providers to previously funded in-school and community based organization projects which are both cost-effective and of demonstrated success, and which otherwise meet criteria under this Act.

Preemployment skills training program.

(c)(1) The job training plan may provide for the conduct of a "preemployment skills training program" for youth, and individuals aged 14 and 15, with priority being given to those individuals who do not meet established levels of academic achievement and who plan to enter the full-time labor market upon leaving school.

(2) The preemployment skill training program may provide youth up to 200 hours of instruction and activities.

(3) The instruction and activities may include—

(A) assessment, testing, and counseling;
(B) occupational career and vocational exploration;
(C) job search assistance;
(D) job holding and survival skills training;
(E) basic life skills training;
(F) remedial education;
(G) labor market information; and
(H) job-seeking skills training.

Entry employment experience program.

(d)(1) The job training plan may provide for the conduct of an "entry employment experience program" for youth who—

(A) have completed preemployment skills training or its equivalent;

(B) have not recently held a regular part-time or summer job for more than 250 hours of paid employment, except that this paragraph may be waived in accordance with criteria established in the job training plan; and

96 STAT. 1363

(C) are enrolled in a secondary school or an institution offering a certified high school equivalency program and are meeting or have met the minimum academic and attendance requirements of that school or education program during the current or most recent term,

with priority given to youth who do not plan to continue on to postsecondary education.

Entry employment experiences.

(2) Entry employment experiences may be up to 20 hours weekly during the school year or full time during the summer and holidays, for a total of not to exceed 500 hours of entry employment experience for any individual. Such experiences shall be appropriately supervised, including the maintenance of standards of attendance and worksite performance.

(3) Entry employment experiences may be one of the following types:

(A) Full-time employment opportunities in public and private nonprofit agencies during the summer and on a part-time basis in combination with education and training activities. These jobs shall provide community improvement services that complement local expenditures.

(B) Tryout employment at private for-profit worksites, or at public and private nonprofit worksites when private for-profit worksites are not available. Compensation in lieu of wages for tryout employment shall be paid by the grant recipient, but the length of any assignment to a tryout employment position shall not exceed 250 hours. Tryout employment positions shall be ones for which participants would not usually be hired (because of lack of experience or other barriers to employment), and vacancies in such positions may not be refilled if the previous participant completed the tryout employment but was not hired by the employer.

(C) Cooperative education programs to coordinate educational programs with work in the private sector.

School-to-work transition assistance program.

(e)(1) The job training plan may provide for the conduct of a "school-to-work transition assistance program" for youth who are—

(A) high school seniors who plan to enter the full-time labor market upon graduation, with priority to seniors in high schools having a predominance of students from families with incomes below 70 percent of the lower living standard income level; and

(B) dropouts, with followup as immediately as possible after leaving school.

(2) Transition services include—

(A) provision of occupational information;
(B) short-duration job search assistance;
(C) job clubs;

(D) placement and job development; and

(E) followup.

(3) Seniors and dropouts who are eligible for and in need of training activities may be provided information and, where appropriate, referred to—

(A) preemployment skills training, entry employment experience, and remedial education;

(B) adult training activities; and

(C) the Job Corps.

96 STAT. 1364

PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT AND ALLOCATION

29 USC 1631.

SEC. 251. (a) From the funds appropriated under section 3(b), the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and entities eligible under section 401 the same percentage of funds as were available to such areas and entities for the summer youth program in the fiscal year preceding the fiscal year for which the determination is made.

(b) The remainder of sums appropriated pursuant to section 3(b) shall be allotted among States in accordance with section 201(b) and allocated among service delivery areas within States in accordance with section 202(a)(2) and (3).

USE OF FUNDS

29 USC 1632.

SEC. 252. Funds available under this part may be used for—

(1) basic and remedial education, institutional and on-the-job training, work experience programs, employment counseling, occupational training preparation for work, outreach and enrollment activities, employability assessment, job referral and placement, job search and job club activities, and any other employment or job training activity designed to give employment to eligible individuals or prepare them for, and place them in, employment; and

(2) supportive services necessary to enable such individuals to participate in the program.

LIMITATIONS

29 USC 1633.

SEC. 253. (a) Programs under this part shall be conducted during the summer months.

(b) Except as provided in subsection (c), individuals eligible under this part shall be economically disadvantaged youth.

(c) Eligible individuals aged 14 or 15 shall, if appropriate and set forth in the job training plan, be eligible for summer youth programs under this part.

APPLICABLE PROVISIONS

29 USC 1634.
Ante, p. 1327.

SEC. 254. Private industry councils established under title I, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this part as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under part A of title II.

Ante, p. 1358.

TITLE III—EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS

ALLOCATION OF FUNDS

29 USC 1651.

SEC. 301. (a) From the amount appropriated to carry out this title for any fiscal year, the Secretary may reserve up to 25 percent of such amount for use by the States in accordance with subsection (c).

Funds. allocation.

(b) The Secretary shall allot the remainder of the amount appropriated to carry out this title for any fiscal year among the States as follows:

96 STAT. 1365

(1) One-third of the remainder of such amount shall be allotted among the States on the basis of the relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all the States.

(2) One-third of the remainder of such amount shall be allotted among the States on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States. For purposes of this paragraph, the term "excess number" means the number which represents unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.

"Excess number."

(3) One-third of the remainder of such amount shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for fifteen weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

(c) The Secretary shall make available the sums reserved under subsection (a) for the purpose of providing training, retraining, job search assistance, placement, relocation assistance, and other aid (including any activity authorized by section 303) to individuals who are affected by mass layoffs, natural disasters, Federal Government actions (such as relocations of Federal facilities), or who reside in areas of high unemployment or designated enterprise zones. In order to qualify for assistance from funds reserved by the Secretary under subsection (a), a State shall, in accordance with regulations promulgated by the Secretary establishing criteria for awarding assistance from such funds, submit an application identifying the need for such assistance and the types of, and projected results expected from, activities to be conducted with such funds.

Funding application, submittal.

(d) The Secretary is authorized to reallot any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within one year of allotment.

IDENTIFICATION OF DISLOCATED WORKERS

29 USC 1652.

SEC. 302. (a) Each State is authorized to establish procedures to identify substantial groups of eligible individuals who—

(1) have been terminated or laid-off or who have received a notice of termination or lay-off from employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation;

(2) have been terminated, or who have received a notice of termination of employment, as a result of any permanent closure of a plant or facility; or

(3) are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individuals reside, including any older individuals who may have substantial barriers to employment by reason of age.

96 STAT. 1366

(b) The State may provide for the use of the private industry councils established under title I of this Act to assist in making the identification established under subsection (a).

(c)(1) Whenever a group of eligible individuals is identified under subsection (a), the State, with the assistance of the private industry council, shall determine what, if any, job opportunities exist within the local labor market area or outside the labor market area for which such individuals could be retrained.

(2) The State shall determine whether training opportunities for

such employment opportunities exist or could be provided within the local labor market area.

(d) Whenever training opportunities pursuant to subsection (c) are identified, information concerning the opportunities shall be made available to the individuals. The acceptance of training for such opportunities shall be deemed to be acceptance of training with the approval of the State within the meaning of any other provision of Federal law relating to unemployment benefits.

AUTHORIZED ACTIVITIES

29 USC 1653.

SEC. 303. (a) Financial assistance provided to States under this title may be used to assist eligible individuals to obtain unsubsidized employment through training and related employment services which may include, but are not limited to—

(1) job search assistance, including job clubs,

(2) job development,

(3) training in jobs skills for which demand exceeds supply,

(4) supportive services, including commuting assistance and financial and personal counseling,

(5) pre-layoff assistance,

(6) relocation assistance, and

(7) programs conducted in cooperation with employers or labor organizations to provide early intervention in the event of closures of plants or facilities.

(b) Relocation assistance may be provided if the State determines (1) that the individual cannot obtain employment within the individual's commuting area, and (2) that the individual has secured suitable long-duration employment or obtained a bona fide job offer in a relocation area in a State.

MATCHING REQUIREMENT

29 USC 1654.

SEC. 304. (a)(1) In order to qualify for financial assistance under this title, a State shall demonstrate, to the satisfaction of the Secretary, that it will expend for purposes of services assisted under this title, an amount from public or private non-Federal sources equal to the amount made available to that State under section 301(b).

(2) Whenever the average rate of unemployment for a State is higher than the average rate of unemployment for all States, the non-Federal matching funds described in paragraph (1) required to be provided by such State for that fiscal year shall be reduced by 10 percent for each 1 percent, or portion thereof, by which the average rate of unemployment for that State is greater than the average rate of unemployment for all States.

(3) The Secretary shall determine the average rate of unemployment for a State and the average rate of unemployment for all States for each fiscal year on the basis of the most recent twelve-month period prior to that fiscal year.

96 STAT. 1367

(b)(1) Such non-Federal matching funds shall include the direct cost of employment or training services under this title provided by State or local programs (such as vocational education), private nonprofit organizations, or private for-profit employers.

(2) Funds expended from a State fund to provide unemployment insurance benefits to an eligible individual for purposes of this title and who is enrolled in a program of training or retraining under this title may be credited for up to 50 percent of the funds required to be expended from non-Federal sources as required by this section.

PROGRAM REVIEW

29 USC 1655

SEC. 305. Except for programs of assistance operated on a statewide or industry-wide basis, no program of assistance conducted with funds made available under this title may be operated within any service delivery area without a 30-day period for review and recommendation by the private industry council and appropriate chief elected official or officials for such area. The State shall consider the recommendation of such private industry council and chief elected official or officials before granting final approval of such program, and in the event final approval is granted contrary to such recommendation, the State shall provide the reasons therefor in writing to the appropriate private industry council and chief elected official or officials.

CONSULTATION WITH LABOR ORGANIZATIONS

29 USC 1656.

SEC. 306. Any assistance program conducted with funds made available under this title which will provide services to a substantial number of members of a labor organization shall be established only after full consultation with such labor organization.

LIMITATIONS

29 USC 1657.

SEC. 307. (a) Except as provided in subsection (b), there shall be available for supportive services, wages, allowances, stipends, and costs of administration, not more than 30 percent of the Federal funds available under this title in each State.

(b) The funds to which the limitation described in subsection (a) applies shall not include the funds referred to in section 301(a). In no event shall such limitation apply to more than 50 percent of the total amount of Federal and non-Federal funds available to a program.

STATE PLANS; COORDINATION WITH OTHER PROGRAMS

29 USC 1658.

SEC. 308. Any State which desires to receive financial assistance under this title shall submit to the Secretary a plan for the use of such assistance which shall include appropriate provisions for the coordination of programs conducted with such assistance, as described in section 121, low-income weatherization and other energy conservation programs, and social services.

96 STAT. 1368

TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS

NATIVE AMERICAN PROGRAMS

29 USC 1671.

SEC. 401. (a) The Congress finds that (1) serious unemployment and economic disadvantages exist among members of Indian, Alaskan Native, and Hawaiian Native communities; (2) there is a compelling need for the establishment of comprehensive training and employment programs for members of those communities; and (3) such programs are essential to the reduction of economic disadvantages among individual members of those communities and to the advancement of economic and social development in the communities consistent with their goals and lifestyles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of the individuals to be served by the provisions of this section, (1) such programs shall be administered at the national level; (2) such programs shall be available to federally recognized Indian tribes, bands, and groups and to other groups and individuals of Native American descent; and (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this section.

(c)(1)(A) In carrying out responsibilities under this section, the Secretary shall, wherever possible, utilize Indian tribes, bands, or groups on Federal or State reservations, Oklahoma Indians, and including for the purpose of this Act, Alaska Native villages or groups as defined in the Alaska Native Claims Settlement Act, having a governing body for the provision of employment and training services under this section. When the Secretary determines that such tribe, band, or group has demonstrated the capability to effectively administer a comprehensive employment and training program, the Secretary shall require such tribe, band, or group to submit a comprehensive plan meeting such requirements as the Secretary prescribes.

43 USC 1601 note.

(B) The Secretary shall arrange for programs to meet the employment and training needs of Hawaiian natives through such organizations as the Secretary determines will best meet their needs.

(2) In carrying out responsibilities under this section, the Secretary shall make arrangements with organizations (meeting requirements prescribed by the Secretary) serving nonreservation Native Americans for programs and projects designed to meet the needs of such Native Americans for employment and training and related services.

(d) Whenever the Secretary determines not to utilize Indian tribes, bands, or groups for the provision of employment and training services under this section, the Secretary shall, to the maximum extent feasible, enter into arrangements for the provision of such services with organizations which meet with the approval of the tribes, bands, or groups to be served.

(e) The Secretary is directed to take appropriate action to establish administrative procedures and machinery (including personnel having particular competence in this field) for the selection, administration, monitoring, and evaluation of Native American employment and training programs authorized under this Act.

(f) Funds available for this section shall be expended for programs and activities consistent with the purposes of this section including but not limited to such programs and activities carried out by recipients under other provisions of this Act.

(g) No provision of this section shall abrogate in any way the trust responsibilities of the Federal Government to Native American bands, tribes, or groups.

Rules, regulations and performance standards.

(h)(1) The Secretary shall, after consultation with representatives of Indians and other Native Americans, prescribe such rules, regulations, and performance standards relating to Native American programs under this section as may be required to meet the special circumstances under which such programs operate.

Performance goals.

(2) Recipients of funds under this section shall establish performance goals, which shall, to the extent required by the Secretary, comply with performance standards established by the Secretary pursuant to section 103.

Technical assistance.

(i) The Secretary shall provide technical assistance as necessary to tribes, bands, and groups eligible for assistance under this section.

(j) For the purpose of carrying out this section, the Secretary shall reserve, from funds available for this title (other than part B) for any fiscal year, an amount equal to 3.3 percent of the amount available for part A of title II of this Act for such fiscal year.

MIGRANT AND SEASONAL FARMWORKER PROGRAMS

29 USC 1672.

SEC. 402. (a) The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, aggravated by continual advancements in technology and mechanization resulting in displacement, constitute a substantial portion of the Nation's rural employment problem and substantially affect the entire national economy; and

(2) because of farmworker employment and training problems, such programs shall be centrally administered at the national level.

(b) The Secretary is directed to take appropriate action to establish administrative procedures and machinery (including personnel having particular competence in this field) for the selection, administration, monitoring, and evaluation of migrant and seasonal employment and training programs authorized under this Act.

Grants or contracts.

(c)(1) The Secretary shall provide services to meet the employment and training needs of migrant and seasonal farmworkers through such public agencies and private nonprofit organizations as the Secretary determines to have an understanding of the problems of migrant and seasonal farmworkers, a familiarity with the area to be served, and a previously demonstrated capability to administer effectively a diversified employability development program for migrant and seasonal farmworkers. In awarding any grant or contract for services under this section, the Secretary shall use procedures consistent with standard competitive Government procurement policies.

(2) The Secretary may approve the designation of grantees under this section for a period of two years.

(3) Programs and activities supported under this section, including those carried out under other provisions of this Act, shall enable farmworkers and their dependents to obtain or retain employment, to participate in other program activities leading to their eventual placement in unsubsidized agricultural or nonagricultural employment, and to participate in activities leading to stabilization in agricultural employment, and shall include related assistance and supportive services.

96 STAT. 1370

Performance goals.

(4) Recipients of funds under this section shall establish performance goals, which shall, to the extent required by the Secretary, comply with performance standards established by the Secretary pursuant to section 103.

(5) No programs and activities supported under this section shall preclude assistance to farmworkers under any other provision of this Act.

(d) In administering programs under this section, the Secretary shall consult with appropriate State and local officials.

(e) The Secretary is directed to take appropriate action to establish administrative procedures and machinery (including personnel having particular competence in this field) for the selection, administration, monitoring, and evaluation of migrant and seasonal farmworker's employment and training programs authorized under this Act.

(f) For the purpose of carrying out this section, the Secretary shall reserve, from funds available for this title (other than part B) for any fiscal year, an amount equal to 3.2 percent of the amount available for part A of title II of this Act for such fiscal year.

Part B—Job Corps

STATEMENT OF PURPOSE

29 USC 1691

Sec. 421. This part maintains a Job Corps for economically disadvantaged young men and women which shall operate exclusively as a distinct national program, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. The purpose of this part is to assist young individuals who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens; and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

ESTABLISHMENT OF THE JOB CORPS

SEC. 422. There shall be within the Department of Labor a "Job Corps". 29 USC 1692.

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

SEC. 423. To become an enrollee in the Job Corps, a young man or woman must be an eligible youth who— 29 USC 1693.

(1) has attained age 14 but not attained age 22 at the time of enrollment, except that such maximum age limitation may be waived, in accordance with regulations of the Secretary, in the case of any handicapped individual; Waiver.

(2) is economically disadvantaged or is a member of a family which is economically disadvantaged, and who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular school work, qualify for other suitable training programs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair prospects for successful participation in other programs providing needed training, education, or assistance;

(4) is determined, after careful screening as provided for in sections 424 and 425 to have the present capabilities and aspirations needed to complete and secure the full benefit of the Job Corps and to be free of medical and behavioral problems so serious that the individual could not adjust to the standards of conduct, discipline, work, and training which the Job Corps involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe and agrees to comply with all applicable Job Corps rules and regulations.

SCREENING AND SELECTION OF APPLICANTS: GENERAL PROVISIONS

SEC. 424. (a) The Secretary shall prescribe specific standards and procedures for the screening and selection of applicants for the Job Corps. To the extent practicable, these rules shall be implemented through arrangements with agencies and organizations such as community action agencies, public employment offices, entities administering programs under title II of this Act, professional groups, labor organizations, and agencies and individuals having contact with youth over substantial periods of time and able to offer reliable information as to their needs and problems. The rules shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. The rules shall also provide for the interviewing of each applicant for the purpose of— Standards and procedures. 29 USC 1694.

(1) determining whether the applicant's educational and vocational needs can best be met through the Job Corps or an alternative program in the applicant's home community;

(2) obtaining from the applicant pertinent data relating to background, needs, and interests for determining eligibility and potential assignment; and

(3) giving the applicant a full understanding of the Job Corps and what will be expected of an enrollee in the event of acceptance.

(b) The Secretary is authorized to make payments to individuals and organizations for the cost of the recruitment, screening, and selection of candidates, as provided for in this part. The Secretary shall make no payments to any individual or organization solely as compensation for referring the names of candidates for Job Corps. Payments.

Rural areas, selection.

96 STAT. 1372

(c) The Secretary shall assure that Job Corps enrollees include an appropriate number of candidates selected from rural areas, taking into account the proportions of eligible youth who reside in rural areas and the need to provide residential facilities for such youth.

SCREENING AND SELECTION: SPECIAL LIMITATIONS

29 USC 1695.

SEC. 425. (a) No individual shall be selected as an enrollee unless there is reasonable expectation that the individual can participate successfully in group situations and activities, is not likely to engage in behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between the center to which the individual might be assigned and surrounding communities, and unless the individual manifests a basic understanding of both the rules to which the individual will be subject and of the consequences of failure to observe those rules.

(b) An individual on probation or parole may be selected only if release from the supervision of the probation or parole officials is satisfactory to those officials and the Secretary and does not violate applicable laws or regulations. No individual shall be denied a position in the Job Corps solely on the basis of that individual's contact with the criminal justice system.

ENROLLMENT AND ASSIGNMENT

29 USC 1696.

SEC. 426. (a) No individual may be enrolled in the Job Corps for more than two years, except in any case in which completion of an advanced career program under section 428 would require an individual to participate in excess of two years, or except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

Waiver.

(c) After the Secretary has determined that an enrollee is to be assigned to a Job Corps center, the enrollee shall be assigned to the center which is closest to the enrollee's home, except that the Secretary may waive this requirement for good cause, including to ensure an equitable opportunity for youth from various sections of the Nation to participate in the program, to prevent undue delays in assignment, to adequately meet the educational or other needs of an enrollee, and for efficiency and economy in the operation of the program.

JOB CORPS CENTERS

29 USC 1697.

20 USC 2304.

SEC. 427. (a)(1) The Secretary may make agreements with Federal, State, or local agencies, including a State board or agency designated pursuant to section 104(a)(1) of the Vocational Education Act of 1963 which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act, or private organizations for the establishment and operation of Job Corps centers. Job Corps centers may, subject to paragraph (2), be residential or nonresidential in character, or both, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, and other services appropriate to their needs. The centers shall include Civilian Conservation Centers, located primarily in rural areas, which shall provide, in addition to other training and assistance, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest. The centers shall also include training centers located in either urban or rural areas which shall provide activities including training and other services for specific types of skilled or semiskilled employment.

96 STAT. 1373

(2) In any year, not more than 10 percent of the individuals enrolled in the Job Corps may be nonresidential participants.

(b) To the extent feasible, Job Corps centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participants in other programs under this Act. Such opportunities may be offered on a reimbursable basis or through such other arrangements as the Secretary may specify.

PROGRAM ACTIVITIES

SEC. 428. (a) Each Job Corps center shall provide enrollees with an intensive, well-organized, and fully supervised program of education, vocational training, work experience, planned vocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program shall include activities to assist enrollees in choosing realistic career goals, coping with problems they may encounter in home communities, or in adjusting to new communities, and planning and managing their daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance work to assist enrollees in increasing their sense of contribution, responsibility, and discipline. 29 USC 1698.

(b) The Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes, whenever such institutions provide training substantially equivalent in cost and quality to that which the Secretary could provide through other means.

(c) To the extent feasible, arrangements for education, both at the center and at other locations, shall provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from high school. The Secretary, with the concurrence of the Secretary of Education, shall develop certificates to be issued to each enrollee who satisfactorily completes service in the Job Corps and which will reflect the enrollee's level of educational attainment.

Certificates of educational attainment.

(d)(1) The Secretary may arrange for programs of advanced career training for selected Corps enrollees in which they may continue to participate for a period not to exceed one year in addition to the period of participation to which Corps enrollees would otherwise be limited.

Advanced career training.

(2) Advanced career training may be provided for in postsecondary institutions for Corps enrollees who have attained a high school diploma or its equivalent, have demonstrated commitment and capacity in their previous Job Corps participation, and have an identified occupational goal.

96 STAT. 1374

(3) The Secretary may contract with private for-profit businesses and labor unions to provide intensive training in company-sponsored training programs, combined with internships in work settings.

(4) During the period of participation in advanced career training programs, Corps enrollees shall be eligible for full Job Corps benefits or a monthly stipend equal to the average value of residential support, food, allowances, and other benefits in residential Job Corps centers, except that the total amount for which an enrollee shall be eligible shall be reduced by the amount of any scholarship or other educational grant assistance received by such enrollee.

(5) After an initial period of time, determined to be reasonable by the Secretary, any Job Corps center seeking to enroll new Corps enrollees in any advanced career training program shall demonstrate that such program has achieved a reasonable rate of completion and placement in training-related jobs before such new enrollments may occur.

ALLOWANCES AND SUPPORT

29 USC 1699.

SEC. 429. (a) The Secretary shall provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. For the fiscal year ending September 30, 1983, personal allowances shall be established at a rate not to exceed $65 per month during the first six months of an enrollee's participation in the program and not to exceed $110 per month thereafter, except that allowances in excess of $65 per month, but not exceeding $110 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified in this subsection in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. To the degree reasonable, enrollees shall be required to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months' service in the Job Corps.

Enrollment, termination.
Readjustment allowance.

(c) The Secretary may provide each former enrollee upon termination, a readjustment allowance at a rate not to exceed, for the fiscal year ending September 30, 1983, $110 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance unless he has remained in the program at least 90 days, except in unusual circumstances as determined by the Secretary. The Secretary may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowances as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee. The Secretary is authorized, pursuant to rules or regulations, to reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during

96 STAT. 1375

participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Such portion of the readjustment allowance as prescribed by the Secretary may be paid monthly during the period of service of the enrollee directly to a spouse or child of an enrollee, or to any other relative who draws substantial support from the enrollee, and any amount so paid shall be supplemented by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

29 USC 1700.

SEC. 430. (a) Within Job Corps centers standards of conduct shall be provided and stringently enforced. If violations are committed by enrollees, dismissal from the Corps or transfers to other locations shall be made if it is determined that their retention in the Corps, or in the particular center, will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees.

(b) To promote the proper moral and disciplinary conditions in the Job Corps, the directors of Job Corps centers shall take appropriate disciplinary measures against enrollees, including dismissal from the Job Corps, subject to expeditious appeal to the Secretary.

COMMUNITY PARTICIPATION

29 USC 1701.

SEC. 431. The Secretary shall encourage and cooperate in activities to establish a mutually beneficial relationship between Job

Corps centers and nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Youth shall be represented on the advisory council and separate youth councils may be established composed of enrollees and young people from the communities. The Secretary shall assure that each center is operated with a view to achieving, so far as possible, objectives which shall include—

(1) giving community officials appropriate advance notice of changes in center rules, procedures, or activities that may affect or be of interest to the community;

(2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees;

(3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community;

(4) encouraging the fullest practicable participation of enrollees in programs for community improvement or betterment, with appropriate advance consultation with business, labor, professional, and other interested community groups;

(5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together;

(6) providing community residents with opportunities to work with enrollees directly as part-time instructors, tutors, or advisers, either in the center or in the community;

(7) developing, where feasible, job or career opportunities for enrollees in the community; and

96 STAT. 1376

(8) promoting interchanges of information and techniques among, and cooperative projects involving, the center and community schools and libraries, educational institutions, agencies serving young people and recipients of funds under this Act.

COUNSELING AND JOB PLACEMENT

29 USC 1702.

SEC. 432. (a) The Secretary shall counsel and test each enrollee at regular intervals to measure progress in educational and vocational programs.

(b) The Secretary shall counsel and test enrollees prior to their scheduled terminations to determine their capabilities and shall make every effort to place them in jobs in the vocation for which they are trained or to assist them in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the public employment service system to the fullest extent possible.

(c) The Secretary shall determine the status and progress of enrollees scheduled for termination and make every effort to assure that their needs for further education, training, and counseling are met.

(d) The Secretary shall arrange for the readjustment allowance to be paid to former enrollees (who have not already found employment) at the State employment service office nearest the home of any such former enrollee who is returning home, or at the nearest such office where the former enrollee has indicated an intent to reside. If the Secretary uses any other public agency or private organization in lieu of the public employment service system, the Secretary shall arrange for that organization or agency to pay the readjustment allowance.

EXPERIMENTAL AND DEVELOPMENTAL PROJECTS AND COORDINATION WITH OTHER PROGRAMS

29 USC 1703.

SEC. 433. (a)(1) The Secretary is authorized to undertake experimental, research, or demonstration projects to develop or test ways of better using facilities, encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in their period of enrollment, reducing transportation and support costs, or otherwise promoting greater efficiency and effectiveness in the program. These projects shall include one or more projects providing youth with education, training, and other supportive services on a combined residential and nonresidential basis.

(2) The Secretary is authorized to undertake one or more pilot projects designed to determine the value of Job Corps participation for young adults aged 22 to 24, inclusive.

(3) The Secretary is authorized to undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations.

(4) Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the administrative entity in the communities where the projects will be carried out. They may be undertaken jointly with other Federal or federally assisted programs, and funds otherwise available for activities under those programs shall, with the consent of the head of any agency concerned, be available for projects under this section to the extent they include the same or substantially similar activities. The Secretary is authorized to waive any provision of this part which the Secretary finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. The Secretary shall, in the annual report of the Secretary, report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

Waiver.

Report to Congress.

(b) In order to determine whether upgraded vocational education schools could eliminate or substantially reduce the school dropout problem, and to demonstrate how communities could make maximum use of existing educational and training facilities, the Secretary, in cooperation with the Secretary of Education, is authorized to enter into one or more agreements with State educational agencies to pay the cost of establishing and operating model community vocational education schools and skill centers.

(c)(1) The Secretary, through the Job Corps and activities authorized under sections 452 and 455, shall develop and implement activities designed to disseminate information gained from Job Corps program experience which may be of use in the innovation and improvement of related programs. To carry out this purpose, the Secretary may enter into appropriate arrangements with any Federal or State agency.

(2) The Secretary is authorized to develop Job Corps programs to test at various centers the efficacy of selected education or training activities authorized under this or any other Act and to appropriately disseminate the results of such tests. To carry out this purpose, the Secretary may enter into appropriate arrangements with any Federal or State agency.

Pilot projects.

Reimbursement.

(d) The Secretary is authorized to enter into appropriate arrangements with the Secretary of Defense for the development of pilot projects at Job Corps centers to prepare youth to qualify for military service. In the event that the Secretary of Labor and the Secretary of Defense agree that such pilot projects should be expanded into permanent programs, the Secretary may establish such permanent programs within the Job Corps, if the Secretary of Defense agrees (1) to provide 50 percent of the costs attributable to such permanent programs, and (2) to reimburse the Secretary of Labor for an additional amount if more than 50 percent of the enrollees in such programs become members of the Armed Forces. Such additional amount shall be equal to a percentage of such costs which is the percentage by which more than 50 percent of such enrollees become such members. In addition to the provision of funds, such reimbursement may include the provision of equipment, materials, transportation, technical assistance, or other assistance, as specified by the Secretary.

(e) In order to determine whether community participation as required under section 431 can be improved through the closer involvement of community-based organizations, the Secretary is authorized to undertake one or more pilot projects utilizing community-based organizations of demonstrated effectiveness for Job Corps center operation. For purposes of such pilot projects, the term "community-based organizations" may include nonprofit educational foundations organized on a State or local basis.

"Community-based organizations."

ADVISORY BOARDS AND COMMITTEES

29 USC 1704.

SEC. 434. The Secretary is authorized to make use of advisory committees in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

PARTICIPATION OF THE STATES

29 USC 1705.

SEC. 435. (a) The Secretary shall take action to facilitate the effective participation of States in the Job Corps programs, including consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary is authorized to enter into agreements with States to assist in the operation or administration of State-operated programs which carry out the purpose of this part. The Secretary is authorized, pursuant to regulations, to pay part or all of the costs of such programs to the extent such costs are attributable to carrying out the purpose of this part.

Limitation.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this part shall be established within a State unless a notice setting forth such proposed establishment has been submitted to the Governor, and the establishment has not been disapproved by the Governor within thirty days of such submission.

(d) All property which would otherwise be under exclusive Federal legislative jurisdiction shall be under concurrent jurisdiction with the appropriate State and locality with respect to criminal law enforcement as long as a Job Corps center is operated on such property.

APPLICATION OF PROVISIONS OF FEDERAL LAW

Federal employment.
29 USC 1706.

SEC. 436. (a) Except as otherwise provided in this subsection and in section 8143(a) of title 5, United States Code, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.) enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

5 USC 8101 *et seq.*

"Employee."

(2) For purposes of subchapter I of chapter 81 of title 5, United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except—

Performance of duty.

96 STAT. 1379

(A) the term "performance of duty" shall not include any act of an enrollee while absent from the assigned post of duty of such enrollee, except while participating in an activity (including an activity while on pass or during travel to or from such post or duty) authorized by or under the direction and supervision of the Job Corps;

Disability compensation.

(B) in computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS-2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

(b) Whenever the Secretary finds a claim for damages to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, the Secretary is authorized to adjust and settle it in an amount not exceeding $1,500.

(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade in such services.

SPECIAL PROVISIONS

Women enrollment.
29 USC 1707.

SEC. 437. (a) The Secretary shall immediately take steps to achieve an enrollment of 50 percent women in the Job Corps consistent with (1) efficiency and economy in the operation of the program, (2) sound administrative practice, and (3) the socioeconomic, educational, and training needs of the population to be served.

(b) The Secretary shall assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the Job Corps program shall become the property of the United States.

(c) Transactions conducted by private for-profit contractors for Job Corps centers which they are operating on behalf of the Secretary shall not be considered as generating gross receipts.

GENERAL PROVISIONS

29 USC 1708.

SEC. 438. The Secretary is authorized to—

(1) disseminate, with regard to the provisions of section 3204 of title 39, United States Code, data and information in such forms as the Secretary shall deem appropriate, to public agencies, private organizations, and the general public;

(2) collect or compromise all obligations to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of obligations until such time as such obligations may be referred to the Attorney General for suit or collection; and

96 STAT. 1380

(3) expend funds made available for purposes of this part—

(A) for printing and binding, in accordance with applicable law and regulation; and

(B) without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Secretary, except that the Secretary shall not utilize the authority contained in this subparagraph—

(i) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this part, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form or under the conditions in which it is needed; and

(ii) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of the Secretary's intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

DONATIONS

SEC. 439. The Secretary is authorized to accept on behalf of the Job Corps or individual Job Corps centers charitable donations of cash or other assistance, including but not limited to, equipment and materials, if such donations are available for appropriate use for the purposes set forth in this part. 29 USC 1709.

PART C—VETERANS' EMPLOYMENT PROGRAMS

PROGRAMS AUTHORIZED

SEC. 441. (a)(1) The Secretary shall conduct, directly or through grant or contract, programs to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam era, and veterans who are recently separated from military service. 29 USC 1721.

(2) Programs supported under this part may be conducted through public agencies and private nonprofit organizations, including recipients under other provisions of this Act that the Secretary determines have an understanding of the unemployment problems of such veterans, familiarity with the area to be served, and the capability to administer effectively a program of employment and training assistance for such veterans.

(3) Programs supported under this part shall include, but not be limited to—

(A) activities to enhance services provided veterans by other providers of employment and training services funded by Federal, State, or local government;

(B) activities to provide employment and training services to such veterans not adequately provided by other public employment and training service providers; and

(C) outreach and public information activities to develop and promote maximum job and job training opportunities for such veterans and to inform such veterans about employment, job-training, on-the-job training and educational opportunities under this Act, under title 38, United States Code, and under other provisions of law.

96 STAT. 1381

(b)(1) The Secretary shall administer programs supported under this part through the Assistant Secretary for Veterans' Employment.

(2) In carrying out responsibilities under this part, the Assistant Secretary for Veterans' Employment shall—

(A) be responsible for the awarding of grants and the distribution of funds under this part and for the establishment of appropriate fiscal controls, accountability, and program-performance standards for grant recipients under this part; and

(B) consult with the Administrator of Veterans' Affairs and take steps to ensure that programs supported under this part are coordinated, to the maximum extent feasible, with related programs and activities conducted under title 38, United States Code, including programs and activities conducted under sub-

38 USC 240, 1501 *et seq.*, 1651 *et seq.*, 612A, 620A, 1787, 2003A.

chapter IV of chapter 3 of such title, chapters 31 and 34 of such title, and sections 612A, 620A, 1787, and 2003A of such title.

PART D—NATIONAL ACTIVITIES

MULTISTATE PROGRAMS

29 USC 1731.

SEC. 451. (a) Funds available to carry out this section shall be used for job training programs or services (as authorized under any other provision of this Act) which are most appropriately administered at the national level and which are operated in more than one State.

(b) Programs which are most appropriately administered at the national level include programs such as—

(1) programs addressed to industry-wide skill shortages;

(2) programs designed to train workers for employment opportunities located in another State;

(3) regional or nationwide efforts to develop a labor force with skills that promote the use of renewable energy technologies, energy conservation, and the weatherization of homes occupied by low-income families;

(4) programs designed to develop information networks among local programs with similar objectives under this Act; and

(5) programs which require technical expertise available at the national level and which serve specialized needs of particular client groups, including offenders, individuals of limited English language proficiency, handicapped individuals, women, single parents, displaced homemakers, youth, older workers, individuals who lack education credentials, public assistance recipients, and other individuals whom the Secretary determines require special assistance.

RESEARCH AND DEMONSTRATION

29 USC 1732.

SEC. 452. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of employment and training research, utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's employment and training problems. The program under this section may include studies concerning the development or improvement of Federal, State, local, and privately supported employment and training programs; labor market processes and outcomes; policies and programs to reduce unemployment and the relationships thereof with price stability and other national goals; productivity of labor; improved means of forecasting and using forecasts of labor supply and demand at the national and subnational levels; methods of improving the wages and employment opportunities of low-skilled and disadvantaged workers; measuring and developing policies to eliminate worker shortages; and easing the transition from school to work, from transfer payment receipt to self-sufficiency, from one job to another, and from work to retirement.

96 STAT. 1382

(b) The Secretary shall establish a program of experimental, developmental, and demonstration projects, through grants or contracts, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting employment and training problems. Research activities may include studies, experiments, demonstrations, and pilot projects in such areas as easing the transition from school to work, assessing the changing demographics of the American work-force and addressing the short-term and long-term impact of the changes, increasing employment of skilled workers critical to defense readiness, and, subject to the last sentence of this subsection, projects developed in conjunction with the Secretary of Defense to meet civilian manpower needs on military installations and in the private sector, and eliminating artificial barriers to employment. The Secretary may pay not to exceed 60 percent of the costs of projects developed in conjunction with the Secretary of Defense described in the preceding sentence, and the contributions of the Department of Defense may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

PILOT PROJECTS

SEC. 453. (a) From funds made available under this part, the Secretary may provide financial assistance for pilot projects which meet the employment-related needs of persons including the handicapped and displaced homemakers who face particular disadvantages in specific and general labor markets or occupations and other persons whom the Secretary determines require special assistance, and projects designed to address skill shortages that affect other critical national objectives, including national security. 29 USC 1733.

(b) Each pilot project assisted under this section shall be designed to assist in eliminating artificial and other employment barriers faced by such persons.

(c) No project under this section shall be financially assisted for more than three years under this Act.

(d) In selecting recipients under this section, the Secretary shall give special consideration to applications submitted by community-based organizations of demonstrated effectiveness, as well as to labor unions, and trade associations and their affiliates that address nationwide concerns through programs operating in more than one State. Applications.

EVALUATION

SEC. 454. (a) The Secretary shall provide for the continuing evaluation of all programs, activities, and research and demonstration projects conducted pursuant to this Act, including their cost-effectiveness in achieving the purposes of this Act, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons by age, sex, race, and national origin, and the adequacy of the mechanism for the delivery of services. 29 USC 1734.

(b) The Secretary shall evaluate the effectiveness of programs authorized under this Act and part C of title II of the Social Security Act with respect to the statutory goals, the performance standards established by the Secretary, and of increases in employment and earnings for participants, reduced income support costs, increased tax revenues, duration in training and employment situations, information on the post-enrollment labor market experience of program participants for at least a year following their termination from such programs, and comparable information on other employees or trainees of participating employers. 42 USC 401.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 455. (a) The Secretary, in consultation with appropriate officials, shall provide directly or through grants, contracts, or other arrangements, appropriate preservice and inservice training for specialized, supportive, supervisory, or other personnel, including job skills teachers, and appropriate technical assistance (including technical assistance to training programs for housing for migrant and seasonal farmworkers) with respect to programs under this Act, including the development and attainment of performance goals. Such activities may include the utilization of training and technical assistance capabilities which exist at the State and service delivery area level. 29 USC 1735.

(b) The Secretary shall establish a national clearinghouse to disseminate materials and information gained from exemplary program experience which may be of use in the innovation or improvement of other programs conducted pursuant to this Act. Information disclosure.

PART E—LABOR MARKET INFORMATION

LABOR MARKET INFORMATION; AVAILABILITY OF FUNDS

29 USC 1751.

SEC. 461. (a) The Secretary shall set aside, out of sums available to the Department for any fiscal year including sums available for this title, such sums as may be necessary to maintain a comprehensive system of labor market information on a national, regional, State, local, or other appropriate basis, which shall be made publicly available in a timely fashion.

(b) Funds available for purposes of this part shall also be available for purposes of section 125 (relating to State labor market information).

(c) Notwithstanding any other provision of law, funds available to other Federal agencies for carrying out chapter 35 of title 44, United States Code, the Vocational Education Act of 1963, and the Act of June 6, 1933 (popularly known as the Wagner-Peyser Act), may be made available by the head of each such agency to assist in carrying out the provisions of this part.

44 USC 3501 *et seq.*; 20 USC 2301 note; 29 USC 49 note.

COOPERATIVE LABOR MARKET INFORMATION PROGRAM

29 USC 1752.

SEC. 462. (a) The Secretary shall develop and maintain for the Nation, State, and local areas, current employment data by occupation and industry, based on the occupational employment statistics program, including selected sample surveys, and projections by the Bureau of Labor Statistics of employment and openings by occupation.

(b) The Secretary shall maintain descriptions of job duties, training and education requirements, working conditions, and characteristics of occupations.

(c) In carrying out the provisions of this section, the Secretary shall assure that—

(1) departmental data collecting and processing systems are consolidated to eliminate overlap and duplication;

44 USC 3501 *et seq.*

(2) the criteria of chapter 35 of title 44, United States Code, are met; and

(3) standards of statistical reliability and national standardized definitions of employment, unemployment, and industrial and occupational definitions are used.

(d)(1) The Secretary is authorized to develop data for an annual statistical measure of labor market related economic hardship in the Nation. Among the factors to be considered in developing such a measure are unemployment, labor force participation, involuntary part-time employment, and full-time employment at wages less than the poverty level.

(2) The Secretary is authorized to develop and maintain, on national, State, local, and other appropriate bases, household budget data at different levels of living, including a level of adequacy, to reflect the differences of household living costs in regions and localities, both urban and rural.

Report.

(3) The Secretary shall publish, at least annually, a report relating labor force status to earnings and income.

(e) The Secretary shall develop and maintain statistical data relating to permanent lay-offs and plant closings. The Secretary shall publish a report based upon such data, as soon as practicable, after the end of each calendar year. Among the data to be included are—

(1) the number of such closings;

(2) the number of workers displaced;

(3) the location of the affected facilities; and

(4) the types of industries involved.

SPECIAL FEDERAL RESPONSIBILITIES

29 USC 1753.

SEC. 463. (a) The Secretary, in cooperation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Education, and the Director of the Office of Management and Budget, through the National Occupational Information Coordinating Committee established under section 161(b) of the Vocational Education Act of 1963, shall— 20 USC 2391.

(1) review the need for and the application of all operating national data collection and processing systems in order to identify gaps, overlap, and duplications, and integrate at the national level currently available data sources in order to improve the management of information systems;

96 STAT. 1385

(2) maintain, assure timely review, and implement national standardized definitions with respect to terms, geographic areas, timing of collection, and coding measures, to the maximum extent feasible; and

(3) provide technical assistance to the States in the development, maintenance, and utilization of labor market/occupational supply and demand information systems and projections of supply and demand as described in section 125, with special emphasis on assistance in the utilization of cost-efficient automated systems and improving access of individuals to career opportunities information in local and State labor markets.

(b) The Secretary, in cooperation with the Secretary of Defense, shall assure the development of an integrated occupational supply and demand information system to be used by States and, in particular, in secondary and postsecondary educational institutions in order to assure young persons adequate information on career opportunities in the Armed Forces.

(c) The Secretary and the Director of the Office of Management and Budget shall assure that, from the funds reserved for this part, sufficient funds are available to provide staff at the Federal level to assure the coordination functions described in this section.

NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

Sec. 464. (a)(1) Of the amounts available for this part, not more than $5,000,000 is authorized to be reserved for the National Occupational Information Coordinating Committee (established pursuant to section 161(b) of the Vocational Education Act of 1963). 29 USC 1754. 20 USC 2391.

(2) In addition to the members required by such Act, the Committee shall include the Assistant Secretary of Commerce for Economic Development and the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.

(3) Not less than 75 percent of the funds transferred by the Secretary to the National Occupational Information Coordinating Committee shall be used to support State occupational information coordinating committees and other organizational units designated under section 125 for carrying out State labor market information programs.

(b) In addition to its responsibilities under the Vocational Education Act of 1963, the National Occupational Information Coordinating Committee shall—

(1) carry out the provisions of section 463;

(2) give special attention to the labor market information needs of youth and adults, including activities such as (A) assisting and encouraging States to adopt methods of translating national occupational outlook information into State and local terms; (B) assisting and encouraging the development of State occupational information systems, including career information delivery systems and the provision of technical assistance for programs of on-line computer systems and other facilities to provide career information at sites such as local schools, public employment service offices, and job training programs authorized under this Act; (C) in cooperation with educational agencies and institutions, encouraging programs providing career information, counseling, and employment services for postsecondary youth; and (D) in cooperation with State and local correctional agencies, encouraging programs of counseling and

96 STAT. 1386

employment services for youth and adults in correctional institutions;

(3) provide training and technical assistance, and continuing support to State occupational information coordinating committees, in the development, maintenance, and use of occupational supply and demand information systems, with special emphasis on the use of cost efficient automated systems for delivering occupational information to planners and administrators of education and training programs and on improving the access of such planners and administrators to occupational information systems;

Report.

(4) publish at least annually a report on the status of occupational information capabilities at the State and national levels, which may include recommendations for improvement of occupational information production and dissemination capabilities;

(5) conduct research and demonstration projects designed to improve any aspect of occupational and career information systems;

(6) provide technical assistance for programs designed to encourage public and private employers to list all available job opportunities with occupational information and career counseling programs conducted by administrative entities and with local public employment service offices and to encourage cooperation and contact among such employers and such administrative entities and public employment service offices; and

(7) providing assistance to units of general local government and private industry councils to familiarize them with labor market information resources available to meet their needs.

20 USC 2391.

(c) All funds available to the National Occupational Information Coordinating Committee under this Act, under section 161 of the Vocational Education Act of 1963, and under section 12 of the Career Education Act may be used by the Committee to carry out any of its functions and responsibilities authorized by law.

JOB BANK PROGRAM

29 USC 1755.

SEC. 465. The Secretary is authorized to establish and carry out a nationwide computerized job bank and matching program (including the listing of all suitable employment openings with local offices of the State employment service agencies by Federal contractors and subcontractors and providing for the affirmative action as required by section 2012(a) of title 38, United States Code, on a regional, State, and local basis, using electronic data processing and telecommunications systems to the maximum extent possible for the purpose of identifying sources of available individuals and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and economically disadvantaged individuals with employer requirements and job opportunities, and referring and placing such individuals in jobs. An occupational information file may be developed, containing occupational projections of the numbers and types of jobs on regional, State, local, and other appropriate bases, as well as labor supply information by occupation.

PART F—NATIONAL COMMISSION FOR EMPLOYMENT POLICY

STATEMENT OF PURPOSE

29 USC 1771.

SEC. 471. The purpose of this part is to establish a National Commission for Employment Policy which shall have the responsibility for examining broad issues of development, coordination, and administration of employment and training programs, and for advising the President and the Congress on national employment and training issues. For the purpose of providing funds for the Commission, the Secretary shall reserve $2,000,000 of the sums appropriated for this title for each fiscal year.

COMMISSION ESTABLISHED

SEC. 472. (a) There is established a National Commission for Employment Policy (hereinafter in this part referred to as the "Commission"). The Commission shall be composed of 15 members, appointed by the President. The members of the Commission shall be individuals who are nationally prominent and the Commission shall be broadly representative of agriculture, business, labor, commerce, education (including elementary, secondary, postsecondary, and vocational and technical education), veterans, current State and local elected officials, community-based organizations, assistance programs, and members of the general public with expertise in human resource development or employment and training policy. One of the members shall be a representative of the National Advisory Council on Vocational Education (established under section 162 of the Vocational Education Act of 1963). The membership of the Commission shall be generally representative of significant segments of the labor force, including women and minority groups.

29 USC 1772.

Membership.

20 USC 2392.

(b) The term of office of each member of the Commission appointed by the President under subsection (a) shall be three years, except that—

Term of Office.

(1) any such member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed, and

(2) of such members first taking office—

(A) five shall serve for terms of one year;

(B) five shall serve for terms of two years; and

(C) five shall serve for terms of three years;

as designated by the President at the time of appointment.

(c)(1) The Chairman shall be selected by the President.

(2) The Commission shall meet not fewer than three times each year at the call of the Chairman.

Meetings.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings. Any recommendation may be passed only by a majority of the members present. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(d) The Chairman (with the concurrence of the Commission) shall appoint a Director, who shall be chief executive officer of the Commission and shall perform such duties as are prescribed by the Chairman.

96 STAT. 1388

FUNCTIONS OF THE COMMISSION

SEC. 473. The Commission shall—

29 USC 1773.

(1) identify the employment goals and needs of the Nation, and assess the extent to which employment and training, vocational education, institutional training, vocational rehabilitation, economic opportunity programs, public assistance policies, employment-related tax policies, labor exchange policies, and other policies and programs under this Act and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) develop and make appropriate recommendations designed to meet the needs and goals described in clause (1);

(3) examine and evaluate the effectiveness of federally assisted employment and training programs (including programs assisted under this Act), with particular reference to the contributions of such programs to the achievement of objectives sought by the recommendations made under clause (2);

(4) advise the Secretary on the development of national per-

formance standards and the parameters of variations of such standards for programs conducted pursuant to this Act;

(5) evaluate the impact of tax policies on employment and training opportunities;

(6) examine and evaluate major Federal programs which are intended to, or potentially could, contribute to achieving major objectives of existing employment and training and related legislation or the objectives set forth in the recommendations of the Commission, and particular attention shall be given to the programs which are designed, or could be designed, to develop information and knowledge about employment and training problems through research and demonstration projects or to train personnel in fields (such as occupational counseling, guidance, and placement) which are vital to the success of employment and training programs;

(7)(A) identify, after consultation with the National Advisory Council on Vocational Education, the employment and training and vocational education needs of the Nation and assess the extent to which employment and training, vocational education, rehabilitation, and other programs assisted under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs; and

Reports.

(B) comment, at least once annually, on the reports of the National Advisory Council on Vocational Education, which comments shall be included in one of the reports submitted by the National Commission pursuant to this title and in one of the reports submitted by the National Advisory Council on Vocational Education pursuant to section 162 of the Vocational Education Act of 1963;

20 USC 2392.
Recommendations.

(8) study and make recommendations on how, through policies and actions in the public and private sectors, the Nation can attain and maintain full employment, with special emphasis on the employment difficulties faced by the segments of the labor force that experience differentially high rates of unemployment;

(9) identify and assess the goals and needs of the Nation with respect to economic growth and work improvements, including conditions of employment, organizational effectiveness and efficiency, alternative working arrangements, and technological changes;

96 STAT. 1389

(10) evaluate the effectiveness of training provided with Federal funds in meeting emerging skill needs; and

Recommendations.

(11) study and make recommendations on the use of advanced technology in the management and delivery of services and activities conducted under this Act.

ADMINISTRATIVE PROVISIONS

29 USC 1774.

SEC. 474. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman is authorized to—

Regulations.

(1) prescribe such rules and regulations as may be necessary;

(2) appoint and fix the compensation of such staff personnel as the Chairman deems necessary, and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and the General Schedule pay rates, appoint not to exceed five additional professional personnel;

5 USC 5101 *et seq.*, 5331.

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) accept voluntary and uncompensated services of professional personnel, consultants, and experts, notwithstanding any other provision of law;

(5) accept in the name of the United States and employ or dispose of gifts or bequests to carry out the functions of the Commission under this title;

(6) enter into contracts and make such other arrangements and modifications, as may be necessary;

(7) conduct such studies, hearings, research activities, demonstration projects, and other similar activities as the Commission deems necessary to enable the Commission to carry out its functions under this title;

(8) use the services, personnel, facilities, and information of any department, agency, and instrumentality of the executive branch of the Federal Government and the services, personnel, facilities, and information of State and local public agencies and private research agencies, with the consent of such agencies, with or without reimbursement therefor; and

(9) make advances, progress, and other payments necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529).

(b) Upon request made by the Chairman of the Commission, each department, agency, and instrumentality of the executive branch of the Federal Government is authorized and directed to make its services, personnel, facilities, and information (including computer-time, estimates, and statistics) available to the greatest practicable extent to the Commission in the performance of its functions under this Act.

REPORTS

29 USC 1775.

SEC. 475. The Commission shall make at least annually a report of its findings and recommendations to the President and to the Congress. The Commission may make such interim reports or recommendations to the Congress, the President, the Secretary, or to the heads of other Federal departments and agencies, and in such form, as it may deem desirable. The Commission shall include in any report made under this section any minority or dissenting views submitted by any member of the Commission.

96 STAT. 1390

PART G—TRAINING TO FULFILL AFFIRMATIVE ACTION OBLIGATIONS

AFFIRMATIVE ACTION

29 USC 1781.
3 CFR
1964-1965
Comp., p. 339.

SEC. 481. (a) A contractor subject to the affirmative action obligations of Executive Order 11246, as amended, issued September 24, 1965, may establish or participate in training programs pursuant to this section for individuals meeting the eligibility criteria established in sections 203(a)(1), 401, and 402, which are designed to assist such contractors in meeting the affirmative action obligations of such Executive order. To qualify under this section, such a training program shall contain—

(1) a description of the jobs in the contractor's work force or in the service delivery area, for which the contractor has determined there is a need for training;

(2) a description of the recruiting, training, or other functions that the contractor, or the organization that will be engaged to perform the training, will perform and the steps that will be taken to insure that eligible individuals will—

(A) be selected for participation in training,

(B) be trained in necessary skills, and

(C) be referred for job openings,

in accordance with the objectives of such Executive order;

(3) whenever an organization other than the contractor will perform the training, a description of the demonstrated effectiveness of the organization as a provider of employment and training services;

(4) a description of how the contractor will monitor the program to keep an accurate accounting of all trainees, including (A) whether the trainees successfully complete the training program, and (B) whether the trainees are or are not placed; and

(5) an estimation of the cost of the program and an assurance that the contractor will assume all costs of the program or the pro rata share of costs to the contractor of the program.

(b)(1)(A) If the training proposal is designed to meet the needs of the community rather than, or in addition to, the employment needs of the contractor, and has not been approved by another Federal agency, the program shall be submitted to the private industry council established under section 102 for a determination that there is a need for such training in the community.

(B) Individuals trained under any program satisfying the requirements of this section may be included by the private industry council in its performance accomplishments and the wage gains of such individuals shall be included in determining the compliance of the job training program of the private industry council with applicable standards.

Regulations.

(2) The Director of the Office of Federal Contract Compliance Programs, Department of Labor, shall promulgate regulations setting forth how the Office will determine, during a compliance review, the degree to which a training program will satisfy the contractor's affirmative action obligations. The training and placement of trainees with employers other than the contractor may be considered in evaluating such contractor's overall good faith efforts, but in no event may placement of trainees with employers other than the contractor be permitted to affect that contractor's affirmative action obligations respecting its work force. The content of the training program will not be subject to review or regulation by the Office of Federal Contract Compliance Programs. If during a compliance review the Director of the Office of Federal Contract Compliance Programs determines that a training program does not comply with its regulations, the Director shall—

96 STAT. 1391

Compliance review.

(A) notify the contractor of the disapproval,

(B) set forth the reasons for the disapproval, and

(C) provide a list of recommendations which, if accepted, will qualify the training program under this section.

(3) A contractor who has a training program which contains the criteria set forth in subsection (a) and which is in accordance with regulations promulgated under paragraph (2) of this subsection shall continue to meet the affirmative action obligations of Executive Order 11246, as amended, but the contractors required to maintain a written affirmative action program need only maintain an abbreviated affirmative action program, the content and length of which shall be determined by the Director of the Office of Federal Contract Compliance Programs, to satisfy the written affirmative action program portion of their obligations under Executive Order 11246, as amended. Successful performance or operation of a training program meeting the criteria set forth in subsection (a) shall create a presumption that the contractor has made a good faith effort to meet its affirmative action obligations to the degree specified by the Director under paragraph (2) of this subsection, but that presumption shall not be applicable to the satisfaction of other affirmative action obligations not directly related to the training and hiring requirements of this section, or other affirmative action obligations not affected by this section. For the purpose of the preceding sentence, "successful performance or operation" means training and placing in jobs a number of individuals which bears a reasonable relationship to the number of job openings in the contractors's facilities or in the relevant labor market area.

3 CFR, 1964-1965 Comp., p. 339

"Successful performance or operation."

(c) Nothing in this section may be interpreted—

(1) to compel contractor involvement in such programs,

(2) to establish the exclusive criteria by which a contractor can be found to have fulfilled its affirmative action obligations,

(3) to provide authority for imposing any additional obligations on contractors not participating in such training activities,

(4) to permit the Office of Federal Contract Compliance Programs to intervene or interfere with the authority and responsibilities of the private industry councils,

(5) to restrict or limit the authority of the Secretary to investigate the employment practices of any Government contractor, to initiate such investigation by the Director, to deter-

mine whether any nondiscrimination contractual provisions have been violated, or to enforce Executive Order 11246, or 3 CFR, 1964-1965 Comp., p. 339.

(6) to prohibit the Secretary or the Director, or other authorized officers of the United States, from requesting or compelling any contractor preparing and maintaining a short form affirmative action plan under subsection (b) to provide information necessary to conduct a compliance review or to provide data necessary to determine whether any violation of Executive Order 11246 has occurred. 96 STAT. 1392 3 CFR, 1964-1965 Comp., p. 339.

TITLE V—MISCELLANEOUS PROVISIONS

AMENDMENTS TO THE WAGNER-PEYSER ACT

SEC. 501. (a) The Act of June 6, 1933, known as the Wagner-Peyser Act (29 U.S.C. 49 et seq.), is amended by striking out all that precedes section 4 of such Act and inserting in lieu thereof the following:

"SECTION 1. In order to promote the establishment and maintenance of a national system of public employment offices, the United States Employment Service shall be established and maintained within the Department of Labor. 29 USC 49.

"SEC. 2. For purposes of this Act— Definitions. 29 USC 49a.

"(1) the term 'chief elected official or officials' has the same meaning given that term under the Job Training Partnership Act; *Ante*, p. 1322.

"(2) the term 'private industry council' has the same meaning given that term under the Job Training Partnership Act;

"(3) the term 'Secretary' means the Secretary of Labor;

"(4) the term 'service delivery area' has the same meaning given that term under the Job Training Partnership Act; and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

"SEC. 3. (a) The United States Employment Service shall assist in coordinating the State public employment services throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the States. 29 USC 49b.

"(b) It shall be the duty of the Secretary of Labor to assure that unemployment insurance and employment service offices in each State, as appropriate, upon request of a public agency administering or supervising the administration of a State plan approved under part A of title IV of the Social Security Act or of a public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act, shall (and, notwithstanding any other provision of law, is authorized to) furnish to such agency making the request, from any data contained in the files of any such office, information with respect to any individual specified in the request as to (1) whether such individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual, (2) the current (or most recent) home address of such individual, and (3) whether such individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor.". 42 USC 601. 42 USC 651.

(b) Section 5 of such Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections: 29 USC 49d. 96 STAT. 1393

"(b) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which—

"(1) except in the case of Guam, has an unemployment compensation law approved by the Secretary under the Federal Unemployment Tax Act and is found to be in compliance with section 303 of the Social Security Act, as amended,

26 USC 3311.
42 USC 503.

"(2) is found to have coordinated the public employment services with the provision of unemployment insurance claimant services, and

"(3) is found to be in compliance with this Act,

such amounts as the Secretary determines to be necessary for allotment in accordance with section 6.

Appropriation availability.

"(c)(1) Beginning with fiscal year 1985 and thereafter appropriations for any fiscal year for programs and activities assisted or conducted under this Act shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

"(2) Funds obligated for any program year may be expended by the State during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the program plan.

Appropriation availability.

"(3)(A) Appropriations for fiscal year 1984 shall be available both to fund activities for the period between October 1, 1983, and July 1, 1984, and for the program year beginning July 1, 1984.

Appropriation authorization.

"(B) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this paragraph for the transition to program year funding.".

(c) Such Act is amended by adding at the end of section 5 the following new sections:

Allotments.
29 USC 49e.

"Sec. 6. (a) From the amounts appropriated pursuant to section 5 for each fiscal year, the Secretary shall first allot to Guam and the Virgin Islands an amount which, in relation to the total amount available for the fiscal year, is equal to the allotment percentage which each received of amounts available under this Act in fiscal year 1983.

"(b)(1) Subject to paragraphs (2), (3), and (4) of this subsection, the Secretary shall allot the remainder of the sums appropriated and certified pursuant to section 5 of this Act for each fiscal year among the States as follows:

"(A) two-thirds of such sums shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State as compared to the total number of such individuals in all States; and

"(B) one-third of such sums shall be allotted on the basis of the relative number of unemployed individuals in each State as compared to the total number of such individuals in all States.

For purposes of this paragraph, the number of individuals in the civilian labor force and the number of unemployed individuals shall be based on data for the most recent calendar year available, as determined by the Secretary of Labor.

"(2) No State's allotment under this section for any fiscal year shall be less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made. For the purpose of this section, the Secretary shall determine the allotment percentage for each State (including Guam and the Virgin Islands) for fiscal year 1984 which is the percentage that the State received under this Act for fiscal year 1983 of the total amounts available for payments to all States for such fiscal year. For each succeeding fiscal year, the allotment percentage for each such State shall be the percentage that the State received under this Act for the preceding fiscal year of the total amounts available for allotments for all States for such fiscal year.

96 STAT. 1394

"(3) For each fiscal year, no State shall receive a total allotment under paragraphs (1) and (2) which is less than 0.28 percent of the total amount available for allotments for all States.

"(4) The Secretary shall reserve such amount, not to exceed 3 percent of the sums available for allotments under this section for each fiscal year, as shall be necessary to assure that each State will have a total allotment under this section sufficient to provide staff and other resources necessary to carry out employment service activities and related administrative and support functions on a statewide basis.

Planning estimates

"(5) The Secretary shall, not later than March 15 of fiscal year 1983 and each succeeding fiscal year, provide preliminary planning estimates and shall, not later than May 15 of each such fiscal year, provide final planning estimates, showing each State's projected allocation for the following year.

29 USC 49f

"SEC. 7. (a) Ninety percent of the sums allotted to each State pursuant to section 6 may be used—

"(1) for job search and placement services to job seekers including counseling, testing, occupational and labor market information, assessment, and referral to employers;

"(2) for appropriate recruitment services and special technical services for employers; and

"(3) for any of the following activities:

"(A) evaluation of programs;

"(B) developing linkages between services funded under this Act and related Federal or State legislation, including the provision of labor exchange services at education sites;

"(C) providing services for workers who have received notice of permanent layoff or impending layoff, or workers in occupations which are experiencing limited demand due to technological change, impact of imports, or plant closures;

"(D) developing and providing labor market and occupational information;

"(E) developing a management information system and compiling and analyzing reports therefrom; and

"(F) administering the work test for the State unemployment compensation system and providing job finding and placement services for unemployment insurance claimants.

"(b) Ten percent of the sums allotted to each State pursuant to section 6 shall be reserved for use in accordance with this subsection by the Governor of each such State to provide—

"(1) performance incentives for public employment service offices and programs, consistent with performance standards established by the Secretary, taking into account direct or indirect placements (including those resulting from self-directed job search or group job search activities assisted by such offices or programs), wages on entered employment, retention, and other appropriate factors;

"(2) services for groups with special needs, carried out pursuant to joint agreements between the employment service and the appropriate private industry council and chief elected official or officials or other public agencies or private nonprofit organizations; and

96 STAT. 1395

"(3) the extra costs of exemplary models for delivering services of the types described in subsection (a).

"(c) In addition to the services and activities otherwise authorized by this Act, the United States Employment Service or any State agency designated under this Act may perform such other services and activities as shall be specified in contracts for payment or reimbursement of the costs thereof made with the Secretary of Labor or with any Federal, State, or local public agency, or administrative entity under the Job Training Partnership Act, or private nonprofit organization.".

Ante, p. 1322.

Plans.
29 USC 49g

(d) Section 8 of such Act is amended—

(1) by striking out "Director" each place it appears and inserting in lieu thereof "Secretary of Labor";

(2) by designating the first sentence thereof as subsection (a);

(3) by designating the second and third sentences thereof as subsection (d);

(4) by designating the fourth sentence thereof as subsection (e); and

(5) by inserting after subsection (a) as amended by clause (1) of this subsection the following subsections:

"(b) Prior to submission of such plans to the Secretary—

"(1) the employment service shall develop jointly with each appropriate private industry council and chief elected official or officials for the service delivery area (designated under the Job Training Partnership Act) those components of such plans applicable to such area;

"(2) such plans shall be developed taking into consideration proposals developed jointly by the appropriate private industry council and chief elected official or officials in the service delivery area affected;

"(3) such plans shall be transmitted to the State job training coordinating council (established under such Act) which shall certify such plans if it determines (A) that the components of such plans have been jointly agreed to by the employment service and appropriate private industry council and chief elected official or officials; and (B) that such plans are consistent with the Governor's coordination and special services plan under the Job Training Partnership Act;

"(4) if the State job training coordinating council does not certify that such plans meet the requirements of clauses (A) and (B) of paragraph (3), such plans shall be returned to the employment service for a period of thirty days for it to consider, jointly with the appropriate private industry council and chief elected official or officials, the council's recommendations for modifying such plans; and

"(5) if the employment service and the appropriate private industry council and chief elected official or officials fail to reach agreement upon such components of such plans to be submitted finally to the Secretary, such plans submitted by the State agency shall be accompanied by such proposed modifications as may be recommended by any appropriate disagreeing private industry council and chief elected official or officials affected, and the State job training coordinating council shall transmit to the Secretary its recommendations for resolution thereof.

Review

"(c) The Governor of the State shall be afforded the opportunity to review and transmit to the Secretary proposed modifications of such plans submitted.";

29 USC 49h

(e) Section 9 of such Act is amended to read as follows:

"SEC. 9. (a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds paid to the recipient under this Act. The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidance for the proper performance of audits. Such guidance shall include a review of fiscal controls and fund accounting procedures established by States under this section.

Audit.

"(2) At least once every two years, the State shall prepare or have prepared an independent financial and compliance audit of funds received under this Act.

"(3) Each audit shall be conducted in accordance with applicable auditing standards set forth in the financial and compliance element of the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

"(b)(1) The Comptroller General of the United States shall evaluate the expenditures by States of funds received under this Act in order to assure that expenditures are consistent with the provisions of this Act and to determine the effectiveness of the State in accomplishing the purposes of this Act. The Comptroller General shall conduct evaluations whenever determined necessary and shall periodically report to the Congress on the findings of such evaluations.

Report to Congress.

"(2) Nothing in this Act shall be deemed to relieve the Inspector General of the Department of Labor of his responsibilities under the Inspector General Act.

Information availability.

"(3) For the purpose of evaluating and reviewing programs established or provided for by this Act, the Comptroller General shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody, or control of the State.

Funds, repayment.

"(c) Each State shall repay to the United States amounts found not to have been expended in accordance with this Act. No such finding shall be made except after notice and opportunity for a fair hearing. The Secretary may offset such amounts against any other amount to which the recipient is or may be entitled under this Act.".

29 USC 49i.

(f) Section 10 of such Act is amended to read as follows:

"Sec. 10. (a) Each State shall keep records that are sufficient to permit the preparation of reports required by this Act and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

Investigations.

"(b)(1) The Secretary may investigate such facts, conditions, practices, or other matters which the Secretary finds necessary to determine whether any State receiving funds under this Act or any official of such State has violated any provision of this Act.

"(2)(A) In order to evaluate compliance with the provisions of this Act, the Secretary shall conduct investigations of the use of funds received by States under this Act.

"(B) In order to insure compliance with the provisions of this Act, the Comptroller General of the United States may conduct investigations of the use of funds received under this Act by any State.

96 STAT. 1397

"(3) In conducting any investigation under this Act, the Secretary or the Comptroller General of the United States may not request new compilation of information not readily available to such State.

"(c) Each State receiving funds under this Act shall—

"(1) make such reports concerning its operations and expenditures in such form and containing such information as shall be prescribed by the Secretary, and

"(2) establish and maintain a management information system in accordance with guidelines established by the Secretary designed to facilitate the compilation and analysis of programmatic and financial data necessary for reporting, monitoring, and evaluating purposes.".

Restrictions.
29 USC 49j.

(g) Section 11(a) of such Act is amended by adding at the end thereof the following new sentence: "Nothing in this section shall be construed to prohibit the Governor from carrying out functions of such State advisory council through the State job training coordinating council in accordance with section 122(c) of the Job Training Partnership Act.".

Ante, p. 1339.

(h) Such Act is amended by adding at the end thereof the following new sections:

Performance standards.
29 USC 49*l*

"Sec. 13. (a) The Secretary is authorized to establish performance standards for activities under this Act which shall take into account the differences in priorities reflected in State plans.

Restrictions.

"(b) Nothing in this Act shall be construed to prohibit the referral of any applicant to private agencies as long as the applicant is not charged a fee.

Appropriation authorization.
29 USC 49*l*-1.

"Sec. 14. There are authorized to be appropriated such sums as may be necessary to enable the Secretary to provide funds through reimburseable agreements with the States to operate statistical programs which are essential for development of estimates of the gross national product and other national statistical series, including those related to employment and unemployment.

29 USC 49 note

"Sec. 15. This Act may be cited as the 'Wagner-Peyser Act'.".

AMENDMENTS TO PART C OF TITLE IV OF THE SOCIAL SECURITY ACT

42 USC 632.

Sec. 502. (a) Section 432(d) of the Social Security Act is amended to read as follows:

"(d) In providing the training and employment services and opportunities required by this part, the Secretary of Labor shall, to the maximum extent feasible, assure that such services and opportunities are provided by using all authority available under this or any other Act. In order to assure that the services and opportunities so required are provided, the Secretary of Labor (1) shall assure, when appropriate, that registrants under this part are referred for training and employment services under the Job Training Partnership *Ante*, p. 1322. Act, and (2) may use the funds appropriated under this part to provide programs required by this part through such other Acts to the same extent and under the same conditions (except as regards the Federal matching percentage) as if appropriated under such other Act and, in making use of the programs of other Federal, State, or local agencies (public or private), the Secretary of Labor may reimburse such agencies for services rendered to individuals under this part to the extent that such services and opportunities are not otherwise available on a nonreimbursable basis.".

42 USC 632. (b)(1) Section 432(f) of such Act is amended—

96 STAT. 1398 (A) by amending paragraph (1) to read as follows:

"(f)(1) The Secretary of Labor shall utilize the services of each private industry council (as established under the Job Training *Ante*, p. 1322. Partnership Act) to identify and provide advice on the types of jobs available or likely to become available in the service delivery area of such council.";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) by striking out "Labor Market Advisory Council" in such paragraph and inserting in lieu thereof "private industry council".

42 USC 633. (2) Section 433(b)(2) of such Act is amended by striking out "Labor Market Advisory Council (established pursuant to section 432(f))" and inserting in lieu thereof "private industry council under the Job Training Partnership Act".

42 USC 632. (c)(1) Section 432(b)(1)(A) of such Act is amended by inserting before the comma at the end thereof the following: ", which may include intensive job search services, including participation in group job search activities".

42 USC 633. (2) Section 433(a) of such Act is amended by striking out "unemployed fathers" and inserting in lieu thereof "unemployed parents who are the principal earners (as defined in section 407)".

(3) Section 433 of such Act is amended by adding at the end thereof the following new subsection:

"(i) In planning for activities under this section, the chief executive officer of each State shall make every effort to coordinate such activities with activities provided by the appropriate private industry council and chief elected official or officials under the Job Training Partnership Act.".

EARNINGS DISREGARD

95 Stat. 843. 42 USC 602. SEC. 503. (a) Section 402(a)(8)(A) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (iii);

(2) in clause (iv), by striking out "already disregarded under the preceding provisions of this paragraph" and inserting in lieu thereof "disregarded under any other clause of this subparagraph"; and

(3) by adding at the end thereof the following new clause;

"(v) may disregard the income of any dependent child applying for or receiving aid to families with dependent children which is derived from a program carried out under the Job Training Partnership Act (as originally enacted), but only in such amounts, and for such period of time (not to exceed six months with respect to earned income) as the Secretary may provide in regulations; and".

95 Stat. 845. 42 USC 602. (b) Section 402(a)(18) of such Act is amended by inserting ", other than paragraph (8)(A)(v)" after "without application of paragraph (8)".

ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT

SEC. 504. The Secretary shall insure that each individual participating in any program established under this Act, or receiving any assistance or benefit under this Act, has not violated section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary in carrying out this section.

29 USC 1504.

Approved October 13, 1982.

LEGISLATIVE HISTORY—S. 2036 (H.R. 5320)

HOUSE REPORTS: No. 97-537 accompanying H.R. 5320 (Comm. on Education and Labor), No. 97-889 (Comm. of Conference).
SENATE REPORT No. 97-469 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 128 (1982):
July 1, considered and passed Senate.
Aug. 4, H.R. 5320 considered and passed Senate; S. 2036, amended, passed in lieu.
Sept. 30, Senate agreed to conference report.
Oct. 1, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 41 (1982):
Oct. 13, Presidential statement.

Public Law 97-363
97th Congress

96 STAT. 1734

An Act

To amend chapter 2 of title IV of the Immigration and Nationality Act to extend for one year the authorization of appropriations for refugee assistance, and for other purposes.

Oct. 25, 1982
[H.R. 5879]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Refugee Assistance Amendments of 1982.

SHORT TITLE

SECTION 1. This Act may be cited as the "Refugee Assistance Amendments of 1982".

8 USC 1101 note.

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Subsection (a) of section 414 of the Immigration and Nationality Act (8 U.S.C. 1524) is amended to read as follows:

"(a)(1) There are hereby authorized to be appropriated for fiscal year 1983 such sums as may be necessary for the purpose of carrying out the provisions (other than those described in paragraphs (2) and (3)) of this chapter.

"(2) There are hereby authorized to be appropriated for fiscal year 1983 $100,000,000 for the purpose of providing services with respect to refugees under section 412(c).

8 USC 1522.

"(3) There are hereby authorized to be appropriated for fiscal year 1983 $14,000,000 for the purpose of carrying out section 412(b)(5).".

CONGRESSIONAL INTENT RESPECTING REFUGEE ASSISTANCE

SEC. 3. (a) Section 412(a)(1) of the Immigration and Nationality Act (8 U.S.C 1522(a)(1)) is amended—

(1) by redesignating clauses (A) through (D) as clauses (i) through (iv), respectively,

(2) by inserting "(A)" after "(1)", and

(3) by adding at the end the following new subparagraph:

"(B) It is the intent of Congress that in providing refugee assistance under this section—

"(i) employable refugees should be placed on jobs as soon as possible after their arrival in the United States;

"(ii) social service funds should be focused on employment-related services, English-as-a-second-language training (in non-work hours where possible), and case-management services; and

"(iii) local voluntary agency activities should be conducted in close cooperation and advance consultation with State and local governments.".

(b) Section 413 of such Act (8 U.S.C. 1523) is amended by adding at the end the following new subsection:

Study.

96 STAT. 1735

"(c)(1) The Director shall study the feasibility and advisability of providing—

"(A) for interim support (to refugees who are not employment-ready upon arrival in the United States) for a period determined on a case-by-case basis through a mechanism (other than public assistance) that recognizes the primary role of case management through voluntary agencies at the local level, and

Report to Congress.

"(B) a mechanism (other than one associated with the provision of cash assistance) through which refugees, requiring medical (but not cash) assistance, are provided medical assistance,

and shall report to Congress on the study not later than January 1, 1983.

Study and report to Congress.

"(2) The Director shall study and report to the Congress, not later than September 30, 1983, on the feasibility and advisability of providing for the establishment of special refugee centers in various locations at which refugees would receive orientation, training, and education in English and in the legal governmental, monetary and economic systems, history, culture, and geography of the United States before resettlement in the United States.".

PROGRAM ADMINISTRATION

Sec. 4. (a) Paragraph (2) of section 412(a) of the Immigration and Nationality Act (8 U.S.C. 1522(a)) is amended—

(1) by inserting "(A)" after "(2)", and

(2) by adding at the end the following new subparagraphs:

"(B) The Director shall develop and implement, in consultation with representatives of voluntary agencies and State and local governments, policies and strategies for the placement and resettlement of refugees within the United States.

"(C) Such policies and strategies, to the extent practicable and except under such unusual circumstances as the Director may recognize, shall—

"(i) insure that a refugee is not initially placed or resettled in an area highly impacted (as determined under regulations prescribed by the Director after consultation with such agencies and governments) by the presence of refugees or comparable populations unless the refugee has a spouse, parent, sibling, son, or daughter residing in that area, and

"(ii) provide for a mechanism whereby representatives of local affiliates of voluntary agencies regularly (not less often than quarterly) meet with representatives of State and local governments to plan and coordinate in advance of their arrival the appropriate placement of refugees among the various States and localities.".

(b) Paragraph (3) of such section is amended by inserting after the first sentence the following new sentence: "The Director shall compile and maintain data on secondary migration of refugees within the United States and, by State of residence and nationality, on the proportion of refugees receiving cash or medical assistance described in subsection (e).".

INITIAL RESETTLEMENT PROGRAM

Sec. 5. Section 412(b) of the Immigration and Nationality Act (8 U.S.C. 1522(b)) is amended—

(1) by striking out the last sentence of paragraph (1)(A);

(2) by adding at the end of paragraph (1)(A) the following new sentences: "Funds provided to agencies under such grants and contracts may only be obligated or expended during the fiscal year in which they are provided (or the subsequent fiscal year or such subsequent fiscal period as the Federal contracting agency may approve) to carry out the purposes of this subsection. Such grants and contracts shall provide that the agency shall provide (directly or through its local affiliate) notice to the appropriate county or other local welfare office at the time that the agency becomes aware that a refugee is offered employment and provide notice to the refugee that such notice has been provided. Such grants and contracts shall also provide that the agency shall assure that refugees, known to the agency as having been identified pursuant to paragraph (4)(B) as having medical conditions affecting the public health and requiring treatment, report to the appropriate county or other health agency upon their resettlement in an area.";

Grants and contracts.

96 STAT. 1736

(3) by adding at the end the following new paragraph:

"(5) The Director is authorized to make grants to, and enter into contracts with, State and local health agencies for payments to meet their costs of providing medical screening and initial medical treatment to refugees."; and

(4) by adding after such paragraph the following new paragraph:

Annual audits.

"(6) The Comptroller General shall conduct an annual audit of funds expended under grants and contracts made under this subsection.".

CASH AND MEDICAL ASSISTANCE

SEC. 6. (a) Paragraph (1) of section 412(e) of the Immigration and Nationality Act (8 U.S.C. 1522(e)) is amended by striking out "up to" before "100 per centum".

(b) Paragraph (2) of such section is amended—

(1) by striking out the semicolon at the end of subparagraph (B) and all that follows through the end of such paragraph and inserting in lieu thereof a period;

(2) by striking out "and" at the end of subparagraph (A);

(3) by redesignating subparagraphs (A) and (B) as clauses (i) and (iii), respectively, by inserting "(A)" after "(2)", and by inserting after clause (i) (as so redesignated) the following new clause:

"(ii) on the refugee's participation in any available and appropriate social service program (funded under subsection (c)) providing job or language training in the area in which the refugee resides; and"; and

(4) by adding at the end the following:

"Such cash assistance provided to such a refugee shall be terminated (after opportunity for an administrative hearing) with the month in which the refugee refuses such an appropriate offer of employment or refuses to participate in such an available and appropriate social service program.

Hearing.

"(B) Cash assistance shall not be made available to refugees who are full-time students in institutions of higher education (as defined by the Director after consultation with the Secretary of Education).".

(c) Such section is further amended by adding at the end the following new paragraph:

"(6) As a condition for receiving assistance, reimbursement, or a contract under this subsection and notwithstanding any other provision of law, a State or agency must provide assurances that whenever a refugee applies for cash or medical assistance for which assistance or reimbursement is provided under this subsection, the State or agency must notify promptly the agency (or local affiliate) which provided for the initial resettlement of the refugee under subsection (b) of the fact that the refugee has so applied.".

96 STAT. 1737

STUDY OF NEED FOR REFUGEE IMPACT AID PROGRAM

Ante, p. 1734
8 USC 1523.
Study and report to Congress.

SEC. 7. Section 413 of the Immigration and Nationality Act (8 U.S.C. 1522), as amended by section 3(b) of this Act, is further amended by adding after subsection (c) the following new subsection:

"(d) The Director shall study, and report to Congress not later than January 1, 1983, on the feasibility and advisability of establishing a program providing payments to States, counties, cities, and other units of local government to reflect a net increase in outlays on educational, health, criminal justice, and other governmental services resulting directly from the initial resettlement of refugees in, or secondary migration of refugees to, that State, county, city, or other unit. Such study shall include an examination of the extent to which the programs and assistance described in section 412 (particularly under subsection (c) thereof) provide for such payments to impacted areas and the extent to which increased outlays in these impacted areas are offset by the provision of additional Federal funds under other programs or authority or by increased taxes, revenues, or other economic activity resulting from refugee resettlement in, or migration, to these areas.".

8 USC 1522.

EFFECTIVE DATE

8 USC 1522 note.

SEC. 8. The amendments made by—

(1) sections 3(b), 4, 5(3), 5(4), 6(a), and 7 take effect on October 1, 1982, and

(2) sections 5(2), 6(b), and 6(c) apply to grants and contracts made, and assistance furnished, on or after October 1, 1982.

Approved October 25, 1982.

LEGISLATIVE HISTORY—H.R. 5879:

HOUSE REPORT No. 97-541 (Comm. on the Judiciary).
SENATE REPORT No. 97-638 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 21, 22, considered and passed House.
Oct. 1, considered and passed Senate.

---

96 STAT. 2026

Public Law 97-404
97th Congress

An Act

Dec. 31, 1982
[S. 3113]

To make certain minor and technical amendments to the Job Training Partnership Act.

Job Training Partnership Act, amendments.
Ante, p. 1330.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103(c)(3) of the Job Training Partnership Act (hereafter in this Act referred to as the "Act") is amended by striking out "104" and inserting in lieu thereof "101".

Ante, p. 1333.

(b) Section 106(d)(3) of the Act is amended by striking out "ex-offenders" and inserting in lieu thereof "offenders".

Ante, p. 1336.

(c) Section 108(b)(2)(A)(iv) of the Act is amended by striking out "projects" and inserting in lieu thereof "payments".

Ante, p. 1339.

(d) Section 122(a)(3)(C) of the Act is amended by striking out "executive officers" and inserting in lieu thereof "elected officials".

Ante, p. 1342.

(e) Section 125(c) of the Act is amended by striking out "subsection" and inserting in lieu thereof "section".

Ante, p. 1343.

(f)(1) Section 141(c) of the Act is amended by inserting after "unless" the following: "the Secretary determines that".

(2) Section 141(g) of the Act is amended—

(A) by striking out the word "which"; and

(B) by striking out the word "title" and inserting in lieu thereof the word "Act".

(g) Section 142(b) of the Act is amended by inserting after "aid" the following: "furnished under any Federal or federally assisted program based on need". *Ante*, p. 1345.

(h) Section 143(d) of the Act is amended by striking out "1921" and inserting in lieu thereof "1931". *Ante*, p. 1345.

(i) Section 181(f)(5) of the Act is amended by striking out "this section" and inserting in lieu thereof "this subsection". *Ante*, p. 1354.

SEC. 2. (a) Section 203(a)(1) of the Act is amended by striking out "particpate" and inserting in lieu thereof "participate". *Ante*, p. 1360.

(b) Section 203(b)(2) of the Act is amended by striking out "expend" and inserting in lieu thereof "be expended".

SEC. 3. Section 308 of the Act is amended by— *Ante*, p. 1367.

(1) striking out ", as described in section 121," and inserting in lieu thereof "with"; and

(2) inserting before the period at the end thereof the following: ", in accordance with the provisions of section 121".

SEC. 4. (a) Section 401(h)(2) of the Act is amended by striking out "103" and inserting in lieu thereof "106". *Ante*, p. 1368.

(b)(1) Section 402(a)(2) of the Act is amended by inserting "the special nature of" after "because of". *Ante*, p. 1369.

(2) Section 402(c)(4) of the Act is amended by striking out "103" and inserting in lieu thereof "106".

(c) Section 454(b) of the Act is amended by striking out "title II" and inserting in lieu thereof "title IV". *Ante*, p. 1383.

(d)(1) Section 463(a)(1) of the Act is amended by inserting after "processing systems" the following: "related to labor market information". *Ante*, p. 1384.

(2) Section 463(a)(2) of the Act is amended by inserting after "coding measures" the following: "related to labor market information".

(e)(1) Section 464(a)(1) of the Act is amended by inserting "for each fiscal year" after "part". *Ante*, p. 1385.

(2) Section 464(b)(7) of the Act is amended by striking out "providing" and inserting in lieu thereof "provide".

SEC. 5. Section 13 of the Wagner-Peyser Act, as added by section 501(h) of the Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph: *Ante*, p. 1397.

"(2) No funds paid under this Act may be used by any State for advertising in newspapers for high paying jobs unless such State submits an annual report to the Secretary beginning in December 1984 concerning such advertising and the justifications therefor, and the justification may include that such jobs are part of a State industrial development effort.". Report.

SEC. 6. The amendments made by this Act shall not be construed as affecting the term "originally enacted" as applied to the Job Training Partnership Act in section 402(a)(8)(A)(v) of the Social Security Act as amended by section 503(a) of the Act. 42 USC 602 note. *Ante*, p. 1398.

Approved December 31, 1982.

LEGISLATIVE HISTORY—S. 3113:

CONGRESSIONAL RECORD, Vol. 128 (1982):
Dec. 16, considered and passed Senate.
Dec. 18, considered and passed House.

96 STAT. 2049

Public Law 97-414
97th Congress

An Act

Jan. 4, 1983
[H.R. 5238]

To amend the Federal Food, Drug, and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes.

Orphan Drug Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; FINDINGS

21 USC 301 note.

Section 1. (a) This Act may be cited as the "Orphan Drug Act".

21 USC 360aa note.

(b) The Congress finds that—

(1) there are many diseases and conditions, such as Huntington's disease, myoclonus, ALS (Lou Gehrig's disease), Tourette syndrome, and muscular dystrophy which affect such small numbers of individuals residing in the United States that the diseases and conditions are considered rare in the United States;

(2) adequate drugs for many of such diseases and conditions have not been developed;

(3) drugs for these diseases and conditions are commonly referred to as "orphan drugs";

(4) because so few individuals are affected by any one rare disease or condition, a pharmaceutical company which develops an orphan drug may reasonably expect the drug to generate relatively small sales in comparison to the cost of developing the drug and consequently to incur a financial loss;

(5) there is reason to believe that some promising orphan drugs will not be developed unless changes are made in the applicable Federal laws to reduce the costs of developing such drugs and to provide financial incentives to develop such drugs; and

(6) it is in the public interest to provide such changes and incentives for the development of orphan drugs.

AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Sec. 2. (a) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following:

"Subchapter B—Drugs for Rare Diseases or Conditions

"RECOMMENDATIONS FOR INVESTIGATIONS OF DRUGS FOR RARE DISEASES OR CONDITIONS

21 USC 360aa.

"Sec. 525. (a) The sponsor of a drug for a disease or condition which is rare in the States may request the Secretary to provide written recommendations for the non-clinical and clinical investigations which must be conducted with the drug before—

21 USC 355.

"(1) it may be approved for such disease or condition under section 505, or

96 STAT. 2050

42 USC 262.

"(2) if the drug is a biological product, before it may be licensed for such disease or condition under section 351 of the Public Health Service Act.

21 USC 355.

If the Secretary has reason to believe that a drug for which a request is made under this section is a drug for a disease or condition which is rare in the States, the Secretary shall provide the person making the request written recommendations for the non-clinical and clinical investigations which the Secretary believes, on the basis of information available to the Secretary at the time of the request under this section, would be necessary for approval of such drug for such disease or condition under section 505 or licensing under section 351 of the Public Health Service Act for such disease or condition.

"(b) The Secretary shall by regulation promulgate procedures for the implementation of subsection (a).

"DESIGNATION OF DRUGS FOR RARE DISEASES OR CONDITIONS

"SEC. 526. (a)(1) The manufacturer or the sponsor of a drug may request the Secretary to designate the drug as a drug for a rare disease or condition. If the Secretary finds that a drug for which a request is submitted under this subsection is being or will be investigated for a rare disease or condition and— 21 USC 360bb.

"(A) if an application for such drug is approved under section 505, or

"(B) if the drug is a biological product, a license is issued under section 351 of the Public Health Service Act,

the approval or license would be for use for such disease or condition, the Secretary shall designate the drug as a drug for such disease or condition. A request for a designation of a drug under this subsection shall contain the consent of the applicant to notice being given by the Secretary under subsection (b) respecting the designation of the drug.

"(2) For purposes of paragraph (1), the term 'rare disease or condition' means any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug. Determinations under the preceding sentence with respect to any drug shall be made on the basis of the facts and circumstances as of the date the request for designation of the drug under this subsection is made. "Rare disease or condition."

"(b) Notice respecting the designation of a drug under subsection (a) shall be made available to the public. Notice.

"(c) The Secretary shall by regulation promulgate procedures for the implementation of subsection (a).

"PROTECTION FOR UNPATENTED DRUGS FOR RARE DISEASES OR CONDITIONS

"SEC. 527. (a) Except as provided in subsection (b), if the Secretary— 21 USC 360cc.

"(1) approves an application filed pursuant to section 505(b), or

"(2) issues a license under section 351 of the Public Health Service Act

96 STAT. 2051

for a drug designated under section 526 for a rare disease or condition and for which a United States Letter of Patent may not be issued, the Secretary may not approve another application under section 505(b) or issue another license under section 351 of the Public Health Service Act for such drug for such disease or condition for a person who is not the holder of such approved application or of such license until the expiration of seven years from the date of the approval of the approved application or the issuance of the license. Section 505(c)(2) does not apply to the refusal to approve an application under the preceding sentence. *Ante*, p. 2050. 21 USC 355. 42 USC 262.

"(b) If an application filed pursuant to section 505(b) is approved for a drug designated under section 526 for a rare disease or condition or a license is issued under section 351 of the Public Health Service Act for such a drug and if a United States Letter of Patent may not be issued for the drug, the Secretary may, during the seven-year period beginning on the date of the application approval or of the issuance of the license, approve another application under section 505(b), or, if the drug is a biological product, issue a license under section 351 of the Public Health Service Act, for such drug for such disease or condition for a person who is not the holder of such approved application or of such license if—

"(1) The Secretary finds, after providing the holder notice and opportunity for the submission of views, that in such period the holder of the approved application or of the license cannot assure the availability of sufficient quantities of the drug to meet the needs of persons with the disease or condition for which the drug was designated; or

"(2) such holder provides the Secretary in writing the consent of such holder for the approval of other applications or the issuance of other licenses before the expiration of such seven-year period.

"OPEN PROTOCOLS FOR INVESTIGATIONS OF DRUGS FOR RARE DISEASES OR CONDITIONS

21 USC 360dd.

"SEC. 528. If a drug is designated under section 526 as a drug for a rare disease or condition and if notice of a claimed exemption under section 505(i) or regulations issued thereunder is filed for such drug, the Secretary shall encourage the sponsor of such drug to design protocols for clinical investigations of the drug which may be conducted under the exemption to permit the addition to the investigations of persons with the disease or condition who need the drug to treat the disease or condition and who cannot be satisfactorily treated by available alternative drugs.".

(b) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting before section 501 the following:

"SUBCHAPTER A—DRUGS AND DEVICES.".

ORPHAN PRODUCTS BOARD

SEC. 3. Title II of the Public Health Service Act is amended by adding at the end the following:

"ORPHAN PRODUCTS BOARD

Establishment.
42 USC 236.

"SEC. 227. (a) There is established in the Department of Health and Human Services a board for the development of drugs (including biologics) and devices (including diagnostic products) for rare diseases or conditions to be known as the Orphan Products Board. The Board shall be comprised of the Assistant Secretary for Health of the Department of Health and Human Services and representatives, selected by the Secretary, of the Food and Drug Administration, the National Institutes of Health, the Centers for Disease Control, and any other Federal department or agency which the Secretary determines has activities relating to drugs and devices for rare diseases or conditions. The Assistant Secretary for Health shall chair the Board.

"(b) The function of the Board shall be to promote the development of drugs and devices for rare diseases or conditions and the coordination among Federal, other public, and private agencies in carrying out their respective functions relating to the development of such articles for such diseases or conditions.

"(c) In the case of drugs for rare diseases or conditions the Board shall—

"(1) evaluate—

"(A) the effect of subchapter B of the Federal Food, Drug, and Cosmetic Act on the development of such drugs, and

Ante, p. 2049.

"(B) the implementation of such subchapter;

"(2) evaluate the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration for the development of drugs for such diseases or conditions,

"(3) assure appropriate coordination among the Food and Drug Administration, the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, and the Centers for Disease Control in the carrying out of their respective functions relating to the development of drugs for such diseases or conditions to assure that the activities of each agency are complementary,

"(4) assure appropriate coordination among all interested Federal agencies, manufacturers, and organizations representing patients, in their activities relating to such drugs,

"(5) with the consent of the sponsor of a drug for a rare disease or condition exempt under section 505(i) of the Federal Food, Drug, and Cosmetic Act or regulations issued under such section, inform physicians and the public respecting the availability of such drug for such disease or condition and inform physicians and the public respecting the availability of drugs approved under section 505(c) of such Act or licensed under section 351 of this Act for rare diseases or conditions, 21 USC 355. 42 USC 262.

"(6) seek business entities and others to undertake the sponsorship of drugs for rare diseases or conditions, seek investigators to facilitate the development of such drugs, and seek business entities to participate in the distribution of such drugs, and

"(7) recognize the efforts of public and private entities and individuals in seeking the development of drugs for rare diseases or conditions and in developing such drugs.

"(d) The Board shall consult with interested persons respecting the activities of the Board under this section and as part of such 96 STAT. 2053 consultation shall provide the opportunity for the submission of oral views.

"(e) The Board shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an annual report— Report to congressional committees.

"(1) identifying the drugs which have been designated under section 526 of the Federal Food, Drug, and Cosmetic Act for a rare disease or condition,

"(2) describing the activities of the Board, and

"(3) containing the results of the evaluations carried out by the Board.

The Director of the National Institutes of Health and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration shall submit to the Board for inclusion in the annual report a report on the rare disease and condition research activities of the Institutes of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration; the Secretary of the Treasury shall submit to the Board for inclusion in the annual report a report on the use of the credit against tax provided by section 44H of the Internal Revenue Code of 1954; and the Secretary *Infra.* of Health and Human Services shall submit to the Board for inclusion in the annual report a report on the program of assistance under section 5 of the Orphan Drug Act for the development of *Post*, p. 2056 drugs for rare diseases and conditions. Each annual report shall be submitted by June 1 of each year for the preceding calendar year.".

TAX CREDIT FOR TESTING EXPENSES FOR DRUGS FOR RARE DISEASES OR CONDITIONS

26 USC 44H.

Sec. 4. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting after section 44G the following new section:

"SEC. 44H. CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES OR CONDITIONS.

"(a) General Rule.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified clinical testing expenses for the taxable year.

"(b) Qualified Clinical Testing Expenses.—For purposes of this section—

"(1) QUALIFIED CLINICAL TESTING EXPENSES.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualified clinical testing expenses' means the amounts which are paid or incurred by the taxpayer during the taxable year which would be described in subsection (b) of section 44F if such subsection were applied with the modifications set forth in subparagraph (B).

"(B) MODIFICATIONS.—For purposes of subparagraph (A), subsection (b) of section 44F shall be applied—

"(i) by substituting 'clinical testing' for 'qualified research' each place it appears in paragraphs (2) and (3) of such subsection, and

"(ii) by substituting '100 percent' for '65 percent' in paragraph (3)(A) of such subsection.

"(C) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified clinical testing expenses' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(D) SPECIAL RULE.—For purposes of this paragraph, section 44F shall be deemed to remain in effect for periods after December 31, 1985.

"(2) CLINICAL TESTING.—

"(A) IN GENERAL.—The term 'clinical testing' means any human clinical testing—

"(i) which is carried out under an exemption for a drug being tested for a rare disease or condition under section 505(i) of the Federal Food, Drug, and Cosmetic Act (or regulations issued under such section), 21 USC 355.

"(ii) which occurs—

"(I) after the date of such drug is designated under section 526 of such Act, and

"(II) before the date on which an application with respect to such drug is approved under section 505(b) of such Act, and

"(iii) which is conducted by or on behalf of the taxpayer to whom the designation under such section 526 applies.

"(B) TESTING MUST BE RELATED TO USE FOR RARE DISEASE OR CONDITION.—Human clinical testing shall be taken into account under subparagraph (A) only to the extent such testing is related to the use of a drug for the rare disease or condition for which it was designated under section 526 of the Federal Food, Drug, and Cosmetic Act. *Ante*, p. 2050.

"(c) COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any qualified clinical testing expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 44F for such taxable year.

"(2) EXPENSES INCLUDED IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any qualified clinical testing expenses for any taxable year which are qualified research expenses (within the meaning of section 44F(b)) shall be taken into account in determining base period research expenses for purposes of applying section 44F to subsequent taxable years.

"(d) DEFINITION AND SPECIAL RULES.—

"(1) RARE DISEASE OR CONDITION.—For purposes of this section, the term 'rare disease or condition' means any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug. Determinations under the preceding sentence with respect to any drug shall be made on the basis of the facts and circumstances as of the date such drug is designated under section 526 of the Federal Food, Drug, and Cosmetic Act.

"(2) Limitation based on amount of tax.—The credit allowed by this section for any taxable year shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

96 STAT. 2055

"(3) Special limitations on foreign testing.—

"(A) In general.—No credit shall be allowed under this section with respect to any clinical testing conducted outside the United States unless—

"(i) such testing is conducted outside the United States because there is an insufficient testing population in the United States, and

"(ii) such testing is conducted by a United States person or by any other person who is not related to the taxpayer to whom the designation under section 526 of the Federal Food, Drug, and Cosmetic Act applies.

"(B) Special limitation for corporations to which section 934(b) or 936 applies.—No credit shall be allowed under this section with respect to any clinical testing conducted by a corporation to which section 934(b) applies or to which an election under section 936 applies.

"(4) Certain rules made applicable.—Rules similar to the rules of paragraphs (1) and (2) of section 44F(f) shall apply for purposes of this section.

"(5) Election.—This section shall apply to any taxpayer for any taxable year only if such taxpayer elects (at such time and in such manner as the Secretary may by regulations prescribe) to have this section apply for such taxable year.

"(e) Termination.—This section shall not apply to any amount paid or incurred after December 31, 1987."

26 USC 280C.

(b)(1) Section 280C of such Code (relating to denial of deduction for portion of wages for which credit is claimed under section 40 or 44B) is amended by adding at the end thereof the following new subsection:

"(c) Credit for Qualified Clinical Testing Expenses for Certain Drugs.—

"(1) In general.—No deduction shall be allowed for that portion of the qualified clinical testing expenses (as defined in section 44H(b)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit allowable for the taxable year under section 44H (determined without regard to subsection (d)(2) thereof).

"(2) Similar rule where taxpayer capitalizes rather than deducts expenses.—If—

"(A) the amount of the credit allowable for the taxable year under section 44H (determined without regard to subsection (d)(2) thereof), exceeds

"(B) the amount allowable as a deduction for the taxable year for qualified clinical testing expenses (determined without regard to paragraph (1)),

the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.

"(3) Controlled groups.—In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 44F(f)(5)) or a trade or business which is treated as being under common control with other trades or business (within the meaning of section 44F(f)(1)(B)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subparagraphs (A) and (B) of section 44F(f)(1)."

96 STAT. 2056

(2)(A) The section heading of section 280C of such Code is amended to read as follows:

"SEC. 280C. CERTAIN EXPENSES FOR WHICH CREDITS ARE ALLOWABLE."

(B) The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 280C and inserting in lieu thereof the following:

"Sec. 280C. Certain expenses for which credits are allowable."

(c)(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44G the following new item:

"Sec. 44H. Clinical testing expenses for certain drugs for rare diseases or conditions."

26 USC 6096.

(2) Subsection (b) of section 6096 of such Code is amended by striking out "and 44G" and inserting in lieu thereof "44G, and 44H".

26 USC 44H note.

(d) The amendments made by this section shall apply to amounts paid or incurred after December 31, 1982, in taxable years ending after such date.

GRANTS AND CONTRACTS FOR DEVELOPMENT OF DRUGS FOR RARE DISEASES AND CONDITIONS

21 USC 360ee.

SEC. 5. (a) The Secretary may make grants to and enter into contracts with public and private entities and individuals to assist in defraying the costs of qualified clinical testing expenses incurred in connection with the development of drugs for rare diseases and conditions.

(b) For purposes of subsection (a):

"Qualified clinical testing.

(1) The term "qualified clinical testing" means any human clinical testing—

(A) which is carried out under an exemption for a drug for a rare disease or condition under section 505(i) of the Federal Food, Drug, and Cosmetic Act (or regulations issued under such section),

(B) which occurs—

Ante, p. 2050.

(i) after the date such drug is designated under section 526 of such Act, and

(ii) before the date on which an application with respect to such drug is submitted under section 505(b) of such Act.

21 USC 355.

"Rare disease or condition."

(2) The term "rare disease or condition" means any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug. Determinations under the preceding sentence with respect to any drug shall be made on the basis of the facts and circumstances as of the date the request for designation of the drug under this subsection is made.

96 STAT. 2057

Appropriation authorization.

(c) For grants and contracts under subsection (a) there are authorized to be appropriated $4,000,000 for fiscal year 1983 and for each of the next two fiscal years.

HOME HEALTH SERVICES

SEC. 6. (a) Part D of title III of the Public Health Service Act is amended by inserting after subpart II the following new subpart:

"SUBPART III—HOME HEALTH SERVICES

"HOME HEALTH SERVICES

Grants.
42 USC 255.

"SEC. 339. (a)(1) For the purpose of encouraging the establishment and initial operation of home health programs to provide home health services in areas in which such services are inadequate or not readily accessible, the Secretary may, in accordance with the provisions of this section, make grants to public and nonprofit private entities and loans to proprietary entities to meet the initial costs of establishing and operating such home health programs. Such grants and loans may include funds to provide training for paraprofessionals (including homemaker home health aides) to provide home health services.

"(2) In making grants and loans under this subsection, the Secretary shall—

"(A) consider the relative needs of the several States for home health services;

"(B) give preference to areas in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or disabled; and

"(C) give special consideration to areas with inadequate means of transportation to obtain necessary health services.

"(3)(A) No loan may be made to a proprietary entity under this section unless the application of such entity for such loan contains assurances satisfactory to the Secretary that—

"(i) at the time the application is made the entity is fiscally sound;

"(ii) the entity is unable to secure a loan for the project for which the application is submitted from non-Federal lenders at the rate of interest prevailing in the area in which the entity is located; and

"(iii) during the period of the loan, such entity will remain fiscally sound.

"(B) Loans under this section shall be made at an interest rate comparable to the rate of interest prevailing on the date the loan is made with respect to the marketable obligations of the United States of comparable maturities, adjusted to provide for administrative costs.

"(4) Applications for grants and loans under this subsection shall be in such form and contain such information as the Secretary shall prescribe.

Appropriation authorization.

"(5) There are authorized to be appropriated for grants and loans under this subsection $5,000,000 for each of the fiscal years ending on September 30, 1983, and September 30, 1984.

96 STAT. 2058

"(b)(1) The Secretary may make grants to and enter into contracts with public and private entities to assist them in developing appropriate training programs for paraprofessionals (including homemaker home health aides) to provide home health services.

"(2) Any program established with a grant or contract under this subsection to train homemaker home health aides shall—

"(A) extend for at least forty hours, and consist of classroom instruction and at least twenty hours (in the aggregate) of supervised clinical instruction directed toward preparing students to deliver home health services;

"(B) be carried out under appropriate professional supervision and be designed to train students to maintain or enhance the personal care of an individual in his home in a manner which promotes the functional independence of the individual; and

"(C) include training in—

"(i) personal care services designed to assist an individual in the activities of daily living such as bathing, exercising, personal grooming, and getting in and out of bed; and

"(ii) household care services such as maintaining a safe living environment, light housekeeping, and assisting in providing good nutrition (by the purchasing and preparation of food).

"(3) In making grants and entering into contracts under this subsection, special consideration shall be given to entities which establish or will establish programs to provide training for persons fifty years of age and older who wish to become paraprofessionals (including homemaker home health aides) to provide home health services.

"(4) Applications for grants and contracts under this subsection shall be in such form and contain such information as the Secretary shall prescribe.

Appropriation authorization.

"(5) There are authorized to be appropriated for grants and contracts under this subsection $2,000,000 for each of the fiscal years ending September 30, 1983, and September 30, 1984.

Report to congressional committees.

"(c) The Secretary shall report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives on or before January 1, 1984, with respect to—

"(1) the impact of grants made and contracts entered into under subsections (a) and (b) (as such subsections were in effect prior to October 1, 1981);

"(2) the need to continue grants and loans under subsections (a) and (b) (as such subsections are in effect on the day after the date of enactment of the Orphan Drug Act); and

"(3) the extent to which standards have been applied to the training of personnel who provide home health services.

"(d) For purposes of this section, the term 'home health services' has the meaning prescribed for the term by section 1861(m) of the Social Security Act.".

42 USC 1395x.

Report and recommendations to Congress.

42 USC 255 note.

(b) The Secretary shall report the results of studies currently evaluating home and community based health services, and any recommendations for legislative action which might improve the provision of such services, to the Congress prior to January 1, 1985.

42 USC 255 note.

(c) The Secretary of Health and Human Services shall compile and analyze the results of significant studies carried out by any public or private entity, group, or individual, relating to current and alternative reimbursement methodologies for home health services. The Secretary shall make recommendations with respect to such reimbursement methodologies as they might be applied in health care programs funded in whole or in part by Federal funds, and report such recommendations to the Congress within 180 days after the date of the enactment of this Act.

96 STAT. 2059

Investigation.

42 USC 255 note.

(d) The Secretary of Health and Human Services, acting through the Inspector General of the Department of Health and Human Services, shall undertake a thorough investigation of—

(1) the methods available to stem fraud and abuse in the provision of home health services under medicare and medicaid; and

(2) the extent to which such methods are applied in stemming such fraud and abuse.

Report to Congress.

The Secretary shall report the results of the investigation to the Congress within 18 months after the date of the enactment of this Act.

42 USC 255 note.

(e)(1) The Secretary of Health and Human Services shall develop and carry out demonstration projects commencing no later than January 1, 1984, to test—

(A) methods for identifying patients at risk of institutionalization who could be treated more cost-effectively with home health services and other non-institutional health services; and

(B) alternative reimbursement methodologies for home health agencies in order to determine the most cost-effective and efficient way of providing home health services.

(2) Methods for identifying patients at risk of institutionalization to be tested by the Secretary under paragraph (1)(A) may include, but not be limited to, the identification of hospitalized medicare patients who are candidates for early discharge due to availability of home health services and individuals in the community who could avoid institutionalization with the availability of home health services.

(3) Reimbursement methodologies to be tested by the Secretary under paragraph (1)(B) may include but not be limited to fee schedules, prospective reimbursement, and capitation payments.

Report to Congress.

(4) The Secretary shall report to Congress his findings with regard to the demonstrations carried out under paragraph (1) no later than January 1, 1985.

"Home health services."
42 USC 255 note.
42 USC 1395x.

(f) For purposes of this section, the term "home health services" has the meaning prescribed for the term by section 1861(m) of the Social Security Act.

ANALYSIS OF THYROID CANCER; ACTIONS BY SECRETARY

42 USC 241 note.
42 USC 241.

SEC. 7. (a) In carrying out section 301 of the Public Health Service Act, the Secretary of Health and Human Services shall—

(1) conduct scientific research and prepare analyses necessary to develop valid and credible assessments of the risks of thyroid cancer that are associated with thyroid doses of Iodine 131;

(2) conduct scientific research and prepare analyses necessary to develop valid and credible methods to estimate the thyroid doses of Iodine 131 that are received by individuals from nuclear bomb fallout;

(3) conduct scientific research and prepare analyses necessary to develop valid and credible assessments of the exposure to Iodine 131 that the American people received from the Nevada atmospheric nuclear bomb tests; and

96 STAT. 2060

Report to Congress.

(4) prepare and transmit to the Congress within one year after the date of enactment of this Act a report with respect to the activities conducted in carrying out paragraphs (1), (2), and (3).

Radioepidemiological tables, publication.

(b)(1) Within one year after the date of enactment of this Act, the Secretary of Health and Human Services shall devise and publish radioepidemiological tables that estimate the likelihood that persons who have or have had any of the radiation related cancers and who have received specific doses prior to the onset of such disease developed cancer as a result of these doses. These tables shall show a probability of causation of developing each radiation related cancer associated with receipt of doses ranging from 1 millirad to 1,000 rads in terms of sex, age at time of exposure, time from exposure to the onset of the cancer in question, and such other categories as the Secretary, after consulting with appropriate scientific experts, determines to be relevant. Each probability of causation shall be calculated and displayed as a single percentage figure.

(2) At the time the Secretary of Health and Human Services publishes the tables pursuant to paragraph (1), such Secretary shall also publish—

(A) for the tables of each radiation related cancer, an evaluation which will assess the credibility, validity, and degree of certainty associated with such tables; and

(B) a compilation of the formulas that yielded the probabilities of causation listed in such tables. Such formulas shall be published in such a manner and together with information necessary to determine the probability of causation of any individual who has or has had a radiation related cancer and has received any given dose.

(3) The tables specified in paragraph (1) and the formulas specified in paragraph (2) shall be devised from the best available data that are most applicable to the United States, and shall be devised in accordance with the best available scientific procedures and expertise. The Secretary of Health and Human Services shall update these tables and formulas every four years, or whenever he deems it necessary to insure that they continue to represent the best available scientific data and expertise.

Update of tables.

TECHNICAL AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 8. (a) Section 207(a)(1) of such Act (42 U.S.C. 209(a)(1)) is amended by inserting "psychology," after "pharmacy,".

(b) Section 306(1)(2) of such Act (42 U.S.C. 242k(1)(2)) is amended by striking out subparagraph (D) and redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(c) Section 308(d) of such Act (42 U.S.C. 242m(d)) is amended (1) by inserting ", if an establishment or person supplying the information or described in it is identifiable," after "No information", and (2) by striking out "authorized by guidelines in effect under section 306(1)(2) or under regulations of the Secretary" and inserting in lieu thereof "such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose".

(d) The first sentence of section 311(c)(2) of such Act (42 U.S.C. 243(c)(2)) is amended by striking out "forty-five days" and inserting instead "six months".

96 STAT. 2061

(e) Section 330(d)(2) of such Act (42 U.S.C. 254c(d)(2)) is amended by inserting before "and the costs" the following: ", the costs of repaying loans made by the Farmers Home Administration for buildings,".

(f) Section 337(a) of such Act (42 U.S.C. 254j(a)) is amended by striking out "carrying out this subpart" and inserting in lieu thereof "carrying out this subpart (other than section 338G)".

(g)(1) Section 338B(e) of the Public Health Service Act (42 U.S.C. 254m-(e)) is amended by inserting before the period the following: "or under section 225 as in effect on September 30, 1977".

42 USC 254o.

(2) Section 338D(b) of such Act (42 U.S.C. 294w(b)) is amended by striking out "section 338F(b)" and inserting in lieu thereof "section 338E(d)".

42 USC 254p.

(3) Section 338E(d)(1) of such Act (42 U.S.C. 294x(d)(1)) is amended by striking out "section 338D(c)" and inserting in lieu thereof "section 338D(b)".

(h) Section 340(g) of the Public Health Service Act (42 U.S.C. 256(g)) is amended (1) by striking out "and" after "1980," in paragraph (1) and by inserting before the period in that paragraph a comma and "and $3,000,000 for the fiscal year ending September 30, 1982", and (2) by inserting "and" after "1980," in paragraph (2) and by striking out in that paragraph ", and $3,000,000 for the fiscal year ending September 30, 1982".

(i) Section 737(2) of such Act (42 U.S.C. 294j(2)) is amended by inserting "in a State" after "means a school".

(j) Section 781(a)(2) of such Act (42 U.S.C. 295g-1(a)(2)) is amended by striking out "under area health education center programs".

(k)(1) Section 791A(b)(3)(A) of such Act (42 U.S.C. 295h-1a(b)(3)(A)) is amended by striking out "postbaccalaureate" and inserting in lieu thereof "baccalaureate".

(2) Section 791(c)(2)(A) of such Act (42 U.S.C. 295h(c)(2)(A)) is amended to read as follows:

> "(A) such application contains assurances satisfactory to the Secretary that in the school year (as defined in regulations of the Secretary) beginning in the fiscal year for which the applicant receives a grant under subsection (a) that—
>
> > "(i) at least 25 individuals will complete the graduate educational programs of the entity for which such application is submitted; and
> >
> > "(ii) such entity shall expend or obligate at least $100,000 in funds from non-Federal sources to conduct such programs; and".

(l) Section 831(b) of such Act (42 U.S.C. 297-1(b)) is amended by inserting before the period a comma and the following: "$400,000 for the fiscal year ending September 30, 1983, and $800,000 for the fiscal year ending September 30, 1984".

(m) Title VIII of such Act is amended by adding at the end thereof the following:

"TECHNICAL ASSISTANCE

42 USC 298b-4.

"SEC. 857. Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

(n) Sections 1001(c), 1003(b), and 1005(b) of such Act (42 U.S.C. 300(c), 300a-1(b), 300a-3(b)) are each amended by striking out the comma after "1981" and inserting in lieu thereof a semicolon.

96 STAT. 2062

(o) Section 1101(b) of such Act (42 U.S.C. 300b(b)) (as in effect before its repeal by section 2193(b)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by inserting a comma after "1981". 95 Stat. 826.

(p) Section 1536 of such Act (42 U.S.C. 300n-5) (as amended by section 935 of the Omnibus Budget Reconciliation Act of 1981) is amended by striking out "this title and" and inserting in lieu thereof "this title and—". 95 Stat. 571.

(q) Section 1602(f)(2) of such Act (42 U.S.C. 300g-2(f)(2)) is amended by inserting after "including" the following: "selling real property pledged as security for such a loan or loan guarantee and". 42 USC 300q-2.

(r)(1) The matter in section 1706(a) (42 U.S.C. 300u-5(a)) of the Public Health Service Act preceding paragraph (1) is amended by striking out "Health Information, Health Promotion and Physical Fitness and Sports Medicine" and inserting instead "Health promotion".

(2) The section heading for section 1706 of such Act (42 U.S.C. 300u-5) is amended to read as follows:

"OFFICE OF HEALTH PROMOTION".

(s) The second sentence of section 1904(a)(1)(F) of such Act (42 U.S.C. 300w-3(a)(1)(F)) is amended by striking out "equipment for the systems" and inserting in lieu thereof "equipment for the systems (other than systems with respect to which grants were made as prescribed by section 1905(c)(2))".

(t) Effective October 1, 1982, section 1912(b) of such Act (42 U.S.C. 300x-1(b)) is amended to read as follows:

"(b)(1) From the remainder of the amount appropriated under section 1911 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder for that fiscal year as the amounts— 42 USC 300x.

"(A) which would have been provided by the Secretary to the State and entities in the State under section 301 of this Act for mental health services demonstrations and under the Community Mental Health Centers Act and the Mental Health Systems Act for mental health services for fiscal year 1981 if the Secretary had obligated all the funds for such purposes available for such Acts under Public Law 96-536, and 42 USC 241.

"(B) provided by the Secretary to the State and entities in the State under the laws referred to in subparagraphs (D) and (E) of paragraph (2) for fiscal year 1980,

bore to the total amount appropriated for mental health services demonstrations and mental health services for fiscal year 1981 under Public Law 96-536 for section 301 of this Act, the Community Mental Health Centers Act and the Mental Health Systems Act and the total amount appropriated for fiscal year 1980 for the provisions of law referred to in subparagraphs (D) and (E) of paragraph (2). 42 USC 2689 note, 9401 note.

"(2) The provisions of law referred to in paragraph (1) are the following provisions of law as in effect on the day before the date of the enactment of the Omnibus Budget Reconciliation Act of 1981:

"(A) The Community Mental Health Centers Act.

"(B) The Mental Health Systems Act.

"(C) Section 301 of this Act. 42 USC 241

"(D) Sections 301 and 312 of the Comprehensive Alcohol Abuse and Alcoholism, Prevention, Treatment, and Rehabilitation Act of 1970. 42 USC 4571, 4578.

"(E) Sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act. 95 Stat. 595. 21 USC 1176, 1177

"(3) For purposes of paragraph (1), the total amount appropriated under Public Law 96-536 for mental health services demonstrations under section 301 of this Act shall be deemed not to exceed $20,000,000; and if such total amount did exceed $20,000,000, the amount that would have been provided to each State and entities in each State shall be ratably reduced for purposes of paragraph (1)(A) to conform to the limit prescribed by this paragraph.

96 STAT. 2063

"(4) To the extent that all the funds appropriated under section 1911 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 1915 for the fiscal year;

42 USC 300x-4.

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 1916(b)(3);

42 USC 300x-5.

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.".

(u)(1) section 1915(c)(5) of such Act (42 U.S.C. 300x-4(c)(5)) is amended (1) by inserting "procedures for" before "procedural", and (2) by striking out "review procedures" and inserting in lieu thereof "review".

(2)(A) Section 1915(c)(6)(A)(i) of such Act (42 U.S.C. 300x-4(c)(6)(A)(i)) is amended—

(i) by striking out "for mental health services";

(ii) by inserting "for mental health services" after "fiscal year 1981";

(iii) by inserting "for mental health services demonstrations under section 301 of this Act" before "if the Secretary"; and

(iv) by striking out "such Acts" each place it occurs and inserting in lieu thereof "such provisions of law".

(B) Section 1915(c)(6)(A)(ii) of such Act (42 U.S.C. 300x-4(c)(6)(A)(ii)) is amended—

(i) by striking out "for mental health services";

(ii) by inserting "for mental health services" after "fiscal year 1981";

(iii) by inserting "and for mental health services demonstrations under section 301 of this Act" before "if the Secretary"; and

(iv) by striking out "such Acts" and inserting in lieu thereof "such provisions of law".

95 Stat. 559.
42 USC 300y-11.

(v) Section 1932 of such Act is amended by—

(1) inserting "(a)" after "1932.", and

(2) adding a new subsection (b) as follows:

Regulations.

"(b) The Secretary shall promulgate separate regulations governing the administration of this part. Such regulations shall take into account the distinctive features of the grant program authorized under this part.".

42 USC 287i note.
42 USC 287i.

(w) From the funds appropriated under section 419B of such Act or under any other applicable provision of law, the Secretary of Health and Human Services shall provide for the development and support of not less than ten comprehensive centers for sickle cell

96 STAT. 2064

disease.

MISCELLANEOUS TECHNICAL AMENDMENTS

95 Stat. 570.
42 USC 300.

SEC. 9. (a) Section 931(a) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out " '1980,' " in paragraphs (1), (2), and (3) and inserting in lieu thereof " '1980;' ".

95 Stat. 572.
42 USC 300m.

(b) Section 936(b)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "300m(d)(1)(B)(ii)" and inserting in lieu thereof "300m(d)(1)(B)".

95 Stat. 573.
42 USC 300e-1.

(c) Section 942(i) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out " 'feasible (1)' " and inserting in lieu thereof " 'feasible (i)' ".

95 Stat. 593.
42 USC 4577.

(d)(1) Section 963(b)(4) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "clause (2)" and inserting in lieu thereof "clause (3)".

95 Stat. 593.

(2) Section 311(a)(3) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4577(b)(3)) is amended by striking out the period at the end and inserting in lieu thereof a comma.

(e) Section 965(a) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out paragraph (A) and by redesignating paragraphs (B), (C), and (D) as paragraphs (1), (2), and (3), respectively.

95 Stat. 594.
42 USC 4588.

(f) Section 2741(a)(3) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "and 'and' "

95 Stat. 922.
42 USC 295g-4.

(g)(1) Section 709 of the Controlled Substances Act (21 U.S.C. 904) is amended (1) by striking out subsections (a) and (b), (2) by striking out "(c)", and (3) by amending the section heading to read as follows:

"PAYMENT OF TORT CLAIMS".

(2) The item relating to section 709 in the table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking out "Authorizations of Appropriations" and inserting in lieu thereof "Payment of Tort Claims".

(h) Section 302 of the Health Planning and Resources Development Amendments of 1979 (Public Law 96-79) is repealed.

Repeal.
42 USC 300t-11 note.

(i) The paragraph beginning with "Service and supply fund:" under the heading "PUBLIC HEALTH SERVICE" in the Federal Security Agency Appropriation Act, 1946 (42 U.S.C. 231) is amended by inserting ", or in advance," after "stock furnished".

(j)(1) Section 6(b)(1) of the Consumer Product Safety Act (15 U.S.C. 2055(b)(1)) is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (4)".

(2) Section 11(c) of such Act (15 U.S.C. 2060(c)) is amended by striking out "section 10(e)(4)" and inserting in lieu thereof "subsection (f)".

(3) Section 15(g)(1) of such Act (15 U.S.C. 2064(g)(1)) is amended by striking out "section 12(c)(1)" and inserting in lieu thereof "12(d)(1)".

(4)(A) Section 19(a)(7) of such Act (15 U.S.C. 2068(a)(7)) is amended by striking out "section 9(d)(2)" and inserting in lieu thereof "section 9(g)(2)".

(B) Paragraph (8) of section 19(a) of such Act is repealed and paragraph (9) and the first of the two paragraphs (10) are redesignated as paragraphs (8) and (9), respectively.

(5) Section 31(b)(1) of such Act (15 U.S.C. 2080(b)(1)) is amended by striking out "The Commission" and all that follows through "Substances Act," and inserting in lieu thereof the following:

96 STAT. 2065

"(b)(1) The Commission may not issue—

"(A) an advance notice of proposed rulemaking for a consumer product safety rule,

"(B) a notice of proposed rulemaking for a rule under section 27(e), or

"(C) an advance notice of proposed rulemaking for regulations under section 2(q)(1) of the Federal Hazardous Substances Act,".

15 USC 1261.

(k) Section 3(a) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472(a)) is amended by striking out ", after consultation with the Technical Advisory Committee provided for in section 6 of this Act".

(l) Section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) (as amended by section 1211(f)(1) of the Omnibus Budget Reconciliation Act of 1982) is amended by adding at the end thereof the following:

95 Stat. 721.

"(e) For purposes of this section (1) the term 'manufacturer' includes an importer for resale, and (2) a dealer who sells at wholesale an article or substance shall with respect to that sale be considered the distributor of that article or substance.".

"Manufacturer."

(m) Section 1211(h)(4) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "by inserting ', Science and Transportation' immediately after 'on Commerce', and".

95 Stat. 721.
15 USC 2064.

STUDY

SEC. 10. Of the funds available under section 706 of the Energy Security Act, there shall be made available $800,000 for the costs of

42 USC 8905.

a grant or contract for a study of the water quality of the Quabbin Reservoir in Massachusetts.

PATENT TERM EXTENSION

SEC. 11. (a) Title 35, United States Code, is amended by adding the following new section:

35 USC 155.

"§ 155. Patent term extension

35 USC 154.

21 USC 301.

21 USC 348.

"Notwithstanding the provisions of section 154, the term of a patent which encompasses within its scope a composition of matter or a process for using such composition shall be extended if such composition or process has been subjected to a regulatory review by the Federal Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act leading to the publication of regulation permitting the interstate distribution and sale of such composition or process and for which there has thereafter been a stay of regulation of approval imposed pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act which stay was in effect on January 1, 1981, by a length of time to be measured from the date such stay of regulation of approval was imposed until such proceedings are finally resolved and commercial marketing permitted. The patentee, his heirs, successors or assigns shall notify the Commissioner of Patents and Trademarks within ninety days of the date of enactment of this section or the date the stay of regulation of approval has been removed, whichever is later, of the number of the patent to be extended and the date the stay was imposed and the date commercial marketing was permitted. On receipt of such notice, the Commissioner shall promptly issue to the owner of record

96 STAT. 2066

of the patent a certificate of extension, under seal, stating the fact and length of the extension and identifying the composition of matter or process for using such composition to which such extension is applicable. Such certificate shall be recorded in the official file of each patent extended and such certificate shall be considered as part of the original patent, and an appropriate notice shall be published in the Official Gazette of the Patent and Trademark Office.".

(b) The analysis for chapter 14 of such title 35 is amended by adding at the end the following:

"155. Patent term extension.".

Approved January 4, 1983.

LEGISLATIVE HISTORY—H.R. 5238:

HOUSE REPORT No. 97-840 Pt. I (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Sept. 28, considered and passed House.
  Oct. 1, considered and passed Senate, amended.
  Dec. 14, House concurred in Senate amendment with an amendment.
  Dec. 16, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 1 (1983):
  Jan. 4, Presidential statement.

LEGISLATIVE BRANCH ACTS

Public Law 97-245
97th Congress

An Act

Relating to the preservation of the historic Congressional Cemetery in the District of Columbia for the inspiration and benefit of the people of the United States.

Aug. 26, 1982
[H.R. 6033]

Historic Congressional Cemetery, Wash., D.C. Preservation.
2 USC 51 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) sections of the Congressional Cemetery in the District of Columbia are of national historic significance, including those areas in which John Philip Sousa, Matthew Brady, J. Edgar Hoover, several former Members of the United States Senate and House of Representatives, and many other persons of historical importance and interest are buried; and

(2) the physical condition of these areas and related portions of the cemetery has deteriorated to the extent that restoration is necessary to protect and preserve the historical values of these areas.

Grants.
2 USC 51 note.

Record maintenance.

SEC. 2. In order to assist in the restoration and preservation of the historic values of the Congressional Cemetery, the Architect of the Capitol is authorized and directed to make grants to the Association for the Preservation of Historic Congressional Cemetery, Washington, District of Columbia, to be used for a program of restoration and preservation (but not routine maintenance) of the cemetery to be carried out under terms and conditions to be prescribed by the Architect of the Capitol. The Association shall maintain adequate records and accounts of all financial transactions and operations carried out under such program, and such records shall be available at all times for audit and investigation by the Architect or the Comptroller General of the United States. Nothing in this Act shall be construed to vest title to the Congressional Cemetery in the United States.

Appropriation authorization.
2 USC 51 note.

SEC. 3. There is authorized to be appropriated $300,000 for grants to be made under section 2 of this Act, such sums to remain available until expended.

2 USC 51 note.

96 STAT. 314

SEC. 4. No authority under this Act to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts.

Approved August 26, 1982.

LEGISLATIVE HISTORY—H.R. 6033:

HOUSE REPORT No. 97-667 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Aug. 2, considered and passed House.
Aug. 13, considered and passed Senate.

96 STAT. 1133

Public Law 97-264
97th Congress

An Act

Sept. 24, 1982
[S. 2582]

To amend the Act to establish a Permanent Committee for the Oliver Wendell Holmes Devise, and for other purposes.

Permanent Committee for the Oliver Wendell Holmes Devise, fund. Interest rate adjustment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the first section of the Act entitled "An Act to establish a Permanent Committee for the Oliver Wendell Holmes Devise, and for other purposes", approved August 5, 1955 (69 Stat. 533), is amended in the second sentence thereof by striking out "(3)" and all that follows up to (but not including) the period, and inserting in lieu of the matter stricken the following: "(3) amounts equal to the interest earned on moneys in the fund which are invested in public debt securities pursuant to the succeeding sentence".

(2) The first section of such Act is further amended by adding at the end thereof the following new sentence: "Moneys in the fund shall be invested by the Secretary of the Treasury in public debt securities in accordance with specifications, as to maturity of security and amount to be invested, prescribed by the Permanent Committee for the Oliver Wendell Holmes Devise.".

69 Stat. 534.

(b) Section 5 of such Act is amended by inserting immediately after the first sentence thereof the following new sentence: "The Committee is further authorized to receive royalties or other income that is generated by the sale of its publications or which otherwise becomes payable to the fund.".

Effective date.

SEC. 2. The amendments made by subsection (a) of the first section of this Act shall be effective in the case of fiscal years beginning after September 30, 1982.

Approved September 24, 1982.

LEGISLATIVE HISTORY—S. 2582:

HOUSE REPORT No. 97-752 (Comm. on House Administration).
SENATE REPORT No. 97-431 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 9, considered and passed Senate.
Sept. 13, considered and passed House.

---

96 STAT. 1647

Public Law 97-346
97th Congress

An Act

Oct. 15, 1982
[H.R. 5145]

To amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes.

Office of the Architect of the Capitol and Botanic Garden. Employee training.
5 USC 4101 *et seq.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 41 of title 5, United States Code, relating to employee training programs, is amended by adding at the end thereof the following new section:

5 USC 4119.

"§ 4119. Training for employees under the Office of the Architect of the Capitol and the Botanic Garden

"(a) The Architect of the Capitol may, by regulation, make applicable such provisions of this chapter as the Architect determines necessary to provide for training of (1) individuals employed under the Office of the Architect of the Capitol and the Botanic Garden and (2) other congressional employees who are subject to the administrative control of the Architect. The regulations shall provide for training which, in the determination of the Architect, is consistent with the training provided by agencies under the preceding sections of this chapter.

"(b) The Office of Personnel Management shall provide the Architect of the Capitol with such advice and assistance as the Architect may request in order to enable the Architect to carry out the purposes of this section.".

(b) The table of sections for chapter 41 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"4119. Training for employees under the Office of the Architect of the Capitol and the Botanic Garden.".

SEC. 2. Section 5401(b) of title 5, United States Code, is amended by striking out "paragraph (2)" in paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)", and by adding at the end thereof the following:

"(3) This chapter shall not apply to individuals employed under the Office of the Architect of the Capitol or the Botanic Garden.".

SEC. 3. (a) Sections 8332(c)(1)(A), 8332(j)(2)(A), and 8334(j)(1) of title 5, United States Code, as amended by title III of the Omnibus Budget Reconciliation Act of 1982, are each amended by striking out "month" and inserting in lieu thereof "period".

Ante, pp. 795, 796.

(b) Section 8332(c)(1)(B) of such title 5 (as so amended) is amended to read as follows:

Ante, p. 795.

"(B) the service of an individual who first becomes an employee or Member on or after October 1, 1982, shall include credit for—

"(i) each period of military service performed before January 1, 1957, and

96 STAT. 1648

"(ii) each period of military service performed after December 31, 1956, and before the separation on which the entitlement to annuity under this subchapter is based, only if a deposit (with interest, if any) is made with respect to that period, as provided in section 8334(j) of this title.".

Ante, p. 796.

(c) Section 8334(e)(3) of such title 5 (as so amended) is amended by striking out "calendar" the second and third times such term appears and inserting in lieu thereof "fiscal".

Ante, p. 793.

(d) Section 8334(h) of such title 5 (as so amended) is amended by striking out "and (d)" and inserting in lieu thereof ", (d), and (j)".

(e)(1) Section 8334(j)(1) of such title 5 (as so amended) is amended by striking out "within 90 days after the effective date of this subsection", and by striking out all that follows "December 1956" and inserting in lieu thereof a period and the following: "The amount of such payments shall be based on such evidence of basic pay for military service as the employee or Member may provide, or if the Office determines sufficient evidence has not been so provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Office under paragraph (4).".

Ante, p. 796.

(2) Section 306(g) of the Omnibus Budget Reconciliation Act of 1982 is amended by striking out the period and inserting the following: "; except that any employee or Member who retired after the date of the enactment of this Act and before October 1, 1983, or is entitled to an annuity under chapter 83 of title 5, United States Code, based on a separation from service occurring during such period, or a survivor of such individual, may make a payment under section 8334(j)(1) of title 5, United States Code. Regulations required to be issued under section 8334(j)(1) of title 5, United States Code, shall be issued by the Office of Personnel Management within 90 days after such effective date.".

5 USC 8331 note.
Ante, p. 795.
5 USC 8301 *et seq.*
Regulations.
Ante, p. 796.

(f) Section 8342(a)(1)(B) of such title 5 (as so amended) is amended by striking out "such position" and inserting in lieu thereof "such a position".

Ante, p. 794.

(g) Section 8348(a)(1)(B) of such title 5 is amended by inserting after "title" the following: "and in withholding taxes pursuant to section 3405 of title 26".

5 USC 5532 note.
Ante, p. 790.

(h)(1) Section 301(d)(1) of the Omnibus Budget Reconciliation Act of 1982 is amended by inserting after "such position" the following: ", in accordance with regulations issued by the Office of Personnel Management," and by inserting after the first sentence the following: "For purposes of the preceding sentence, the amount of any increase in any individual's retired or retainer pay which takes effect during any fiscal year shall be determined on the basis of the additional amount such individual receives after the application of the preceding provisions of this section and section 5532 (b) and (c) of title 5, United States Code.".

(2) Section 301(d)(4) of such Act is amended by striking out "reduction in" and inserting in lieu thereof "deduction from".

5 USC 5532 note.

(3) Section 301(d) of such Act is amended by adding at the end thereof the following new paragraph:

Information disclosure.

"(5) The Secretary of Commerce, the Secretary of Defense, the Secretary of Health and Human Services, or the Secretary of Transportation, as appropriate, shall furnish such information to employing agencies, the Secretary of the Senate, and the Clerk of the House of Representatives as may be necessary for the administration of this subsection.".

Ante, p. 792.
5 USC 8337 note.
96 STAT. 1649

(i) Section 302(c) of such Act is amended in paragraph (1) by striking out ", and shall apply with respect to individuals retiring on or after such date" and in paragraph (3) by inserting after "who" the following: "is separated from employment as a technician on or after October 1, 1982. Such subsection (h) shall also apply to any technician".

Ante, p. 793.
5 USC 8334 note.

(j)(1) Section 303(d)(1) of such Act is amended by striking out "made" and inserting in lieu thereof "for which application is received by either the employing agency or the Office of Personnel Management" and by adding at the end thereof the following: "Notwithstanding the preceding two sentences, the amendments made by subsection (a) shall apply in the case of any deposit for military service under section 8334(j) of title 5, United States Code (as added by section 306(d) of this Act), regardless of whether such military service was performed before or after October 1, 1982.".

Ante, p. 796.

(2) Section 8344(a) of such title 5 is amended in the second sentence by inserting after "pay" the following: "unless the individual elects to have such deductions withheld under subparagraph (A)", in subparagraph (A), by inserting before "his annuity" the following: "deductions for the Fund may be withheld from his pay (if the employee so elects), and", and, in the eighth sentence, by inserting after "Fund" the following: "(to the extent deposits or deductions have not otherwise been made)".

Ante, p. 797.
5 USC 8332 note.

(k)(1) Section 307(a) of such Act is amended by inserting after "this Act" the following: "or who is entitled to an annuity based on a separation from service occurring on or before such date of enactment".

(2) Section 307(b) of such Act is amended by striking out "insurance benefits under section 202(a)" and inserting in lieu thereof "or survivors' insurance benefits under section 202" and by inserting after "such old-age" the following: "or survivors' ".

(3) Section 307(d)(1) of such Act is amended by striking out "insurance benefits under section 202(a)" and inserting in lieu thereof "or survivors' insurance benefits under section 202".

Ante, p. 799.
5 USC 5504 note.

(l) Section 310(b)(1) of such Act is amended by inserting "pay periods beginning in" before "fiscal years" and by striking out "under the General Schedule" and inserting in lieu thereof "as defined in section 5504(b) of title 5, United States Code".

Ante, p. 800.
5 USC 5728 note.

(m) Section 351 of such Act is amended—

(1) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d),

(2) in subsection (c), as so redesignated—

(A) by striking out "The" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the", and

(B) by adding at the end thereof the following new paragraph:

"(2) The amendments made by this section shall not apply to any employee who is serving a tour of duty at a post of duty in Alaska or Hawaii on the date of the enactment of this Act during—

"(A) such tour of duty, and

"(B) any other consecutive tour of duty following such tour of duty.", and

(3) by striking out "subsections (c) and (d)" in subsection (d), as so redesignated, and inserting in lieu thereof "subsection (c)".

Effective date.
5 USC 8332 note.

(n) The amendments made by this section shall take effect as of the date of the enactment of the Omnibus Budget Reconciliation Act of 1982.

Ante, p. 763.

5 USC 8906 note.

96 STAT. 1650

SEC. 4. (a) The Office of Personnel Management shall determine the amount by which the Government contribution under section 8906(b) of title 5, United States Code, for the 1983 contract year is less than the Government contribution which would have been determined under such section 8906(b) for such contract year if the Government contribution had been calculated by using the two employee organization plans which in 1981 satisfied the standard set forth in section 8906(a)(3) of such title.

(b) The Government shall pay the amount of the difference determined under subsection (a) to the contingency reserves of all health benefits plans for contract year 1983 in proportion to the estimated number of individuals enrolled in such plans during 1983. Such payments shall be paid by the appropriate agencies (including the Postal Service and the Postal Rate Commission) from the appropriations referred to in section 8906 (f) and (g) of title 5, United States Code, in the same manner as if such payments were Government contributions, and in amounts determined appropriate by the Office of Personnel Management.

95 Stat. 756.

SEC. 5. (a) Subparagraph (B) of section 3595(b)(3) of title 5, United States Code, is amended by inserting "(i)" after "entitled" and by inserting after "that position" the following: "or (ii) be detailed by the Office to any vacant Senior Executive Service position for which the Office deems the employee to be qualified in any agency for a period not to exceed 60 days, and be placed in such position by the Office after the period of such detail, unless the head of the agency determines that the career appointee is not qualified for such position.".

(b) Paragraph (3) of section 3595(c) of such title is amended to read as follows:

"(3) in the event the career appointee is not placed under subsection (b)(3) of this section—

"(A) whether the Office of Personnel Management took all reasonable steps to achieve such placement, and

"(B) the decision of an agency under subsection (b)(3)(B) of this section that the career appointee is not qualified to be placed in a position.".

Effective date.
5 USC 3595 note.

(c)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

Effective date.

96 STAT. 1651

Ante, p. 1650.

95 Stat. 756.

(2) The amendments made by this section shall apply to an individual who is a career appointee on or after September 30, 1982, except that any individual who is a career appointee on September 30, 1982, and who is described in section 3595(b)(3) of title 5, United States Code, may not be removed before December 15, 1982, due to a reduction in force, unless the removal is under section 3595(b)(4)(A) of such title on the grounds the individual declined a reasonable placement offer.

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 5145:

HOUSE REPORT No. 97-473 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 128 (1982):
May 11, considered and passed House.
Sept. 29, considered and passed Senate, amended.
Oct. 1, House concurred in Senate amendments.

---

96 STAT. 1935

Public Law 97-379
97th Congress

An Act

Dec. 22, 1982
[H.R. 6417]

To amend Public Law 96-432 relating to the United States Capitol Grounds.

U.S. Capitol Grounds. Additional areas.
40 USC 93a note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended to include within the definition of the United States Capitol Grounds the following additional areas which are situated as follows:**

(1) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the south side of Pennsylvania Avenue, Northwest, between the west curb of First Street, Northwest and the east curb of Third Street, Northwest.

(2) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the north side of Maryland Avenue, Southwest, between the west curb of First Street, Southwest and the east curb of Third Street, Southwest.

(3) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the west side of First Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.

(4) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the east side of Third Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.

Approved December 22, 1982.

LEGISLATIVE HISTORY—H.R. 6417:

HOUSE REPORT No. 97-623 (Comm. on Public Works and Transportation).
SENATE REPORT: No. 97-651 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 128 (1982):
July 12, considered and passed House.
Dec. 10, considered and passed Senate.

MARITIME ACTS

Public Law 97-176
97th Congress

97 STAT. 78

An Act

To give effect to the Protocol Amending the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Washington, March 29, 1979.

May 17, 1982
[S. 2244]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Northern Pacific Halibut Act of 1982".

Northern Pacific Halibut Act of 1982.
16 USC 773 note.
16 USC 773.
5 UST 5.

SEC. 2. As used in this Act the term:

(a) "Convention" means the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa, Canada on March 2, 1953, as amended by the Protocol Amending the Convention, signed at Washington March 29, 1979, and includes the regulations promulgated thereunder.

(b) "Commission" means the International Pacific Halibut Commission provided for by article III of the Convention.

(c) "Fishery conservation zone" means the fishery conservation zone of the United States established by section 101 of the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

(d) "Convention waters" means the maritime areas off the west coast of the United States and Canada described in article I of the Convention.

(e) "Halibut" means fish of the species Hippoglossus stenolepis inhabiting Convention waters.

(f) "Fishing vessel" means—

(1) any vessel engaged in catching fish in Convention waters or in processing or transporting fish loaded in Convention waters;

(2) any vessel outfitted to engage in any activity described in paragraph (1); or

(3) any vessel in normal support of any vessel described in paragraph (1) or (2).

(g) "Secretary" means the Secretary of Commerce.

U.S. Commissioners.
16 USC 773a.

Term of office.

SEC. 3. (a) The United States shall be represented on the Commission by three United States Commissioners to be appointed by the President and to serve at his pleasure. The Commissioners shall receive no compensation for their services as Commissioners. Each United States Commissioner shall be appointed for a term of office not to exceed 2 years, but is eligible for reappointment. Any United States Commissioner may be appointed for a term of less than 2 years if such appointment is necessary to ensure that the terms of office of not more than two Commissioners will expire in any 1 year. A vacancy among the United States Commissioners shall be filled by the President in the manner in which the original appointment was made, but any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which the Commissioner's predecessor was appointed shall be appointed only for the remainder of such term. Of the Commissioners—

97 STAT. 79

(1) one shall be an official of the National Oceanic and Atmospheric Administration; and

(2) two shall be knowledgeable or experienced concerning the Northern Pacific halibut fishery; of these, one shall be a resident of Alaska and the other shall be a nonresident of Alaska. Of the three commissioners described in paragraphs (1) and (2), one shall be a voting member of the North Pacific Fishery Management Council.

(3) Commissioners shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in section 8101 of title 5, United States Code, et seq. and section 2671 of title 28, United States Code, et seq. Section 3(a) shall take effect on the 90th day after the date of enactment of the Act.

Effective date.

Alternates.

(b) The Secretary of State, in consultation with the Secretary, may designate from time to time alternate United States Commissioners to the Commission. An Alternate United States Commissioner may exercise, at any meeting of the Commission, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present.

16 USC 773b.

SEC. 4. The Secretary of State, with the concurrence of the Secretary, may accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with article III of the Convention and paragraphs 14 and 15 of the annex to the Convention.

16 USC 773c.

SEC. 5. (a) The Secretary shall have general responsibility to carry out the Convention and this Act.

Duties.

(b) In fulfilling this responsibility, the Secretary—

(1) shall, in consultation with the Secretary of the department in which the Coast Guard is operating, adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act; and

(2) may, with the concurrence of the Secretary of State, cooperate with the duly authorized officials of the Government of Canada.

Regulations.

(c) The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with regulations adopted by the Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry criteria set forth in section 303 (b)(6) of the Magnuson Fishery Conservation and Management Act. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges: *Provided,* That the Regional Council may provide for the rural coastal villages of Alaska the opportunity to establish a commercial halibut fishery in **areas in the Bering Sea to the north of 56 degrees north latitude during a 3 year development period.**

16 USC 1853.

97 STAT. 80

Scientific and other programs, cooperation.
16 USC 773d.

SEC. 6. Any agency of the Federal Government is authorized upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish on a reimbursable basis, facilities and personnel for the purposes of assisting the Commission in carrying out its duties under the Convention. Such agency may accept reimbursement from the Commission.

U.S. citizens, violations. 16 USC 773e.

SEC. 7. It is unlawful—

(a) for any person subject to the jurisdiction of the United States—

(1) to violate any provision of the Convention, this Act or any regulation adopted under this Act;

(2) to refuse to permit any enforcement officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this Act or any regulation adopted under this Act;

(3) to forcibly assault, resist, oppose, impede, intimidate or interfere with any enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest or detention for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export or have custody, control or possession of, any fish taken or retained in violation of the Convention, this Act, or any regulation adopted under this Act; or

(6) to interfere with, delay or prevent, by any means, the apprehension, arrest or detention of another person, knowing that such person has committed any act prohibited by this section.

(b) for any foreign fishing vessel, and for the owner or operator of any foreign fishing vessel, to engage in fishing for halibut in the fishery conservation zone, unless such fishing is authorized by, and conducted in accordance with the Convention, this Act and regulations adopted under this Act.

Penalty. 16 USC 773f.

SEC. 8. (a) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 7 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, and history of prior offenses, ability to pay, and such other matters as justice may require.

Review; notice of appeal.

(b) Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the appropriate court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary and the Attorney General. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, in accordance with rules prescribed pursuant to section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

97 STAT. 81

(c) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(d) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

16 USC 773g.

SEC. 9. (a) A person is guilty of any offense if he commits an act prohibited by section 7(a) (2), (3), (4), or (6); or section 7(b).

(b) Any offense described in subsection (a) is punishable by a fine of not more than $50,000 or imprisonment for not more than 6 months, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury the offense is punishable by a fine of not more than $100,000, or imprisonment for not more than 10 years or both.

(c) There is Federal jurisdiction over any offense described in this section.

Fishing vessel and contents, forfeiture to U.S. 16 USC 773h.

SEC. 10. (a) Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 7 shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) Any district court of the United States shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this Act or for which security has not previously been obtained under subsection (d). The provisions of the customs laws relating to—

(1) the disposition of forfeited property;

(2) the proceeds from the sale of forfeited property;

(3) the remission or mitigation of forfeitures; and

(4) the compromise of claims;

shall apply to any forfeiture ordered, and to any case in which forfeiture is alleged to be authorized, under this section, unless such provisions are inconsistent with the purposes, policy, and provisions of this Act. The duties and powers imposed upon the Commissioner of Customs or other persons under such provisions shall, with respect to this Act, be performed by officers or other persons designated for such purpose by the Secretary.

(d)(1) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 11(d) shall—

97 STAT. 82

(A) stay the execution of such process; or

(B) discharge any fish seized pursuant to such process;

upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any fish seized pursuant to this Act may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations of the Secretary or the Secretary of the department in which the Coast Guard is operating.

(e) For purposes of this section, it shall be a rebuttable presumption that all fish found on board a fishing vessel which is seized in connection with an act prohibited by section 7 were taken or retained in violation of the Convention and this Act.

16 USC 773i.

SEC. 11. (a) The Convention, this Act, and any regulation adopted under this Act, shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, and of any State agency, in the performance of such duties.

(b) Any officer who is authorized by the Secretary, the Secretary of the department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an agreement with such Secretaries under subsection (a) to enforce the Convention, this Act or any regulation adopted under this Act may—

(1) with or without a warrant or other process—

(A) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 7;

(B) board, and search or inspect, any fishing vessel which is subject to this Act;

(C) at reasonable times enter, and search or inspect, shoreside facilities in which fish taken subject to this Act are processed, packed or held;

(D) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, an act prohibited by section 7;

(E) seize any fish (wherever found) taken or retained in the course of an act prohibited by section 7, or the proceeds of the sale of such fish; and

(F) seize any other evidence related to an act prohibited by section 7;

(2) execute any warrant or other process issued by any court of competent jurisdiction; and

(3) exercise any other lawful authority.

Citations.

(c) If any officer authorized to enforce this Act (as provided for in this section) finds that a fishing vessel is operating or has been operated in the commission of an act prohibited by section 7, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (b). If a permit has been issued pursuant to this Act for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

97 STAT. 83

Jurisdiction.

(d) The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this Act. Any such court may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interest of justice.

(e) When requested by the appropriate authorities of Canada, officers or employees of the Coast Guard, the National Oceanic and Atmospheric Administration or any other agency of the United States may be directed to attend as a witness, and to produce such available records and files or duly certified copies thereof as may be necessary for the prosecution in Canada of any violation of the Convention or any Canadian law relating to the enforcement thereof.

Investigations.

(f)(1) In cooperation with such other agencies as may be appropriate, the Secretary may conduct or cause to be conducted such law enforcement investigations as are deemed necessary to carry out the purposes of this Act.

(2) For the purpose of all investigations which, in the opinion of the Secretary, are necessary and proper for the enforcement of this Act, the Secretary or any officer designated by him is empowered to administer oaths and affirmations, subpena witnesses, take evidence, and require the production of any books, papers, or other

documents which the Secretary deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place or hearing.

(3) Process of the Secretary may be served by anyone duly authorized by him either—

(A) by delivering a copy thereof to the individual to be served, or to a member of the partnership to be served, or the president, secretary, or other executive officer or a director of the corporation to be served; or the agent designated for service of process;

(B) by leaving a copy thereof at the residence or the principal office or place of business of such individual, partnership, or corporation; or

(C) by mailing a copy thereof by registered or certified mail addressed to such individual, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the individual so serving such complaint, order, or other process setting forth the manner of service shall be proof of same, and the returned post office receipt for such complaint, order, or other process mailed by registered or certified mail shall be proof of the service of the same.

Appropriation authorization. 16 USC 773j.

Sec. 12. There is hereby authorized to be appropriated for fiscal year 1983 and beyond, such sums as may be necessary for carrying out the Convention and this Act, including—

(a) necessary travel expenses of the United States Commissioners or alternate Commissioners; and

(b) the United States share of the joint expenses of the Commission: *Provided*, That the Commissioners shall not, with respect to commitments concerning the United States share of the joint expenses of the Commission, be subject to section 262(b) of title 22, United States Code, insofar as it limits the authority of United States representatives to international organizations with respect to such commitments.

22 USC 262b.

Appropriation authorization. 16 USC 773k.

Sec. 13. There are hereby authorized to be appropriated such sums as may be necessary for the Secretary of State to provide for fiscal year 1983 and beyond, by contract, grant, or otherwise, facilities for office and any other necessary space for the Commission. Such facilities shall be located on or near the campus of the University of Washington in the State of Washington and shall be provided without regard to the cost-sharing provisions in the Convention.

Repeal. 16 USC 772–772j.

Sec. 14. The Northern Pacific Halibut Act of 1937, as amended (50 Stat. 325, 67 Stat. 494, 79 Stat. 902), is repealed as of the 90th day after the date of enactment of this Act.

Approved May 17, 1982.

LEGISLATIVE HISTORY—S. 2444:

SENATE REPORT No. 97-323 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Apr. 22, considered and passed Senate.
May 4, considered and passed House.

Public Law 97-212
97th Congress

96 STAT. 143

An Act

To improve the operation of the Fishermen's Contingency Fund established to compensate commercial fishermen for damages resulting from oil and gas exploration, development, and production in areas of the Outer Continental Shelf.

June 30, 1982
[H.R. 3816]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fishermen's Contingency Fund, improvement.

SECTION 1. DEFINITIONS.

Section 401 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1841) is amended as follows:

(1) renumber paragraphs (1) through (7) as paragraphs (2) through (8); and

(2) insert immediately before paragraph (2), as renumbered, the following:

"(1) 'area affected by Outer Continental Shelf activities' means any geographic area:

"(A) which is under oil or gas lease on the Outer Continental Shelf;

"(B) where Outer Continental Shelf exploration, development or production activities have been permitted, except geophysical activities;

"(C) where pipeline rights-of-way have been granted; or

"(D) otherwise impacted by such activities including but not limited to expired lease areas, relinquished rights-of-way and easements, Outer Continental Shelf supply vessel routes, or other areas as determined by the Secretary;".

SECTION 2. ESTABLISHMENT AND OPERATION OF FUND.

Section 402 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1842) is amended to read as follows:

"ESTABLISHMENT OF FISHERMEN'S CONTINGENCY FUND; FEE COLLECTION

"SEC. 402. (a)(1) There is established in the Treasury of the United States a Fishermen's Contingency Fund. The Fund shall be available to the Secretary without fiscal year limitations as a revolving fund for the purpose of making payments pursuant to this section. The Fund shall consist of—

"(A) revenues received from investments made under paragraph (3);

"(B) amounts collected under subsection (b); and

"(C) amounts recovered by the Secretary under section 405(h)(2).

Post, p. 145.

The total amount in the Fund that is collected under subsection (b) may at no time exceed $2,000,000; and the total amount in the Fund which is attributable to revenue received under paragraph (3) or recovered by the Secretary under section 405(h)(2) shall be expended prior to amounts collected under subsection (b). Not more than 8 percent of the total amount in the Fund may be expended in any fiscal year for paying the administrative and personnel expenses referred to in paragraph (2)(A).

96 STAT. 144

"(2) The Fund shall be available, as provided for in appropriation Acts solely for the payment of—

"(A) the personnel and administrative expenses incurred in carrying out this title;

"(B) any claim, in accordance with procedures established under this section, for damages that are compensable under this title; and

"(C) attorney and other fees awarded under section 405(e) with respect to any such claim.

Post, p. 146.

"(3) Sums in the Fund that are not currently needed for the purposes of the Fund shall be kept on deposit in appropriate interest-bearing accounts that shall be established by the Secretary of the Treasury or invested in obligations of, or guaranteed by, the United States. Any revenue accruing from such deposits and investments shall be deposited into the Fund.

"(4) The Fund may sue and be sued in its own name. All litigation by or against the Fund shall be referred to the Attorney General.

"(b)(1) Except as provided in paragraph (2), each holder of a lease that is issued or maintained under the Outer Continental Shelf Lands Act and each holder of an exploration permit, or an easement or right-of-way for the construction of a pipeline in any area of the Outer Continental Shelf, shall pay an amount specified by the Secretary. The Secretary of the Interior shall collect such amount and deposit it into the Fund. In any calendar year, no holder of a lease, permit, easement, or right-of-way shall be required to pay an amount in excess of $5,000 per lease, permit, easement, or right-of-way.

"(2) Payments may not be required under paragraph (1) by the Secretary of the Interior with respect to geological permits and geophysical permits, other than prelease exploratory drilling permits issued under section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340).".

SEC. 3. ADMINISTRATION OF CLAIMS.

Section 403(c) of such amendments of 1978 (43 U.S.C. 1843(c)) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"Resulting economic loss."

"(c)(1) Payments shall be disbursed by the Secretary from the Fund to compensate commercial fishermen for actual and consequential damages, including resulting economic loss, due to damages to, or loss of, fishing gear by materials, equipment, tools, containers, or other items associated with Outer Continental Shelf oil and gas exploration, development, or production activities. The compensation payable under this section for resulting economic loss shall be an amount equal to 25 per centum of such loss. For purposes of this subsection, the term 'resulting economic loss' means the gross income, as estimated by the Secretary, that a commercial fisherman who is eligible for compensation under this section will lose by reason of not being able to engage in fishing, or having to reduce his fishing effort, during the period before the damaged or lost fishing gear concerned is repaired or replaced and available for use.".

(2) Paragraph (2) is amended—

96 STAT. 145

(A) by striking out "any area account established under this title—" and inserting in lieu thereof "the Fund—",

(B) by striking out subparagraphs (A) and (E),

(C) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively,

(D) by inserting "and" after the semicolon in subparagraph (C) (as so redesignated),

(E) by redesignating subparagraph (F) as subparagraph (D), and

(F) by striking out "or will receive" in subparagraph (D) (as so redesignated) and inserting in lieu thereof "received, or will receive,".

SEC. 4. BURDEN OF PROOF.

Section 404 of such amendments of 1978 (43 U.S.C. 1844) is amended—

(1) by amending the matter appearing before paragraph (1) to read as follows: "With respect to any claim for damages filed under this title, there shall be a presumption that such damages were due to activities related to oil and gas exploration, development, or production if the claimant establishes that—";

(2) by striking out "five days after the date on which such damages were discovered;" in paragraph (2) and inserting in lieu thereof "fifteen days after the date on which the vessel first returns to a port after discovering such damages;"; and

(3) by amending paragraph (3) to read as follows: "there was no record on the latest nautical charts or Notice to Mariners in effect at least 15 days prior to the date such damages were sustained that such material, equipment, tool, container, or other item existed where such damages occurred, except that in the case of damages caused by a pipeline, the presumption established by this section shall obtain whether or not there was any such record of the pipeline on the damage date; and".

SEC. 5. CLAIMS PROCEDURE.

Section 405 of such amendments of 1978 (43 U.S.C. 1845) is amended as follows:

(1) Subsection (b) is amended to read as follows:

"(b) Upon receipt of any claim under this section, the Secretary shall transmit a copy of the claim to the Secretary of the Interior and shall take such further action regarding the claim that is required under subsection (d).".

(2) Subsection (c) is amended by striking out "hearing" and inserting in lieu thereof "proceeding".

(3) Subsection (d) is amended to read as follows:

"(d)(1) The Secretary shall, under regulations prescribed pursuant to section 403(a), specify the form and manner in which claims must be filed.

43 USC 1843.

Nonacceptance, written notice.

"(2) The Secretary may not accept any claim that does not meet the filing requirements specified under paragraph (1), and shall give a claimant whose claim is not accepted written notice of the reasons for nonacceptance. Such written notice must be given to the claimant within 30 days after the date on which the claim was filed and if the claimant does not refile an acceptable claim within 30 days after the date of such written notice, the claimant is not eligible for compensation under this title for the damages concerned; except that the Secretary—

"(A) shall in any case involving a good faith effort by the claimant to meet such filing requirements, or

"(B) may in any case involving extenuating circumstances, accept a claim that does not meet the 30-day refiling requirement.

Determination review.

"(3)(A) The Secretary shall make an initial determination with respect to the claim within 60 days after the day on which the claim is accepted for filing. Within 30 days after the day on which the Secretary issues an initial determination on a claim, the claimant, or any other interested person who submitted evidence relating to the initial determination, may petition the Secretary for a review of that determination.

"(B) If a petition for the review of an initial determination is not filed with the Secretary within the 30-day period provided under subparagraph (A), the initial determination shall thereafter be treated as a final determination by the Secretary on the claim involved.

"(C) If a petition for review of an initial determination is timely filed under subparagraph (A), the Secretary shall allow the petitioner 30 days after the day on which the petition is received to submit written or oral evidence relating to the initial determination. The Secretary shall then undertake such review and, on the basis of such review, issue a final determination no later than the 60th day after the day on which the Secretary received the petition for review of an initial determination.".

(4) Subsection (e) is amended to read as follows:

"(e) If the decision of the Secretary under subsection (d) is in favor of the commercial fisherman filing the claim, the Secretary, as a part of the amount awarded, shall include reasonable claim preparation fees and reasonable attorney's fees, if any, incurred by the claimant in pursuing the claim.".

(5) Subsection (f) is amended by striking out "hearing examiner" each place it appears therein and inserting in lieu thereof "the Secretary", and by striking out "hearing" each place it appears therein and inserting in lieu thereof "proceeding".

(6) Subsection (g) is amended to read as follows:

"(g) Any proceeding conducted with respect to an initial determination on a claim under subsection (d)(3)(A) shall be conducted within such United States judicial district as may be mutually agreeable to the claimant and the Secretary or, if no agreement can be reached, within the United States judicial district in which the home port of the claimant is located.".

(7) Subsection (h) is amended—

(A) by amending paragraph (1) to read as follows:

"(h)(1) The amount awarded in an initial determination by the Secretary under subsection (d) shall be immediately disbursed, subject to the limitations of this section, by the Secretary if the claimant—

"(A) states in writing that he will not petition for review of the initial determination; and

"(B) enters into an agreement with the Secretary to repay to the Secretary all or any part of the amount of the award if, after review under subsection (d)(3)(C) or, if applicable, after judicial review, the amount of the award, or any part thereof, is not sustained."; and

(B) paragraph (2) is amended by adding at the end thereof the following new sentence: "Any moneys recovered by the Secretary through subrogation shall be deposited into the Fund.".

96 STAT. 147

(8) Subsection (i) is amended to read as follows:

Judicial review.

"(i) Any claimant or other person who suffers a legal wrong or who is adversely affected or aggrieved by a final determination of the Secretary under subsection (d), may, no later than 30 days after such determination is made, seek judicial review of the determination in the United States district court for such United States judicial district as may be mutually agreeable to the parties concerned or, if no agreement can be reached, in the United States district court for the United States judicial district in which is located the home port of the claimant.".

SEC. 6. SURVEY OF OBSTRUCTIONS.

Repeal.

(a) Section 407 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1847) is repealed.

(b) The table of contents of the Outer Continental Shelf Lands Act Amendments of 1978 is amended by striking:

"1847. Survey of obstructions on the Outer Continental Shelf.".

SEC. 7. REGULATIONS IMPLEMENTING THIS ACT.

Publication in Federal Register.

Section 403(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1843(a)(1)) is amended by striking out "claims; and" and inserting in lieu thereof "claims (except that, notwithstanding any other provision of law, final regulations implementing the 1981 amendments to this title shall be published in the Federal Register within 120 days after the date of the enactment of such amendments); and".

SEC. 8. TECHNICAL AMENDMENT.

Section 401(3)(B) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1841(3)(B)) is amended by striking out "at sea".

43 USC 1841 note.

SEC. 9. EFFECTIVE DATE.

(a) Except as provided for in subsection (b), the amendments made by this Act shall apply with respect to claims for damages that are filed, on or after the date of the enactment of this Act, with the Secretary of Commerce under section 405(a) of the Outer Continental Shelf Lands Act Amendments of 1978.

43 USC 1845.

(b)(1) Any commercial fisherman who filed a claim with the Secretary of Commerce for compensation under title IV of such amendments of 1978 before the date of the enactment of this Act may, if no decision on such claim was rendered under section 405(d)

43 USC 1841.

Ante, p. 145.

of such title IV before such date of enactment, refile such claim with the Secretary if the claimant notifies the Secretary in writing within thirty days after notification under paragraph (2) of his eligibility to refile the claim that he intends to so refile. If timely notification of intent to refile is made under the preceding sentence, any action pending with respect to the original claim shall be suspended pending the refiling of the claim under paragraph (2) and, if such refiling is timely made, such action shall be vacated.

(2) The Secretary shall notify each claimant eligible to refile a claim under paragraph (1) of such eligibility within 10 days after the date of enactment of this Act.

(3) A claim for which notification on intent to refile was timely made under paragraph (1) must be refiled with the Secretary within the thirty-day period after the date on which the regulations promulgated to implement the amendments made by this Act become final or action shall be resumed with respect to such claim without regard to the amendments made by this Act.

96 STAT. 148

(4) The amendments made by this Act shall apply with respect to any claim that is refiled on a timely basis under paragraph (3).

SEC. 10. GOVERNING INTERNATIONAL FISHERY AGREEMENTS.

(a) Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended—

(1) by inserting "(a)" immediately before "Notwithstanding"; and

(2) by adding at the end thereof the following new subsection:

16 USC 1823.

"(b) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1983 pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 11, 1982, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement between the American Institute in Taiwan and the Coordination Council for North American Affairs, as contained in the message to the House of Representatives and the Senate from the Secretary of State dated June 15, 1982, is hereby approved by the Congress as a governing international fishery agreement for the purposes of the Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1983 pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated June 21, 1982, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the United States on July 1, 1982.".

16 USC 1823 note.

16 USC 1823 note.

(b) Notwithstanding any provision of the Act entitled "An Act for the conservation and management of the fisheries, and for other purposes", dated April 13, 1976 (16 U.S.C. 1801 et seq.), the governing international fishery agreements referred to in section 2(a) (9) and (10) of the Fishery Conservation Zone Transition Act shall be extended, and shall be in force and effect with respect to the United States, for the period of time ending on—

96 STAT. 149

16 USC 1823.

(1) the deadline for completion of Congressional review, pursuant to section 203(a) of such 1976 Act, of any new governing international fishery agreement signed, on or before July 31, 1982, by the United States and the respective foreign government that is a party to the agreement in question; or

(2) July 31, 1982, if the United States and the respective foreign government that is a party to the agreement in question fail to sign a new governing international fishery agreement on or before that date.

Approved June 30, 1982.

LEGISLATIVE HISTORY H.R. 3816:

HOUSE REPORT No. 97-354 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Dec. 15, considered and passed House.
Vol. 128 (1982): June 23, considered and passed Senate, amended.
June 24, House concurred in Senate amendments with an amendment.
June 29, Senate concurred in House amendments.

---

96 STAT. 1653

Public Law 97-348
97th Congress

An Act

Oct. 18, 1982
[S. 1018]

To protect and conserve fish and wildlife resources, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Coastal Barrier Resources Act.
16 USC 3501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Barrier Resources Act".

16 USC 3501.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) coastal barriers along the Atlantic and Gulf coasts of the United States and the adjacent wetlands, marshes, estuaries, inlets and nearshore waters provide—

(A) habitats for migratory birds and other wildlife; and

(B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;

(2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

(3) coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures;

(4) certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year; and

(5) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of coastal barriers.

(b) PURPOSE.—The Congress declares that it is the purpose of this Act to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing a Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

16 USC 3502.

SEC. 3. DEFINITIONS.

96 STAT. 1654

For purposes of this Act—

(1) The term "undeveloped coastal barrier" means—

(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

(i) consists of unconsolidated sedimentary materials,

(ii) is subject to wave, tidal, and wind energies, and

(iii) protects landward aquatic habitats from direct wave attack; and

(B) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters;

but only if such feature and associated habitats (i) contain few manmade structures and these structures, and man's activities on such feature and within such habitats, do not significantly impede geomorphic and ecological processes, and (ii) are not included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in section 170(h)(3) of the Internal Revenue Code of 1954, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.

26 USC 170.

(2) The term "Committees" refers to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) The term "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(A) general revenue-sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221);

(B) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(C) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(D) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(E) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

Effective October 1, 1983, such term includes flood insurance described in section 1321 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4028).

Effective date.

95 Stat. 419.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "System unit" means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the Coastal Barrier Resources System established by section 4.

SEC. 4. THE COASTAL BARRIER RESOURCES SYSTEM.

16 USC 3503.

(a) ESTABLISHMENT.—(1) There is established the Coastal Barrier Resources System which shall consist of those undeveloped coastal barriers located on the Atlantic and Gulf coasts of the United States that are identified and generally depicted on the maps that are entitled "Coastal Barrier Resources System", numbered A01 through T12, and dated September 30, 1982.

96 STAT. 1655

(2) Any person or persons or other entity owning or controlling land on an undeveloped coastal barrier, associated landform or any portion thereof not within the Coastal Barrier Resources System established under paragraph (1) may, within one year after the date of enactment of this Act, elect to have such land included within the Coastal Barrier Resources System. This election shall be made in compliance with regulations established for this purpose by the Secretary not later than one hundred and eighty days after the date of enactment of this Act; and, once made and filed in accordance with the laws regulating the sale or other transfer of land or other real property of the State in which such land is located, shall have

the same force and effect as if such land had originally been included within the Coastal Barrier Resources System.

Maps, filing.

(b)(1) As soon as practicable after the enactment of this Act, the maps referred to in paragraph (1) of subsection (a) shall be filed with the Committees by the Secretary, and each such map shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map may be made. Each such map shall be on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, Department of the Interior, and in other appropriate offices of the Service.

Public inspection.

Copies, distribution.

(2) As soon as practicable after the date of the enactment of this Act, the Secretary shall provide copies of the maps referred to in paragraph (1) of subsection (a) to the chief executive officer of (A) each State and county or equivalent jurisdiction in which a system unit is located, (B) each State coastal zone management agency in those States which have a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) and in which a system unit is located, and (C) each appropriate Federal agency.

(c) Boundary Modifications.—(1) Within 180 days after the date of enactment of this Act, the Secretary may make such minor and technical modifications to the boundaries of system units as depicted on the maps referred to in paragraph (1) of subsection (a) as are consistent with the purposes of this Act and necessary to clarify the boundaries of said system units; except that, for system units within States which have, on the date of enactment, a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455)—

(A) each appropriate State coastal zone management agency may, within 90 days after the date of enactment of this Act, submit to the Secretary proposals for such minor and technical modifications; and

(B) the Secretary may, within 180 days after the date of enactment of this Act, make such minor and technical modifications to the boundaries of such system units.

Notice submittal.

(2) The Secretary shall, not less than 30 days prior to the effective date of any such boundary modification made under the authority of paragraph (1), submit written notice of such modification to (A) each of the Committees and (B) each of the appropriate officers referred to in paragraph (2) of subsection (b).

Review.

96 STAT. 1656

(3) The Secretary shall conduct, at least once every five years, a review of the maps referred to in paragraph (1) of subsection (a) and make, in consultation with the appropriate officers referred to in paragraph (2) of subsection (b), such minor and technical modifications to the boundaries of system units as are necessary solely to reflect changes that have occurred in the size or location of any system units as a result of natural forces.

(4) If, in the case of any minor and technical modification to the boundaries of system units made under the authority of this subsection, an appropriate chief executive officer of a State, county or equivalent jurisdiction, or State coastal zone management agency to which notice was given in accordance with this subsection files comments disagreeing with all or part of the modification and the Secretary makes a modification which is in conflict with such comments, or if the Secretary fails to adopt a modification pursuant to a proposal submitted by an appropriate State coastal zone management agency under paragraph (1)(A), the Secretary shall submit to the chief executive officer a written justification for his failure to make modifications consistent with such comments or proposals.

16 USC 3504.

SEC. 5. LIMITATIONS ON FEDERAL EXPENDITURES AFFECTING THE SYSTEM.

(a) Except as provided in section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System, including, but not limited to—

(1) the construction or purchase of any structure, appurtenance, facility, or related infrastructure;

(2) the construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway to, any System unit; and

(3) the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area, except that such assistance and expenditures may be made available on units designated pursuant to section 4 on maps numbered S01 through S08 for purposes other than encouraging development and, in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this Act, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date of the enactment of this Act; or

(2) no legally binding commitment for the expenditure or financial assistance was made before such date of enactment.

SEC. 6. EXCEPTIONS. 16 USC 3505.

(a) Notwithstanding section 5, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures or financial assistance available within the Coastal Barrier Resources System for—

(1) any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to coastal water areas because the use or facility requires access to the coastal water body; 96 STAT. 1657

(2) the maintenance of existing channel improvements and related structures, such as jetties, and including the disposal of dredge materials related to such improvements;

(3) the maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly-owned or publicly-operated roads, structures, or facilities that are essential links in a larger network or system;

(4) military activities essential to national security;

(5) the construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto; and

(6) any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act:

(A) Projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) The establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.). 16 USC 460l-4.

(D) Scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife and other research, development, and applications.

(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146) and section 1362 of the National

Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

(F) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

(b) For purposes of subsection (a)(2), a channel improvement or a related structure shall be treated as an existing improvement or an existing related structure only if all, or a portion, of the moneys for such improvement or structure was appropriated before the date of the enactment of this Act.

16 USC 3506.

SEC. 7. CERTIFICATION OF COMPLIANCE.

The Director of the Office of Management and Budget shall, on behalf of each Federal agency concerned, make written certification that each such agency has complied with the provisions of this Act during each fiscal year beginning after September 30, 1982. Such certification shall be submitted on an annual basis to the House of Representatives and the Senate pursuant to the schedule required under the Congressional Budget and Impoundment Control Act of 1974.

Submittal to Congress.

31 USC 1301 note.

16 USC 3507.

SEC. 8. PRIORITY OF LAWS.

96 STAT. 1658

Nothing contained in this Act shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person of any obligation imposed by any law of any State, or political subdivision of a State. No provision of this Act shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This Act shall in no way be interpreted to interfere with a State's right to protect, rehabilitate, preserve, and restore lands within its established boundary.

16 USC 3508.

SEC. 9. SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

16 USC 3509.

SEC. 10. REPORTS TO CONGRESS.

(a) In General.—Before the close of the 3-year period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the Committees a report regarding the System.

(b) Consultation in Preparing Report.—The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

(c) Report Content.—The report required under subsection (a) shall contain—

(1) recommendations for the conservation of the fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

(4) an analysis of the effect, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

SEC. 11. AMENDMENTS REGARDING FLOOD INSURANCE.

(a) Section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended to read as follows:

95 Stat. 419.

"UNDEVELOPED COASTAL BARRIERS

96 STAT. 1659

"SEC. 1321. No new flood insurance coverage may be provided under this title on or after October 1, 1983, for any new construction or substantial improvements of structures located on any coastal barrier within the Coastal Barrier Resources System established by section 4 of the Coastal Barrier Resources Act. A federally insured financial institution may make loans secured by structures which are not eligible for flood insurance by reason of this section.".

Ante, p. 1654.

(b) Section 341(d)(2) of the Omnibus Budget and Reconciliation Act of 1981 (Public Law 97-35) is repealed.

95 Stat. 418.
42 USC 4028 note.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

16 USC 3510.

There is authorized to be appropriated to the Department of the Interior $1,000,000 for the period beginning October 1, 1982, and ending September 30, 1985, for purposes of carrying out sections 4 and 10.

Approved October 18, 1982.

LEGISLATIVE HISTORY—S. 1018 (H.R. 3252):

HOUSE REPORTS: No. 97-841 pt. I accompanying H.R. 3252 (Comm. on Merchant Marine and Fisheries). No. 97-928 (Comm. of Conference).
SENATE REPORT No. 97-419 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 23, considered and passed Senate.
Sept. 28, H.R. 3252 considered and passed House; S. 1018, amended, passed in lieu.
Oct. 1, Senate and House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 42:
Oct. 18, Presidential statement.

Public Law 97-389
97th Congress

96 STAT. 1949

An Act

To amend the Commercial Fisheries Research and Development Act of 1964.

Dec. 29, 1982
[H.R. 3942]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fisheries Amendments of 1982".

Fisheries Amendments of 1982.
16 USC 779 note.

TITLE I—COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT

SEC. 101. (a) Section 4(a) of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b(a)) is amended—

(1) by striking the period at the end of paragraph (2) and inserting in lieu thereof ", and"; and

(2) by adding at the end thereof the following new paragraph:

"(3) $5,000,000 for each of the fiscal years ending September 30, 1984, and September 30, 1985.".

(b) Section 4(b) of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b(b)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by inserting ", and" at the end of paragraph (3); and

(3) by adding at the end thereof the following new paragraph:

"(4) $2,500,000 for each of the fiscal years ending September 30, 1984, and September 30, 1985.".

(c) Section 4(c) of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b(c)) is repealed.

TITLE II—MARINE MAMMAL PROTECTION

SEC. 201. Section 14 of the North Pacific Fisheries Act of 1954 (16 U.S.C. 1034) is amended to read as follows:

"SEC. 14. (a)(1) The Secretary of Commerce is directed to take such actions as are necessary and appropriate to determine the effect of the Japanese salmon drift gillnet fishery on marine mammal populations, and to reduce or eliminate the incidental taking of marine mammals, particularly Dall's porpoise, by this fishery. Such actions shall include, but not be limited to—

"(A) the placement of duly authorized observers of the United States onboard Japanese salmon fishing and research vessels while within the Fishery Conservation Zone, for the purpose of making scientific observations and studies relating to the biology of the Dall's porpoise and the incidental taking of marine mammals, seabirds, and king salmon of North American origin;

"(B) the collection of a representative sample of biological material and data on all marine mammals incidentally taken in the fishery; and

"(C) the adoption of requirements, by permit conditions or agreement, governing the incidental taking of marine mammals by Japanese salmon fishing vessels within the Fishery Conservation Zone, which will insure that new fishing gear or techniques, or both, are implemented in the North Pacific salmon fishery which will reduce porpoise mortality to the greatest extent practicable.

96 STAT. 1950

"(2) The introduction of new fishing gear or techniques, or both, in the fishery under paragraph (1) of this subsection shall be accomplished no later than is specified in the following timetable:

"(A) 25 per centum of the fleet by the commencement of the 1984 season;

"(B) 50 per centum of the fleet by the commencement of the 1985 season;

"(C) 75 per centum of the fleet by the commencement of the 1986 season; and

"(D) 100 per centum of the fleet in order to be eligible for a new permit for the period after June 9, 1987.

The Secretary shall have the authority to decide, based upon available fishery research, which types of fishing gear or techniques offer the most practical and effective opportunity for reducing porpoise mortality, and to specify which of these fishing gear or techniques, or both, must be implemented during the time periods specified in subparagraphs (A) through (D) of this paragraph. In addition, the National Marine Fisheries Service may require the implementation of new gear types or fishing techniques, or both, on a faster schedule if the Service determines that faster implementation is technically and economically feasible.

General Permit, extension.

"(b) The General Permit issued under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) to the Federation of Japan Salmon Fisheries Cooperative Association on May 7, 1981 (hereinafter referred to as the 'General Permit'), is extended through June 9, 1987, unless earlier terminated by the Secretary pursuant to applicable law: *Provided*, That—

"(1) all other provisions of the General Permit and applicable law shall remain in effect during that period;

"(2) the Secretary shall by January 1 of each year during that period prepare and make available a report covering the results of the annual review required by condition B-2 of the General Permit and a proposed action plan for the forthcoming fishing season setting forth monitoring, research and development, and any other necessary actions to assure compliance with the General Permit, resolve questions about the status and trends of marine mammals affected by the Japanese high seas and land-based salmon gillnet fisheries, and reduce the annual incidental take of marine mammals in the Fishery Conservation Zone, and shall publish a notice of availability of the report in the Federal Register. The Secretary shall, by April 30 of each year during this period, prepare and make available a report covering a final action plan and shall publish a notice of availability of the report in the Federal Register.

Report, availability.
Publication in Federal Register.

"(3) the Memorandum of Understanding between the Government of the United States of America and the Government of Japan dated June 3, 1981, relating to such incidental taking shall be modified or renegotiated by June 9, 1984, so as to apply to this extended period and to ensure the conduct of necessary monitoring and research and development efforts to implement the action plans described in paragraph (2) of this subsection.

"(c) The taking of marine mammals incidental to fishing operations by Japanese salmon fishing vessels within the Fishery Conservation Zone shall be regulated in accordance with the General Permit, except that the Secretary shall take appropriate steps, including the suspension or modification of the General Permit, if the Secretary determines that the General Permit holder or certificate holders are not adhering to the conditions of the General Permit or to the conditions specified in paragraphs (a)(1)(C) and (a)(2) of this section and publishes such determination and its basis in the Federal Register.

Publication in Federal Register.

96 STAT. 1951

"(d) The terms and conditions under which the General Permit is issued may be modified by the Secretary in such manner as the Secretary determines to be consistent with and necessary to carry out the purposes of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and this Act.

"(e) The Secretary shall ensure that any Memorandum of Understanding between the Government of Japan and the Government of the United States of America shall require no less of a commitment to marine mammal research and seabird research than that required by this section and the Memorandum of Understanding in effect on the date of enactment of the Fisheries Amendments Act of 1982.

Ante, p. 1949.

"(f)(1) In order to assure full implementation of the provisions of this section, the Secretary shall include as a condition of such General Permit and any Memorandum of Understanding that the Government of Japan or the permit holder, shall provide—

"(A) appropriate funding each year to carry out fully a joint research program on Dall's porpoise and other marine mammals incidentally taken in the Japanese fishery; and

Research program funding.

"(B) a full report each year on the activities undertaken by the Government of Japan and the General Permit holder relating to marine mammal research and the progress toward the elimination of the incidental taking of marine mammals in the fishery.

Report.

"(2) If the Secretary finds that such research cannot be successfully conducted because of a lack of adequate funding by the Government of Japan or the General Permit holder the Secretary shall immediately suspend the General Permit until such time as adequate funding is provided.".

Permit suspension.

SEC. 202. The first sentence of section 201(b)(1) of the Act of October 21, 1972 (16 U.S.C. 1401(b)(1)), is amended to read as follows: "Effective September 1, 1982, the Commission shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate.".

Effective date.

Atlantic Salmon Convention Act of 1982. 16 USC 3601 note.

TITLE III—NORTH ATLANTIC SALMON TREATY

SEC. 301. This title may be cited as the "Atlantic Salmon Convention Act of 1982".

Definitions. 16 USC 3601.

SEC. 302. As used in this title, the term—

(1) "Act of 1976" means the Act entitled "An Act to provide for the conservation and management of the fisheries, and for other purposes", approved April 13, 1976 (16 U.S.C. 1801 et seq.);

(2) "Commission" means any of the Commissions of the Organization that are established by the Convention;

(3) "Commissioner" means a United States Commissioner appointed under section 403 of this title;

(4) "Convention" means the Convention for the Conservation of Salmon in the North Atlantic Ocean, signed at Reykjavik, Iceland, on March 2, 1982;

(5) "Council" means the Council established by the Convention;

(6) "fishing" has the same meaning as such term has in section 3(10) of the Act of 1976 (16 U.S.C. 1802(10));

(7) "Organization" means the North Atlantic Salmon Conservation Organization established under the Convention;

(8) "person" has the same meaning as such term has in section 3(19) of the Act of 1976 (16 U.S.C. 1802(19)); and

(9) "salmon" means all species of salmon which migrate in or into the waters of the Atlantic Ocean north of 36 degrees north latitude.

Council and Commissions, membership. 16 USC 3602.

SEC. 303. (a) The United States shall be represented on the Council and Commissions by three United States Commissioners to be appointed by the President to serve at his pleasure. Of such Commissioners, one shall be an official of the United States Government, and two shall be individuals (not officials of the United States Government) who are knowledgeable or experienced concerning the conservation and management of salmon of United States origin.

(b) The Secretary of State, in consultation with the Secretary of Commerce and the Secretary of the Interior, may designate alternate United States Commissioners. In the absence of a Commissioner appointed under subsection (a) of this section, an alternate Commissioner may exercise at any meeting of the Organization, the Council, or any Commission all functions of such Commissioner.

Compensation.

(c) Individuals who serve as Commissioners and alternate Commissioners shall not receive any compensation for such service. Such individuals shall be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

5 USC 8101 *et seq.*, 28 USC 2671 *et seq.*

(d) In carrying out their functions under the Convention, the Commissioners may consult with the appropriate Regional Fishery Management Councils established by section 302 of the Act of 1976 (16 U.S.C. 1852), and may consult with such other interested parties as they consider appropriate. The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply to consultations described in this subsection.

16 USC 3603.

SEC. 304. (a) The Secretary of State may—

(1) receive, on behalf of the United States, reports, requests, recommendations, proposals, and other communications of the Organization and its subsidiary organs;

(2) with the concurrence of the Secretary of Commerce and the Secretary of the Interior, approve, object to, or withdraw objections to regulatory measures proposed in accordance with the Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1) of this subsection other than a proposed regulatory measure.

(b) If the concurrence required under subsection (a)(2) of this section has not been obtained by the Secretary of State—

(1) regarding the approval of, or the objection to, a proposed regulatory measure within forty-five days after the measure was received on behalf of the United States; or

(2) regarding the withdrawal of an objection of the United States to a proposed regulatory measure within forty-five days after such withdrawal is proposed by the Secretary of State;

96 STAT. 1953

the Secretary of State shall submit the matter in disagreement, together with a statement of the opposing positions, to the President for timely disposition.

Regulations.
16 USC 3604.

SEC. 305. (a) The Secretary of Commerce, in cooperation with the Secretary of the Interior and the Secretary of the department in which the Coast Guard is operating, shall promulgate such regulations pursuant to section 553 of title 5, United States Code, as may be necessary to carry out the purposes and objectives of the Convention and this title, and to implement regulatory measures that are binding on the United States under the Convention. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

(b) The Secretary of Commerce, in cooperation with the Secretary of the Interior, shall prepare all statements, reports, and notifications required by Articles 14 and 15 of the Convention and submit such documents to the Secretary of State for transmission to the Organization.

16 USC 3605.

SEC. 306. (a) In carrying out the provisions of the Convention, the Secretary of Commerce, in consultation with the Secretary of the Interior, may arrange for the cooperation of agencies of the United States and the States, and of private institutions and organizations.

(b) Appropriate agencies of the United States may cooperate in the conduct of scientific and other programs, and may furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention. Such agencies may accept reimbursement from the Organization for providing such services, facilities, and personnel.

16 USC 3606.

SEC. 307. (a) It is unlawful for any person, or any vessel, subject to the jurisdiction of the United States—

(1) to conduct directed fishing for salmon in waters seaward of twelve miles from the baselines from which the breadths of territorial seas are measured, in waters of the Atlantic Ocean north of 36 degrees north latitude; or

(2) to violate any provision of the Convention or this title, or of any regulation promulgated under this title.

(b) Any person who commits any act that is unlawful under subsection (a) of this section shall—

(1) be liable to the United States for a civil penalty under section 308 of the Act of 1976 (16 U.S.C. 1858) to the same extent as if such act were an act prohibited under section 307 of the Act of 1976 (16 U.S.C. 1857); and

(2) be guilty of an offense under section 309 of the Act of 1976 (16 U.S.C. 1859) to the same extent as if such act were an act prohibited by section 307(1) (D), (E), (F), or (H) of the Act of 1976 (16 U.S.C. 1857(1) (D), (E), (F), or (H)).

(c) Any vessel used in the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).

16 USC 3607.

SEC. 308. The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this title and any regulation issued under this title. For purposes of such enforcement, such provisions and regulations shall be considered to be provisions of the Act of 1976 to which section 311

96 STAT. 1954

(a), (b), (c), and (d) of the Act of 1976 (16 U.S.C. 1861 (a), (b), (c), and (d), respectively) apply.

Appropriation authorization.
16 USC 3608.

Sec. 309. There are authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this title, including—

(1) necessary travel expenses of the Commissioners and alternate Commissioners in accordance with the Federal Travel Regulation and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code; and

(2) the United States contribution to the Organization as provided in Article 16 of the Convention, not to exceed $50,000 for fiscal year 1983, and not to exceed, for each succeeding fiscal year, the amount assessed by the Organization for the United States for such year.

TITLE IV—GOVERNING INTERNATIONAL FISHERY AGREEMENTS

Effective date.
16 USC 1823 note.

Sec. 401. Notwithstanding any other provision of law, the governing international fishery agreement entered into between the Government of the United States and the Government of Japan pursuant to the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) signed at Washington on September 10, 1982, is approved, and shall become effective on January 1, 1983.

16 USC 1823 note.

Sec. 402. Notwithstanding any other provision of law, the governing international fishery agreement entered into between the Government of the United States and the Government of Spain pursuant to the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) signed on July 29, 1982, is approved.

TITLE V—MISCELLANEOUS PROVISIONS

46 USC 65i, 65j.

Sec. 501. Notwithstanding the failure of the vessels named below to meet the requirements contained in sections 111 and 112 of the Vessel Documentation Act, as amended (46 U.S.C. 65 (i) and (j)), and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), on the date of this Act, the Secretary of the department in which the Coast Guard is operating shall cause the vessel Centurion (officially numbered 236815), owned by Joseph B. Simoncelli, of Scranton, Pennsylvania, and the vessel Ellen Ruth (officially numbered 282354) owned by Jefferson B. Bruton, of Isle of Palms, South Carolina, to be documented as vessels of the United States upon compliance with all other requirements of law, with the privilege of engaging in the coastwise trade.

46 USC 883.

Sec. 502. The Merchant Marine Act, 1920 (41 Stat. 988), as amended (46 U.S.C. 861 et seq.), is amended by adding at the end of section 27: "For the purposes of this section, after December 31, 1983, or after such time as an appropriate vessel has been constructed and documented as a vessel of the United States, the transportation of hazardous waste, as defined in section 1004(5) of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6903(5)), from a point in the United States for the purpose of the incineration at sea of that waste shall be deemed to be transportation by water of merchandise between points in the United States:

96 STAT. 1955

Provided, however, That the provisions of this sentence shall not apply to this transportation when performed by a foreign-flag ocean incineration vessel, owned by or under construction on May 1, 1982, for a corporation wholly owned by a citizen of the United States; the term 'citizen of the United States', as used in this proviso, means a corporation as defined in sections 2(a) and 2(b) of the Shipping Act, 1916 (46 U.S.C. 802 (a) and (b)).

"Citizen of the United States."

The incineration equipment on these vessels shall meet all current United States Coast Guard and Environmental Protection Agency standards.

Vessel inspections.

These vessels shall, in addition to any other inspections by the flag state, be inspected by the United States Coast Guard, including drydock inspections and internal examinations of tanks and void spaces, as would be required of a vessel of the United States. Satisfactory inspection shall be certified in writing by the Secretary of Transportation. Such inspections may occur concurrently with any inspections required by the flag state or subsequent to but no more than one year after the initial issuance or the next scheduled issuance of the Safety of Life at Sea Safety Construction Certificate. In making such inspections, the Coast Guard shall refer to the conditions established by the initial flag state certification as the basis for evaluating the current condition of the hull and superstructure. The Coast Guard shall allow the substitution of an equivalent fitting, material, appliance, apparatus, or equipment other than that required for vessels of the United States if the Coast Guard has been satisfied that fitting, material, appliance, apparatus, or equipment is at least as effective as that required for vessels of the United States.".

SEC. 503. (a) Section 20 of the Act of March 4, 1915 (38 Stat. 1185), as amended (46 U.S.C 688) is amended—

(1) by redesignating that section as section 20(a); and

(2) by adding at the end thereof the following new subsection:

"(b)(1) No action may be maintained under subsection (a) or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent resident alien of the United States at the time of the incident giving rise to the action, if the incident occurred—

"(A) while that person was in the employ of an enterprise engaged in the exploration, development, or production of offshore mineral or energy resources—including but not limited to drilling, mapping, surveying, diving, pipelaying, maintaining, repairing, constructing, or transporting supplies, equipment or personnel, but not including transporting those resources by a vessel constructed or adapted primarily to carry oil in bulk in the cargo spaces; and

"(B) in the territorial waters or waters overlaying the continental shelf of a nation other than the United States, its territories, or possessions. As used in this paragraph, the term 'continental shelf' has the meaning stated in Article I of the 1958 Convention on the Continental Shelf.

"Continental shelf."
15 UST 471.

"(2) The provisions of paragraph (1) of this subsection shall not be applicable if the person bringing the action establishes that no remedy was available to that person—

"(A) under the laws of the nation asserting jurisdiction over the area in which the incident occurred; or

"(B) under the laws of the nation in which, at the time of the incident, the person for whose injury or death a remedy is sought maintained citizenship or residency.".

96 STAT. 1956

(b) The amendment made by this section does not apply to any action arising out of an incident that occurred before the date of enactment of this section.

Restriction.
46 USC 688 note.

SEC. 504. Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883) is amended by inserting the following immediately before the period at the end thereof: "*Provided further*, That for the purposes of this section, supplies aboard United States documented fish processing vessels, which are necessary and used for the processing or assembling of fishery products aboard such vessels, shall be considered ship's equipment and not merchandise".

Approved December 29, 1982.

LEGISLATIVE HISTORY—H.R. 3942:

HOUSE REPORT No. 97-295 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Nov. 4, considered and passed House.
Vol. 128 (1982): Dec. 10, considered and passed Senate, amended; House concurred in Senate amendments.

96 STAT. 2481

Public Law 97-453
97th Congress

An Act

Jan. 12, 1983
[H.R. 5002]

To improve fishery conservation and management.

Fishery conservation and management, improvement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT REFERENCE.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or subsection, the reference shall be considered to be made to a section or subsection of the Act entitled "An Act to provide for the conservation and management of the fisheries, and for other purposes", approved April 13, 1976 (90 Stat. 331 et seq., 16 U.S.C. 1801 et seq.).

SEC. 2. FOREIGN FISHING.

(a) Section 201 (16 U.S.C. 1821) is amended as follows:

(1) Subsection (c)(2)(D) is amended to read as follows:

"(D) United States observers required under subsection (i) be permitted to be stationed aboard any such vessel and that all of the costs incurred incident to such stationing, including the costs of data editing and entry and observer monitoring, be paid for, in accordance with such subsection, by the owner or operator of the vessel;".

(2) Subsection (c)(4) is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(D) take, or refrain from taking, as appropriate, actions of the kind referred to in subsection (e)(1) in order to receive favorable allocations under such subsection.".

(3) The first sentence of subsection (d)(4) is amended by striking out "shall be allocated" in the matter following subparagraph (B) and inserting in lieu thereof "may be allocated".

(4) Subsection (e)(1) is amended to read as follows:

"(e) ALLOCATION OF ALLOWABLE LEVEL.—(1)(A) The Secretary of State, in cooperation with the Secretary, shall determine the allocation among foreign nations of the total allowable level of foreign fishing which is permitted with respect to each fishery subject to the exclusive fishery management authority of the United States.

"(B) From the determinations made under subparagraph (A), the Secretary of State shall compute the aggregate of all of the fishery allocations made to each foreign nation.

"(C) The Secretary of State shall initially release to each foreign nation for harvesting up to 50 percent of the allocations aggregate computed for such nation under subparagraph (B), and such release of allocation shall be apportioned by the Secretary of State, in cooperation with the Secretary, among the individual fishery allocations determined for that nation under subparagraph (A). The basis on which each apportionment is made under this subparagraph shall be stated in writing by the Secretary of State.

96 STAT. 2482

"(D) After the initial release of fishery allocations under subparagraph (C) to a foreign nation, any subsequent release of an allocation for any fishery to such nation shall only be made—

"(i) after the lapse of such period of time as may be sufficient for purposes of making the determination required under clause (ii); and

"(ii) if the Secretary of State and the Secretary, after taking into account the size of the allocation for such fishery and the length and timing of the fishing season, determine in writing that such nation is complying with the purposes and intent of this paragraph with respect to such fishery.

If the foreign nation is not determined under clause (ii) to be in such compliance, the Secretary of State shall reduce, in a manner and quantity he considers to be appropriate (I) the remainder of such allocation, or (II) if all of such allocation has been released, the next allocation of such fishery, if any, made to such nation.

"(E) The determinations required to be made under subparagraphs (A) and (D)(ii), and the apportionments required to be made under subparagraph (C), with respect to a foreign nation shall be based on—

"(i) whether, and to what extent, such nation imposes tariff barriers or nontariff barriers on the importation, or otherwise restricts the market access, of United States fish or fishery products;

"(ii) whether, and to what extent, such nation is cooperating with the United States in the advancement of existing and new opportunities for fisheries trade, particularly through the purchase of fish or fishery products from United States processors or from United States fishermen;

"(iii) whether, and to what extent, such nation and the fishing fleets of such nation have cooperated with the United States in the enforcement of United States fishing regulations;

"(iv) whether, and to what extent, such nation requires the fish harvested from the fishery conservation zone for its domestic consumption;

"(v) whether, and to what extent, such nation otherwise contributes to, or fosters the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

"(vi) whether, and to what extent, the fishing vessels of such nation have traditionally engaged in fishing in such fishery;

"(vii) whether, and to what extent, such nation is cooperating with the United States in, and making substantial contributions to, fishery research and the identification of fishery resources; and

"(viii) such other matters as the Secretary of State, in cooperation with the Secretary, deems appropriate.".

(5)(A) Subsection (i) is amended—

(i) by amending paragraph (3) to read as follows:

"(3) Observers, while stationed aboard foreign fishing vessels, shall carry out such scientific, compliance monitoring, and other functions as the Secretary deems necessary or appropriate to carry out the purposes of this Act; and shall cooperate in carrying out such other scientific programs relating to the conservation and management of living resources as the Secretary deems appropriate."; and

96 STAT. 2483

(ii) by adding at the end thereof the following new paragraph:

Supplementary observer program.

"(6) If at any time the requirement set forth in paragraph (1) cannot be met because of insufficient appropriations, the Secretary shall, in implementing a supplementary observer program:

"(A) certify as observers, for the purposes of this subsection, individuals who are citizens or nationals of the United States and who have the requisite education or experience to carry out the functions referred to in paragraph (3);

"(B) establish standards of conduct for certified observers equivalent to those applicable to Federal personnel;

"(C) establish a reasonable schedule of fees that certified observers or their agents shall be paid by the owners and operators of foreign fishing vessels for observer services; and

"(D) monitor the performance of observers to ensure that it meets the purposes of this Act.".

(6) Such section is further amended by adding at the end thereof the following new subsection:

"(j) Recreational Fishing.—Notwithstanding any other provision of this title, foreign fishing vessels which are not operated for profit may engage in recreational fishing within the fishery conservation zone and the waters within the boundaries of a State subject to obtaining such permits, paying such reasonable fees, and complying with such conditions and restrictions as the Secretary and the Governor of the State (or his designee) shall impose as being necessary or appropriate to insure that the fishing activity of such foreign vessels within such zone or waters, respectively, is consistent with all applicable Federal and State laws and any applicable fishery management plan implemented under section 305. The Secretary shall consult with the Secretary of State and the Secretary of the Department in which the Coast Guard is operating in formulating the conditions and restrictions to be applied by the Secretary under the authority of this subsection.".

Post, p. 2490.

Effective date.
16 USC 1821 note.

(b) The amendments made by subsection (a)(1) and (5)(A)(ii) shall take effect January 1, 1984.

SEC. 3. FOREIGN FISHING PERMITS.

Section 204(b) (16 U.S.C. 1824(b)) is amended—

(1) by inserting "hold" immediately before "capacity" in paragraph (3)(B);

(2) by striking out "and shall be set forth under the name of each Council to which it will be transmitted for comment" in that portion of paragraph (4) which precedes subparagraph (A);

(3) by striking out subparagraphs (B) and (C) of paragraph (4) and inserting in lieu thereof the following:

"(B) a copy of the application to the Secretary of the department in which the Coast Guard is operating; and

"(C) a copy or a summary of the application to the appropriate council, upon its request."; and

(4) by striking out "After receipt of an application transmitted under paragraph (4)(B), each appropriate Council shall" in paragraph (5) and inserting in lieu thereof "After receiving a copy or summary of an application under paragraph (4)(C), the Council may".

SEC. 4. NATIONAL STANDARDS.

Section 301(b) (16 U.S.C. 1851(b)) is amended to read as follows: "(b) The Secretary shall establish advisory guidelines (which shall not have the force and effect of law), based on the national standards, to assist in the development of fishery management plans.".

SEC. 5. REGIONAL FISHERY MANAGEMENT COUNCIL ORGANIZATION AND FUNCTIONS.

Section 302 (16 U.S.C. 1852) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "pursuant to subsection (b)(1)(C)" each place it appears therein and inserting in lieu thereof "in accordance with subsection (b)(2)"; and

(B) by amending paragraph (8) to read as follows:

"(8) WESTERN PACIFIC COUNCIL.—The Western Pacific Fishery Management Council shall consist of the States of Hawaii, American Samoa, Guam, and the Northern Mariana Islands and shall have authority over the fisheries in the Pacific Ocean seaward of such States and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area. The Western Pacific Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each of the following States: Hawaii, American Samoa, Guam, and the Northern Mariana Islands).".

(2) Subsection (b) is amended—

(A) by amending paragraph (1)(C) to read as follows:

"(C) The members required to be appointed by the Secretary in accordance with subsection (b)(2).";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting immediately after paragraph (1) the following new paragraph:

"(2)(A) The members of each Council required to be appointed by the Secretary must be individuals who are knowledgeable or experienced with regard to the management, conservation, or recreational or commercial harvest of the fishery resources of the geographical area concerned.

Members, qualifications.

"(B) The Secretary shall appoint the members of each Council from a list of individuals submitted by the Governor of each applicable constituent State. Each such list shall include the names and pertinent biographical data of not less than three individuals for each applicable vacancy. The Secretary shall review each list submitted by a Governor to ascertain if the individuals on the list are qualified for the vacancy on the basis of the required knowledge or experience required by subparagraph (A). If the Secretary determines that any individual is not qualified, he shall notify the appropriate Governor of that determination. The Governor shall then submit a revised list or resubmit the original list with an additional explanation of the qualifications of the individual in question.

List of applicants.

"(C) Whenever the Secretary makes an appointment to a Council, he shall make a public announcement of such appointment not less than 45 days before the first day on which the individual is to take office as a member of the Council.";

Announcement of appointment.

(D) by striking out "pursuant to paragraph (1)(C)" in subsection (b)(3) (as redesignated by subparagraph (B)) and inserting in lieu thereof "by the Secretary in accordance with subsection (b)(2)"; and

96 STAT. 2485

(E) by adding at the end thereof the following new paragraph:

"(5) The Secretary may remove for cause any member of a Council required to be appointed by the Secretary in accordance with subsection (b)(2) if the Council concerned first recommends removal by not less than two-thirds of the members who are voting members. A removal recommendation of a Council must be in writing and accompanied by a statement of the reasons upon which the recommendation is based.".

Removal of member.

(3) Subsection (f)(6) is amended by inserting after the first sentence thereof the following new sentence: "The procedures of a Council, and of its scientific and statistical committee and advisory panels established under subsection (g), must be consistent with the procedural guidelines set forth in subsection (i)(2).".

(4) Subsection (h) is amended as follows:

(A) Paragraph (1) is amended by inserting "that requires conservation and management" immediately after "authority".

(B) Paragraph (2) is amended by striking out "204(b)(4)(B)" and inserting in lieu thereof "204(b)(4)(C)".

(C) Paragraph (3) is amended by inserting immediately before the semicolon at the end thereof the following: "(and for purposes of this paragraph, the term 'geographical area concerned' may include an area under the authority of another Council if the fish in the fishery concerned migrate into, or occur in, that area or if the matters being heard affect fishermen of that area; but not unless such other Council is first consulted regarding the conduct of such hearings within its area)".

(D) Paragraph (4) is amended to read as follows:

"(4) submit to the Secretary such periodic reports as the Council deems appropriate, and any other relevant report which may be requested by the Secretary;".

Report.

(5) Such section is further amended by adding at the end thereof the following new subsection:

"(i) Procedural Matters.—(1) The Federal Advisory Committee Act (5 U.S.C. App. 1) shall not apply to the Councils or to the scientific and statistical committees or advisory panels of the Councils.

5 USC app.

Meetings, guidelines.

"(2) The following guidelines apply with respect to the conduct of business at meetings of a Council, and of the scientific and statistical committee and advisory panels of a Council:

"(A) Unless closed in accordance with paragraph (3), each regular meeting and each emergency meeting shall be open to the public.

"(B) Emergency meetings shall be held at the call of the chairman or equivalent presiding officer.

"(C) Timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda of the meeting, shall be published in local newspapers in the major fishing ports of the Council's region (and in other major fishing ports having a direct interest in the affected fishery) and such notice may be given by such other means as will result in wide

96 STAT. 2486

Publication in Federal Register.

publicity. Timely notice of each regular meeting shall also be published in the Federal Register.

"(D) Interested persons shall be permitted to present oral or written statements regarding the matters on the agenda at meetings.

"(E) Minutes of each meeting shall be kept and shall contain a record of the persons present, an accurate description of matters discussed and conclusions reached, and copies of all statements filed.

Public availability. 16 USC 1853.

"(F) Subject to the procedures established by the Council under paragraph (4), and the guidelines prescribed by the Secretary under section 303(d), relating to confidentiality, the administrative record, including minutes required under subparagraph (E), of each meeting, and records or other documents which were made available to or prepared for or by the Council, committee, or panel incident to the meeting, shall be available for public inspection and copying at a single location in the offices of the Council.

Closed meetings.

"(3)(A) Each Council, scientific and statistical committee, and advisory panel—

"(i) shall close any meeting, or portion thereof, that concerns matters or information that bears a national security classification; and

"(ii) may close any meeting, or portion thereof, that concerns matters or information that pertains to national security, employment matters, or briefings on litigation in which the Council is interested;

and if any meeting or portion is closed, the Council, committee, or panel concerned shall publish notice of the closure in local newspapers in the major fishing ports within its region (and in other major, affected fishing ports), including the time and place of the meeting. Subparagraphs (D) and (F) shall not apply to any meeting or portion thereof that is so closed.

"(4) Each Council shall establish appropriate procedures applicable to it and to its committee and advisory panels for ensuring the confidentiality of the statistics that may be submitted to it by Federal or State authorities, and may be voluntarily submitted to it by private persons; including, but not limited to, procedures for the restriction of council employee access and the prevention of conflicts of interest; except that such procedures must, in the case of statistics submitted to the Council by a State, be consistent with the laws and regulations of that State concerning the confidentiality of such statistics.".

SEC. 6. CONTENTS OF PLANS.

Section 303 (16 U.S.C. 1853) is amended as follows:

(1) Subsection (b) is amended—

(A) by striking out "and" at the end of paragraph (6);

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting immediately after paragraph (6) the following new paragraph:

"(7) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region; and".

(2) Subsection (c) is amended to read as follows:

"(c) Proposed Regulations.—The proposed regulations which the Council deems necessary or appropriate for purposes of carrying out a plan or amendment to a plan shall be submitted to the Secretary simultaneously with the plan or amendment for action by the Secretary under sections 304 and 305."; and

96 STAT. 2487

Infra; post, p. 2490.

(3) Such section is amended by adding at the end thereof the following new subsection:

"(e) Data Collection Programs.—If a Council determines that additional information and data (other than information and data that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) would be beneficial for the purposes of—

"(1) determining whether a fishery management plan is needed for a fishery; or

"(2) preparing a fishery management plan;

the Council may request that the Secretary implement a data collection program for the fishery which would provide the types of information and data (other than information and data that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) specified by the Council. The Secretary shall approve such a data collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for a data collection program is not justified, he shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this subsection regarding a Council request shall be made within a reasonable period of time after he receives that request.".

Regulations.

SEC. 7. ACTION BY SECRETARY.

(a) Section 304 (16 U.S.C. 1854) is amended as follows:

(1) Subsections (a) and (b) are amended to read as follows:

"(a) Action by the Secretary After Receipt of Plan.—(1) After the Secretary receives a fishery management plan, or amendment to a plan, which was prepared by a Council (the date of receipt of which is hereafter in this section referred to as the 'receipt date'), the Secretary shall—

"(A) immediately commence a review of the management plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law;

Review.

"(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 75-day period beginning on the receipt date; and

Publication in Federal Register.

"(C) by the 30th day after the receipt date—

"(i) make such changes in the proposed regulations submitted for the plan or amendment under section 303(c) as may be necessary for the implementation of the plan, and

Ante, p. 2486.

"(ii) publish such proposed regulations, including any changes made thereto under clause (i), in the Federal Register together with an explanation of those changes which are substantive.

Publication in Federal Register.

"(2) In undertaking the review required under paragraph (1)(A), the Secretary shall—

"(A) take into account the data, views, and comments received from interested persons;

96 STAT. 2488

"(B) consult with the Secretary of State with respect to foreign fishing; and

"(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea.

Plan implementation.
Post, p. 2490.

"(b)(1) A plan or amendment shall take effect and be implemented in accordance with section 305(c) if—

"(A) the Secretary does not notify the Council in writing of his disapproval, or partial disapproval, under paragraph (2), of the plan or amendment before the close of the 95th day after the receipt date; or

"(B) at any time subsequent to the 75th day after the receipt date and before such 95th day, the Secretary notifies the Council in writing that he does not intend to disapprove, or partially disapprove, the plan or amendment.

Notification of disapproval.

"(2) If after review under subsection (a) the Secretary determines that the plan or amendment is not consistent with the criteria set forth in paragraph (1)(A) of that subsection, the Secretary shall notify the Council in writing of his disapproval or partial disapproval of the plan or amendment. Such notice shall specify—

"(A) the applicable law with which the plan or amendment is inconsistent;

"(B) the nature of such inconsistency; and

"(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

Revised plan.

"(3)(A) If the Secretary disapproves, or partially disapproves, a proposed plan or amendment under paragraph (2), the Council may submit a revised plan or amendment, accompanied by appropriately revised proposed regulations, to the Secretary.

"(B) After the Secretary receives a revised plan or amendment under subparagraph (A) or (C)(ii), the Secretary shall immediately—

"(i) commence a review of the plan or amendment to determine whether it complies with the criteria set forth in subsection (a)(1)(A);

Publications in Federal Register.

"(ii) publish in the Federal Register a notice stating that the revised plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 30-day period beginning on the date (hereinafter in this paragraph referred to as the 'revised receipt date') the plan or amendment was submitted to the Secretary under subparagraph (A) or (C)(ii); and

"(iii) review the revised proposed regulations, if any, submitted by the Council and make such changes to them as may be necessary for the implementation of the plan, and thereafter publish such revised proposed regulations (as so changed) in the Federal Register together with an explanation of each of such changes that is substantive.

"(C)(i) Before the close of the 60th day after the revised receipt date, the Secretary, after taking into account any data, views, or comments received under subparagraph (B)(ii), shall complete the review required under subparagraph (B)(i) and determine whether the plan or amendment complies with the criteria set forth in subsection (a)(1)(A). If the Secretary determines that a plan or amendment is not in compliance with such criteria, he shall immediately notify the Council of his disapproval of the plan or amendment.

Notification of disapproval.

96 STAT. 2489

"(ii) After notifying a Council of disapproval under clause (i), the Secretary shall promptly provide to the Council a written statement of the reasons on which the disapproval was based and advise the Council that it may submit a further revised plan or amendment, together with appropriately revised proposed regulations, for review and determination under this paragraph.

Post, p. 2490.

"(D) A revised plan or amendment shall take effect and be implemented in accordance with section 305(c) if the Secretary does not notify the Council, in writing, by the close of the 60th day after the revised receipt date of his disapproval of the plan or amendment.".

(2) Subsection (c)(1) is amended—

(A) by amending paragraph (1)—

(i) by amending subparagraph (B) to read as follows:

"(B) the Secretary disapproves or partially disapproves any such plan or amendment, or disapproves a revised plan or amendment, and the Council involved fails to submit a revised or further revised plan or amendment, as the case may be.", and

(ii) by adding immediately after the last sentence thereof the following flush sentence:

"The Secretary shall also prepare such proposed regulations as he deems necessary or appropriate to carry out each plan or amendment prepared by him under this paragraph."; and

(B) by amending paragraph (2) to read as follows:

"(2)(A) Whenever, under paragraph (1), the Secretary prepares a fishery management plan or amendment, the Secretary shall immediately—

"(i) submit such plan or amendment, and proposed regulations to implement such plan or amendment, to the appropriate Council for consideration and comment;

Publication in Federal Register.

"(ii) publish in the Federal Register a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 75-day period beginning on the date the plan or amendment was submitted under clause (i); and

"(iii) by the 30th day after the date of submission under clause (i), submit for publication in the Federal Register the proposed regulations to implement the plan or amendment.

Comments and recommendations.

"(B) The appropriate council must submit its comments and recommendations, if any, regarding the plan or amendment to the Secretary before the close of the 75-day period referred to in subparagraph (A)(ii). After the close of such 75-day period, the Secretary, after taking into account any such comments and recommendations, as well as any views, data, or comments submitted under subparagraph (A)(ii), may implement such plan or amendment under section 305(c).".

(3) Subsection (d) is amended by striking out the last sentence and inserting in lieu thereof the following: "The Secretary may enter into a cooperative agreement with the States concerned under which the States administer the permit system and the agreement may provide that all or part of the fees collected under the system shall accrue to the States. The level of fees charged under this subsection shall not exceed the administrative costs incurred in issuing the permits.".

16 USC 1854 note.

(b) The amendments made by subsection (a) shall only apply with respect to fishery management plans and amendments thereto that are initially submitted to the Secretary of Commerce on or after the date of the enactment of this Act for action under section 304.

96 STAT. 2490

SEC. 8. IMPLEMENTATION OF PLANS.

Section 305 (16 U.S.C. 1855) is amended as follows:

(1) Subsections (a) and (b) are repealed.

(2) Subsection (c) is amended to read as follows:

Regulations.

"(c) IMPLEMENTATION.—The Secretary shall promulgate each regulation that is necessary to carry out a plan or amendment—

Ante, 2487.

"(1) within 110 days after the plan or amendment was received by him for action under section 304(a), if such plan or amendment takes effect under section 304(b)(1);

"(2) within 75 days after a revised plan or amendment was received by him under section 304(b), if such plan or amendment takes effect under paragraph (3)(D) of such section; or

"(3) within such time as he deems appropriate in the case of a plan or amendment prepared by him under section 304(c).".

(3) Subsection (e) is amended to read as follows:

Regulations

"(e) EMERGENCY ACTIONS.—(1) If the Secretary finds that an emergency exists involving any fishery, he may promulgate emergency regulations necessary to address the emergency, without regard to whether a fishery management plan exists for such fishery.

"(2) If a Council finds that an emergency exists involving any fishery within its jurisdiction, whether or not a fishery management plan exists for such fishery—

"(A) the Secretary shall promulgate emergency regulations under paragraph (1) to address the emergency if the Council, by unanimous vote of the members who are voting members, requests the taking of such action; and

"(B) the Secretary may promulgate emergency regulations under paragraph (1) to address the emergency if the Council, by less than a unanimous vote, requests the taking of such action.

"(3) Any emergency regulation which changes any existing fishery management plan or amendment shall be treated as an amendment to such plan for the period in which such regulation is in effect. Any emergency regulation promulgated under this subsection—

Publication in Federal Register.

"(A) shall be published in the Federal Register together with the reasons therefor;

"(B) shall remain in effect for not more than 90 days after the date of such publication, except that any such regulation may, by agreement of the Secretary and the Council, be promulgated for one additional period of not more than 90 days; and

Notice of termination, publication in Federal Register.

"(C) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, except for emergency regulations promulgated under paragraph (2) in which case such early termination may be made only upon the agreement of the Secretary and the Council concerned.".

(4) Subsection (f) is repealed.

(5) Such section is further amended by adding at the end thereof the following new subsection:

44 USC 101 note.

3 CFR, 1981 Comp., p. 127.

Ante, p. 2487.

"(h) EFFECT OF CERTAIN LAWS ON CERTAIN TIME REQUIREMENTS.—The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and Executive Order Numbered 12291, dated February 17, 1981, shall be complied with within the time limitations specified in subsection (c) or section 304 (a) and (b) as they apply to the functions of the Secretary under such provisions.".

SEC. 9. STATE JURISDICTION.

Section 306(a) (16 U.S.C. 1856(a)) is amended by inserting immediately after the first sentence thereof the following new sentence: "For purposes of this Act, except as provided in subsection (b), the jurisdiction and authority of a State shall extend (1) to any pocket of waters that is adjacent to the State and totally enclosed by lines delimiting the territorial sea of the United States pursuant to the Geneva Convention on the Territorial Sea and Contiguous Zone or any successor convention to which the United States is a party and (2) with respect to the body of water commonly known as Nantucket Sound, to the pocket of water west of the seventieth meridian west of Greenwich.".

SEC. 10. SUBPENA POWER.

Section 308 (16 U.S.C. 1858) is amended by adding at the end thereof the following new subsection:

"(e) SUBPENAS.—For the purposes of conducting any hearing under this section, the Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.".

SEC. 11. OFFENSES.

(a) Section 309(b) (16 U.S.C. 1859(b)) is amended by striking out ", or imprisonment for not more than 1 year, or both".

(b) The amendment made by subsection (a) applies with respect to offenses committed under section 309 on or after the date of the enactment of this Act.

16 USC 1859 note

SEC. 12. CIVIL FORFEITURES.

Section 310(a) (16 U.S.C. 1860(a)) is amended by inserting "(or the fair market value thereof)" immediately after "fish" each place it appears.

SEC. 13. POWERS OF AUTHORIZED OFFICERS.

Section 311(b) (16 U.S.C. 1861(b)) is amended—

(1) by inserting "(1)" immediately before "Any officer";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) by redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively; and

(4) by adding at the end thereof the following new paragraph:

"(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony. The arrest authority described in the preceding sentence may be conferred upon an officer or employee of a State agency, subject to such conditions and restrictions as are set forth by agreement between the State agency, the Secretary, and, with respect to enforcement operations within the fishery conservation zone, the Secretary of the department in which the Coast Guard is operating.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 406 (16 U.S.C. 1882) is amended by adding at the end thereof the following new paragraphs:

"(9) $59,000,000 for the fiscal year ending September 30, 1983.

"(10) $64,000,000 for the fiscal year ending September 30, 1984.

"(11) $69,000,000 for the fiscal year ending September 30, 1985.".

(b)(1) Subsection (c) of the first section of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)) is amended—

96 STAT. 2492

(A) by inserting "(1)" immediately before "Whenever"; and

(B) by adding at the end thereof the following new paragraph:

"(2) In the case of any State that has implemented an interstate fisheries management plan for anadromous fishery resources, the Federal share of any grant made under this section to carry out activities required by such plan shall be 90 percent.".

(2) Section 4(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)) is amended by adding after paragraph (3) the following new paragraph:

"(4) $7,500,000 for each of fiscal years 1983, 1984, and 1985.".

(3) The first sentence of section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking out "and" after "1981,", and by inserting immediately before the period the following: ", and not to exceed $1,000,000 for each of the fiscal years ending September 30, 1983, and September 30, 1984".

SEC. 15. TECHNICAL AMENDMENTS.

(a) Section 3(27) (16 U.S.C. 1802(27)) is amended to read as follows:

"(27) The term 'vessel of the United States' means—

"(A) any vessel documented under the laws of the United States;

46 USC 1451 note.

"(B) any vessel numbered in accordance with the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 et seq.) and measuring less than 5 net tons; or

"(C) any vessel numbered under the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 et seq.) and used exclusively for pleasure.".

(b) Section 307(2) (16 U.S.C. 1857(2)) is amended—

(A) by amending subparagraph (A) to read as follows:

Ante, p. 2481.

"(A) in fishing within the boundaries of any State, except recreational fishing permitted under section 201(j);"; and

Ante, p. 107.

96 STAT. 2493

(B) by striking out "in fishing" in subparagraph (B) and inserting in lieu thereof "in fishing, except recreational fishing permitted under section 201(j),".

(c) The last sentence of section 311(a) (16 U.S.C. 1861(a)) is repealed.

(d) Section 8 of the Central, Western, and South Pacific Fisheries Development Act (16 U.S.C. 758e-5) is amended by striking out "and 1982" and inserting in lieu thereof "1982, 1983, 1984, and 1985".

Approved January 12, 1983.

LEGISLATIVE HISTORY—H.R. 5002 (S. 2450):

HOUSE REPORTS: No. 97-549 (Comm. on Merchant Marine and Fisheries) and Nos. 97-981 and 97-982 (Comm. of Conference).

SENATE REPORT No. 97-519 accompanying S. 2450 (Comm. on Commerce, Science and Transportation).

CONGRESSIONAL RECORD, Vol. 128 (1982):
- Dec. 16, considered and passed House.
- Dec. 17, considered and passed Senate, amended.
- Dec. 20, House considered and rejected conference report 97-981 and agreed to conference report 97-982.
- Dec. 21, Senate agreed to conference report 97-982.

Public Law 97-293
97th Congress

An Act

To authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin program, Wyoming, and for other purposes.

Oct. 12, 1982
[S. 1409]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin program, Wyo.

TITLE I

CONSTRUCTION OF DAM MODIFICATIONS

Sec. 101. The Secretary of the Interior, acting pursuant to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto), is hereby authorized to construct, operate, and maintain modifications to the Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin program, Wyoming, for the purposes of providing approximately seventy-four thousand acre-feet of additional water annually for irrigation, municipal and industrial use, increased hydroelectric power generation, outdoor recreation, fish and wildlife conservation and development, environmental quality, and other purposes. The principal modifications to the Buffalo Bill Dam and Reservoir shall include raising the height of the existing Buffalo Bill Dam by twenty-five feet, enlarging the capacity of the existing Buffalo Bill Reservoir by approximately two hundred and seventy-one thousand acre-feet, replacing the existing Shoshone Powerplant, enlarging a spillway, construction of a visitor's center, dikes and impoundments, and necessary facilities to effect the aforesaid purposes of the modifications. These modifications are hereby authorized as part of the Pick-Sloan Missouri Basin program: *Provided,* That the powerplant authorized by this section shall be designed, constructed, and operated in such a manner as to not limit, restrict, or alter the release of water from any existing reservoir, impoundment, or canal adverse to the satisfaction of valid existing water rights or water delivery to the holder of any valid water service contract.

Post, p. 1263.

CONSERVATION AND FISH AND WILDLIFE

Sec. 102. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the modification of Buffalo Bill Dam and Reservoir shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

16 USC 460*l*-12.

COORDINATION WITH OTHER LAWS

Sec. 103. The modifications of the Buffalo Bill Dam and Reservoir shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by sec-

96 STAT. 1262

tion 9 of the Flood Control Act of December 22, 1944 (58 Stat. 887, 891), as amended and supplemented. Revenues for the return of costs allocated to power shall be determined by power rate and repayment analysis of the Pick-Sloan Missouri Basin program. Repayment contracts for the return of costs allocated to municipal and industrial water and irrigation water supplies exclusive of State participation pursuant to section 107 shall be negotiated under provisions of the Reclamation Project Act of 1939 (53 Stat. 1198) or the Water Supply Act of 1958 (72 Stat. 320), as amended, and shall be prerequisite to the initiation of construction of facilities for this purpose. Costs allocated to environmental quality shall be nonreimbursable and nonreturnable under Federal reclamation law.

43 USC 485k.
43 USC 390b note.

TRANSMISSION INTERCONNECTIONS

SEC. 104. (a) The Secretary of Energy is authorized to construct, operate, and maintain transmission interconnections as required physically to interconnect the hydroelectric powerplant authorized by this title to existing power systems as he determines necessary to accomplish distribution and marketing of the power generated.

(b) Hydroelectric power generated by the facility constructed pursuant to this title shall be delivered to the Secretary of Energy for distribution and marketing. Such facility shall be financially integrated with the Western Division, Pick-Sloan Missouri Basin program power system and the power marketed under rate schedules in effect for such system.

INTEREST

SEC. 105. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Buffalo Bill Dam and Reservoir modifications shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the unit is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 106. (a) There is hereby authorized to be appropriated beginning October 1, 1982, for construction of the Buffalo Bill Dam and Reservoir modifications the sum of $106,700,000 (October 1982 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein and, in addition thereto, such sums as may be required for operation, maintenance, and replacement of the works of said modifications: *Provided,* That, such sums authorized to be appropriated for construction, operation, maintenance, and replacement shall be reduced by the amounts contributed to the project under the provisions of section 107 of this title.

(b) There is also authorized to be appropriated beginning October 1, 1982, such sums as may be required by the Secretary of Energy to accomplish interconnection of the powerplant authorized by this title, together with such sums as may be required for operation and maintenance of the works authorized by section 104(a).

96 STAT. 1263

CONTRACTS AUTHORITY

SEC. 107. The Secretary of the Interior is authorized to enter into contracts with the State of Wyoming, upon such terms and conditions as he deems necessary, for the division of additional water impounded by the modifications, the sharing of revenues from the modifications, and the sharing of the costs of construction, operation, maintenance, and replacement of the Buffalo Bill Dam and Reservoir modifications.

Reclamation Reform Act of 1982.

TITLE II

SHORT TITLE

43 USC 390aa.

43 USC 371 note.

Sec. 201. This title shall amend and supplement the Act of June 17, 1902, and Acts supplementary thereto and amendatory thereof (43 U.S.C. 371), hereinafter referred to as "Federal reclamation law". This title may be referred to as the "Reclamation Reform Act of 1982".

DEFINITIONS

43 USC 390bb.

Sec. 202. As used in this title:

(1) The term "contract" means any repayment or water service contract between the United States and a district providing for the payment of construction charges to the United States including normal operation, maintenance, and replacement costs pursuant to Federal reclamation law.

(2) The term "district" means any individual or any legal entity established under State law which has entered into a contract or is eligible to contract with the Secretary for irrigation water.

(3)(A) The term "full cost" means an annual rate as determined by the Secretary that shall amortize the expenditures for construction properly allocable to irrigation facilities in service, including all operation and maintenance deficits funded, less payments, over such periods as may be required under Federal reclamation law or applicable contract provisions, with interest on both accruing from the date of enactment of this Act on costs outstanding at that date, or from the date incurred in the case of costs arising subsequent to the date of enactment of this Act: *Provided,* That operation, maintenance, and replacement charges required under Federal reclamation law, including this title, shall be collected in addition to the full cost charge.

(B) The interest rate used for expenditures made on or before the date of enactment of this Act shall be determined by the Secretary of the Treasury on the basis of the weighted average yield of all interest bearing, marketable issues sold by the Treasury during the fiscal year in which the expenditures by the United States were made, but shall not be less than 7½ per centum per annum.

(C) The interest rate used for expenditures made after the date of enactment of this Act shall be determined by the Secretary of the Treasury on the basis of the arithmetic average of—

(i) the rate as of the beginning of the fiscal year in which expenditures are made on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from the date of issuance; and

96 STAT. 1264

(ii) the weighted average yield on all interest-bearing, marketable issues sold by the Treasury during the fiscal year preceding the fiscal year in which the expenditures are made.

(4) The term "individual" means any natural person, including his or her spouse, and including other dependents thereof within the meaning of the Internal Revenue Code of 1954 (26 U.S.C. 152).

(5) The term "irrigation water" means water made available for agricultural purposes from the operation of reclamation project facilities pursuant to a contract with the Secretary.

(6) The term "landholding" means total irrigable acreage of one or more tracts of land situated in one or more districts owned or operated under a lease which is served with irrigation

water pursuant to a contract with the Secretary. In determining the extent of a landholding the Secretary shall add to any landholding held directly by a qualified or limited recipient that portion of any landholding held indirectly by such qualified or limited recipient which benefits that qualified or limited recipient in proportion to that landholding.

(7) The term "limited recipient" means any legal entity established under State or Federal law benefiting more than twenty-five natural persons.

(8) The term "project" means any reclamation or irrigation project, including incidental features thereof, authorized by Federal reclamation law, or constructed by the United States pursuant to such law, or in connection with which there is a repayment or water service contract executed by the United States pursuant to such law, or any project constructed by the Secretary through the Bureau of Reclamation for the reclamation of lands.

(9) The term "qualified recipient" means an individual who is a citizen of the United States or a resident alien thereof or any legal entity established under State or Federal law which benefits twenty-five natural persons or less.

(10) The term "recordable contract" means a contract between the Secretary and a landowner in writing capable of being recorded under State law providing for the sale or disposition of lands held in excess of the ownership limitations of Federal reclamation law including this title.

(11) The term "Secretary" means the Secretary of the Interior.

NEW OR AMENDED CONTRACTS

43 USC 390cc.

SEC. 203. (a) The provisions of this title shall be applicable to any district which—

(1) enters into a contract with the Secretary subsequent to the date of enactment of this Act;

(2) enters into any amendment of its contract with the Secretary subsequent to the date of enactment of this Act which enables the district to receive supplemental or additional benefits; or

(3) which amends its contract for the purpose of conforming to the provisions of this title.

96 STAT. 1265

(b) Any district which has an existing contract with the Secretary as of the date of enactment of this Act which does not enter into an amendment of such contract as specified in subsection (a) shall be subject to Federal reclamation law in effect immediately prior to the date of enactment of this Act, as that law is amended or supplemented by sections 209 through 230 of this title. Within a district that does not enter into an amendment of its contract with the Secretary within four and one-half years of the date of enactment of this Act, irrigation water may be delivered to lands leased in excess of a landholding of one hundred and sixty acres only if full cost, as defined in section 202(3)(A) of this title, is paid for such water as is assignable to those lands leased in excess of such landholding of one hundred and sixty acres: *Provided*, That the interest rate used in computing full cost under this subsection shall be the same as provided in section 205(a)(3).

(c) In the absence of an amendment to a contract, as specified in subsection (a), a qualified recipient or limited recipient may elect to be subject to the provisions of this title by executing an irrevocable election in a form approved by the Secretary to comply with this title. The district shall thereupon deliver irrigation water to and collect from such recipient, for the credit of the United States, the additional charges required by this title and assignable to the recipient making the election.

(d) Amendments to contracts which are not required by the provisions of this title shall not be made without the consent of the non-Federal party.

LIMITATION ON OWNERSHIP

43 USC 390dd.

SEC. 204. Except as provided in section 209 of this title, irrigation water may not be delivered to—

(1) a qualified recipient for use in the irrigation of lands owned by such qualified recipient in excess of nine hundred and sixty acres of class I lands or the equivalent thereof; or

(2) a limited recipient for the use in the irrigation of lands owned by such limited recipient in excess of six hundred and forty acres of class I lands or the equivalent thereof;

whether situated in one or more districts.

PRICING

43 USC 390ee.

SEC. 205. (a) Notwithstanding any other provision of law, any contract with a district entered into by the Secretary as specified in section 203, shall provide for the delivery of irrigation water at full cost as defined in section 202(3) to:

(1) a landholding in excess of nine hundred and sixty acres of class I lands or the equivalent thereof for a qualified recipient,

(2) a landholding in excess of three hundred and twenty acres of class I land or the equivalent thereof for a limited recipient receiving irrigation water on or before October 1, 1981; and

(3) the entire landholding of a limited recipient not receiving irrigation water on or before October 1, 1981: *Provided*, That the interest rate used in computing full cost under this paragraph shall be determined by the Secretary of the Treasury on the basis of the arithmetic average of—

(A) the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from the date of issuance; and

96 STAT. 1266

(B) the weighted average of market yields on all interest-bearing, marketable issues sold by the Treasury

during the fiscal year preceding the fiscal year in which the expenditures are made, or the date of enactment of this Act for expenditures made before such date of enactment.

(b) Any contract with a district entered into by the Secretary as specified in section 203, shall provide for the delivery of irrigation water to lands not in excess of the landholdings described in subsection (a) upon terms and conditions related to pricing established by the Secretary pursuant to Federal reclamation law in effect immediately prior to the date of enactment of this Act, or, in the case of an amended contract, upon the terms and conditions established by such contract prior to the date of its amendment. However, the portion of any price established under this subsection which relates to operation and maintenance charges shall be established pursuant to section 208 of this title.

(c) Notwithstanding any extension of time of any recordable contract as provided in section 209(e) of this title, lands under recordable contract shall be eligible to receive irrigation water at less than full cost for a period not to exceed ten years from the date such recordable contract was executed by the Secretary in the case of contracts existing prior to the date of enactment of this Act, or five years from the date such recordable contract was executed by the Secretary in the case of contracts entered into subsequent to the date of enactment, or the time specified in section 218 for lands described in that section: *Provided*, That in no case shall the right to receive water at less than full cost under this subsection terminate sooner than eighteen months after the date on which the Secretary again commences the processing or the approval of the disposition of such lands.

CERTIFICATION

43 USC 390ff.

SEC. 206. As a condition to the receipt of irrigation water for lands in a district which has a contract as specified in section 203, each landowner and lessee within such district shall furnish the district, in a form prescribed by the Secretary, a certificate that they are in compliance with the provisions of this title including a statement of the number of acres leased, the term of any lease, and a certification that the rent paid reflects the reasonable value of the irrigation water to the productivity of the land. The Secretary may require any lessee to submit to him, for his examination, a complete copy of any such lease executed by each of the parties thereto.

EQUIVALENCY

43 USC 390gg. SEC. 207. Upon the request of any district, the ownership and pricing limitations imposed by this title shall apply to the irrigable lands classified within such district by the Secretary as having class I productive potential or the equivalent thereof in larger acreage of less productive potential, as determined by the Secretary, taking into account all factors which significantly affect productivity, including but not limited to topography, soil characteristics, length of growing season, elevation, adequacy of water supply, and crop adaptability.

96 STAT. 1267

OPERATION AND MAINTENANCE CHARGES

43 USC 390hh. SEC. 208. (a) The price of irrigation water delivered by the Secretary pursuant to a contract or an amendment to a contract with a district, as specified in section 203, shall be at least sufficient to recover all operation and maintenance charges which the district is obligated to pay to the United States.

(b) Whenever a district enters into a contract or requests that its contract be amended as specified in section 203, and each year thereafter, the Secretary shall calculate such operation and maintenance charges and shall modify the price of irrigation water delivered under the contract as necessary to reflect any changes in such costs by amending the district's contract accordingly.

(c) This section shall not apply to districts which operate and maintain project facilities and finance the operation and maintenance thereof from non-Federal funds.

DISPOSITION OF EXCESS LANDS

43 USC 390ii. SEC. 209. (a) Irrigation water made available in the operation of reclamation project facilities may not be delivered for use in the irrigation of lands held in excess of the ownership limitations imposed by Federal reclamation law, including this title, unless and until the owners thereof shall have executed a recordable contract with the Secretary, in accordance with the terms and conditions required by Federal reclamation law, requiring the disposal of their interest in such excess lands within a reasonable time to be established by the Secretary. In the case of recordable contracts entered into prior to the date of enactment of this Act, such reasonable time shall not exceed ten years after the recordable contract is executed by the Secretary. In the case of recordable contracts entered into after the date of enactment of this Act, except as provided in section 218, such reasonable time shall not exceed five years after the recordable contract is executed by the Secretary.

(b) Lands held in excess of the ownership limitations imposed by Federal reclamation law, including this title, which, on the date of enactment of this Act, are, or are capable of, receiving delivery of irrigation water made available by the operation of existing reclamation project facilities may receive such deliveries only—

(1) if the disposal of the owner's interest in such lands is required by an existing recordable contract with the Secretary, or

(2) if the owners of such lands have requested that a recordable contract be executed by the Secretary.

(c) Recordable contracts existing on the date of enactment of this Act shall be amended at the request of the landowner to conform with the ownership limitations contained in this title: *Provided,* That the time period for disposal of excess lands specified in the existing recordable contract shall not be extended except as provided in subsection (e).

(d) Any recordable contract covering excess lands sales shall provide that a power of attorney shall vest in the Secretary to sell any excess lands not disposed of by the owners thereof within the period of time specified in the recordable contract. In the exercise of that power, the Secretary shall sell such lands through an impartial selection process only to qualified purchasers according to such reasonable rules and regulations as the Secretary may establish: *Provided,* That the Secretary shall recover for the owner the fair market value of the land unrelated to irrigation water deliveries plus the fair market value of improvements thereon.

96 STAT. 1268

(e) In the event that the owner of any lands in excess of the ownership limitations of Federal reclamation law has heretofore entered into a recordable contract with the Secretary for the disposition of such excess lands and has been prevented from disposing of them because the Secretary may have withheld the processing or approval of the disposition of the lands (whether he may have been compelled to do so by court order or for other reasons), the period of time for the disposal of such lands by the owner thereof pursuant to the contract shall be extended from the date on which the Secretary again commences the processing or the approval of the disposition of such lands for a period which shall be equal to the remaining period of time under the recordable contract for the disposal thereof by the owner at the time the decision of the Secretary to withhold the processing or approval of such disposition first became effective.

(f) Excess lands which have been or may be disposed of in compliance with Federal reclamation law, including this title, shall not be considered eligible to receive irrigation water unless—

(1) they are held by nonexcess owners; and

(2) in the case of disposals made after the date of enactment of this Act, their title is burdened by a covenant prohibiting their sale, for a period of ten years after their original disposal to comply with Federal reclamation law, including this title, for values exceeding the sum of the value of newly added improvements and the value of the land as increased by market appreciation unrelated to the delivery of irrigation water. Upon expiration of the terms of such covenant, the title to such lands shall be freed of the burden of any limitations on subsequent sale values which might otherwise be imposed by the operation of section 46 of the Act entitled "An Act to adjust water rights charges, to grant certain relief on the Federal irrigation projects, and for other purposes", approved May 25, 1926 (43 U.S.C. 423e).

WATER CONSERVATION

43 USC 390jj.

SEC. 210. (a) The Secretary shall, pursuant to his authorities under otherwise existing Federal reclamation law, encourage the full consideration and incorporation of prudent and responsible water conservation measures in the operations of non-Federal recipients of irrigation water from Federal reclamation projects, where such measures are shown to be economically feasible for such non-Federal recipients.

(b) Each district that has entered into a repayment contract or water service contract pursuant to Federal reclamation law or the Water Supply Act of 1958, as amended (43 U.S.C. 390b), shall develop a water conservation plan which shall contain definite goals, appropriate water conservation measures, and a time schedule for meeting the water conservation objectives.

(c) The Secretary is authorized and directed to enter into memorandums of agreement with those Federal agencies having capability to assist in implementing water conservation measures to assure coordination of ongoing programs. Such memorandums should provide for involvement of non-Federal entities such as States, Indian tribes, and water user organizations to assure full public participation in water conservation efforts.

96 STAT. 1269

RESIDENCY NOT REQUIRED

43 USC 390kk.

SEC. 211. Notwithstanding any other provision of law, irrigation water made available from the operation of reclamation project facilities shall not be withheld from delivery to any project lands for the reason that the owners, lessees, or operators do not live on or near them.

CORPS OF ENGINEERS PROJECTS

43 USC 390*ll*.

SEC. 212. (a) Notwithstanding any other provision of law, neither the ownership or pricing limitation provisions nor the other provisions of Federal reclamation law, including this title, shall be applicable to lands receiving benefits from Federal water resources projects constructed by the United States Army Corps of Engineers, unless—

(1) the project has, by Federal statute, explicitly been designated, made a part of, or integrated with a Federal reclamation project; or

(2) the Secretary, pursuant to his authority under Federal reclamation law, has provided project works for the control or conveyance of an agricultural water supply for the lands involved.

(b) Notwithstanding any other provision of this section to the contrary, obligations that require water users, pursuant to contracts with the Secretary, to repay the share of construction costs and to pay the share of the operation and maintenance and contract administrative costs of a Corps of Engineers project which are allocated to conservation storage or irrigation storage shall remain in effect.

REPAYMENT OF CONSTRUCTION CHARGES

43 USC 390mm.

SEC. 213. (a) The ownership and full cost pricing limitations of this title and the ownership limitations provided in any other provision of Federal reclamation law shall not apply to lands in a district after the obligation of a district for the repayment of the construction costs of the project facilities used to make project water available for delivery to such lands shall have been discharged by a district (or by a person within the district pursuant to a contract existing on the date of enactment of this Act), by payment of periodic installments throughout a specified contract term, including individual or district accelerated payments where so provided in contracts existing on the date of enactment of this Act.

Certificate.

(b)(1) The Secretary shall provide, upon request of any owner of a landholding for which repayment has occurred, a certificate acknowledging that the landholding is free of the ownership or full cost pricing limitation of Federal reclamation law. Such certificate shall be in a form suitable for entry in the land records of the county in which such landholding is located.

Ratification.

(2) Any certificate issued by the Secretary prior to the date of enactment of this Act acknowledging that the landholding is free of the acreage limitation of Federal reclamation law is hereby ratified.

(c) Nothing in this title shall be construed as authorizing or permitting lump sum or accelerated repayment of construction costs, except in the case of a repayment contract which is in effect upon the date of enactment of this Act and which provides for such lump sum or accelerated repayment by an individual or district.

96 STAT. 1270

TRUSTS

43 USC 390nn.

SEC. 214. The ownership and full cost pricing limitations of this title and the ownership limitations provided in any other provision of Federal reclamation law shall not apply to lands in a district which are held by an individual or corporate trustee in a fiduciary capacity for a beneficiary or beneficiaries whose interests in the lands served do not exceed the ownership and pricing limitations imposed by Federal reclamation law, including this title.

TEMPORARY SUPPLIES OF WATER

43 USC 390oo.

SEC. 215. (a) Neither the ownership limitations of this title nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands which receive only a temporary, not to exceed one year, supply of water made possible as a result of—

(1) an unusually large water supply not otherwise storable for project purposes; or

(2) infrequent and otherwise unmanaged flood flows of short duration.

Waiver.

(b) The Secretary shall have the authority to waive payments for a supply of water described in subsection (a).

INVOLUNTARY FORECLOSURE

43 USC 390pp.

SEC. 216. Neither the ownership limitations of this title nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands when the lands are acquired by involuntary foreclosure, or similar involuntary process of law, by bona fide conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), by inheritance, or by devise: *Provided,* That such lands were eligible to receive irrigation water prior to such transfer of title or the mortgaged lands became ineligible to receive water after the mortgage is recorded but before it is acquired by involuntary foreclosure or similar involuntary process of law or by bona fide conveyance in satisfaction of mortgage: *Provided further,* That if, after acquisition, such lands are not qualified under Federal reclamation law, including this title, they shall be furnished temporarily with an irrigation water supply for a period not exceeding five years from the effective date of such an acquisition, delivery of irrigation water thereafter ceasing until the transfer thereof to a landowner qualified under such laws: *Provided further,* That the provisions of section 205 of this title shall be applicable separately to each acquisition under this section if the lands are otherwise subject to the provisions of section 205.

ISOLATED TRACTS

43 USC 390qq.

SEC. 217. Neither the ownership limitations of this title nor the ownership limitations of any other provision of Federal reclamation law shall apply to lands which are isolated tracts found by the Secretary to be economically farmable only if they are included in a larger farming operation but which may, as a result of their inclusion in that operation, cause it to exceed such ownership limitations.

96 STAT. 1271

CENTRAL ARIZONA PROJECT

43 USC 390rr.

SEC. 218. Lands receiving irrigation water pursuant to a contract with the Secretary as authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521 et seq.) which are placed under recordable contract shall be eligible to receive irrigation water upon terms and conditions related to pricing established by the Secretary pursuant to Federal reclamation law in effect immediately prior to the date of enactment of this Act, for a period of time not to exceed ten years from the date such lands are capable of being served with irrigation water, as determined by the Secretary.

RELIGIOUS OR CHARITABLE ORGANIZATIONS

43 USC 390ss.

26 USC 501.

SEC. 219. An individual religious or charitable entity or organization (including but not limited to a congregation, parish, school, ward, or chapter) which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, as amended, and which owns, operates, or leases any lands within a district shall be treated as an individual under the provisions of this title regardless of such entity or organization's affiliation with a central organization or its subjugation to a hierarchical authority of the same faith and regardless of whether or not the individual entity is the owner of record if—

(1) the agricultural produce and the proceeds of sales of such produce are directly used only for charitable purposes;

(2) said land is operated by said individual religious or charitable entity or organization (or subdivisions thereof); and

(3) no part of the net earnings of such religious or charitable entity or organization (or subdivision thereof) shall inure to the benefit of any private shareholder or individual.

CONTRACT REQUIRED

43 USC 390tt.

SEC. 220. Irrigation water temporarily made available from reclamation facilities in excess of ordinary quantities not otherwise storable for project purposes or at times when such irrigation water would not have been available without the operations of those facilities, may be used for irrigation, municipal, or industrial purposes only to the extent covered by a contract requiring payment for the use of such irrigation water, executed in accordance with the Reclamation Project Act of 1939, or other applicable provisions of Federal reclamation law.

43 USC 485k.

WAIVER OF SOVEREIGN IMMUNITY

43 USC 390uu.

SEC. 221. Consent is given to join the United States as a necessary party defendant in any suit to adjudicate, confirm, validate, or decree the contractual rights of a contracting entity and the United States regarding any contract executed pursuant to Federal reclamation law. The United States, when a party to any suit, shall be deemed to have waived any right to plead that it is not amenable thereto by reason of its sovereignty, and shall be subject to judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances. Any suit pursuant to this section may be brought in any United States district court in the State in which the land involved is situated.

96 STAT. 1272

EXCESS CROP RESTRICTIONS

Report to Congress.
43 USC 390vv.

SEC. 222. (a) Within one year of the date of enactment of this Act, the Secretary of Agriculture, with the cooperation of the Secretary of the Interior, shall transmit to the Congress a report on the production of surplus crops on acreage served by irrigation water. The report shall include—

(1) data delineating the production of surplus crops on lands served by irrigation water;

(2) the percentage of participation of farms served by irrigation water in set-aside programs, by acreage, crop, and State;

(3) the feasibility and appropriateness of requiring the participation in acreage set-aside programs of farms served by irrigation water and the costs of such a requirement; and

(4) any recommendations concerning how to coordinate national reclamation policy with agriculture policy to help alleviate recurring problems of surplus crops and low commodity prices.

(b) In addition, notwithstanding any other provision of law, in the case of any Federal reclamation project authorized before the date of enactment of this Act, any restriction prohibiting the delivery of irrigation water for the production of excess basic agricultural commodities shall extend for a period no longer than ten years after the date of the initial authorization of such project.

SMALL RECLAMATION PROJECTS ACT

SEC. 223. Section 5(c)(2) of the Act of August 6, 1956 (43 U.S.C. 422e), is amended by striking out "by any one owner in excess of one hundred and sixty irrigable acres;" and inserting in lieu thereof "by a qualified recipient, as such term is defined in section 202 of the Reclamation Reform Act of 1982, in excess of nine hundred and sixty irrigable acres, or by a limited recipient, as such term is defined in section 202 of the Reclamation Reform Act of 1982, in excess of three hundred and twenty irrigable acres;".

ADMINISTRATIVE PROVISIONS

SEC. 224. (a) The provisions of Federal reclamation law shall remain in full force and effect, except to the extent such law is amended by, or is inconsistent with, this title. 43 USC 390ww.

(b) Nothing in this title shall repeal or amend any existing statutory exemptions from the ownership or pricing limitations of Federal reclamation law.

(c) The Secretary may prescribe regulations and shall collect all data necessary to carry out the provisions of this title and other provisions of Federal reclamation law. Regulations.

(d) Section 3 of the Act of July 7, 1970 (43 U.S.C. 425b) is amended by striking the phrase "for a period not to exceed twenty-five years" following the term "project water".

(e) Any nonexcess land which is acquired into excess status pursuant to involuntary foreclosure or similar involuntary process of law, conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), inheritance, or devise, may be sold at its fair market value without regard to any other provision of this title or to section 46 of the Act entitled "An Act to adjust water rights charges, to grant certain relief on the Federal irrigation projects, and for other purposes", approved May 25, 1926 (43 U.S.C. 423e): *Provided*, That if the status of mortgaged land changes from nonexcess into excess after the mortgage is recorded and is subsequently acquired by the lender by involuntary foreclosure or similar involuntary process of law, by bona fide conveyance in satisfaction of the mortgage, such land may be sold at its fair market value.

96 STAT. 1273

(f) The first proviso in the third paragraph of section 1 of the Act of April 4, 1910 (36 Stat. 269, 270), as amended by the Act of August 7, 1946 (60 Stat. 866, 867), is hereby repealed. 25 USC 383.

VALIDATION

SEC. 225. The provisions of any contract entered into prior to October 1, 1981, by the Secretary with a district, which define project or nonproject water, or describe the delivery of project water through nonproject facilities or nonproject water through project facilities to lands within the district, are hereby authorized and validated on the part of the United States. 43 USC 390xx.

PUBLIC PARTICIPATION

SEC. 226. Section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) is amended by adding at the end the following new subsection:

"(f) No less than sixty days before entering into or amending any repayment contract or any contract for the delivery of irrigation water (except any contract for the delivery of surplus or interim irrigation water whose duration is for one year or less) the Secretary shall—

"(1) publish notice of the proposed contract or amendment in newspapers of general circulation in the affected area and shall make reasonable efforts to otherwise notify interested parties Notice.

which may be affected by such contract or amendment, together with information indicating to whom comments or inquiries concerning the proposed actions can be addressed; and

"(2) provide an opportunity for submission of written data, views and arguments, and shall consider all substantive comments so received.".

LEASING REQUIREMENTS

43 USC 390yy.

SEC. 227. Notwithstanding any other provision of Federal reclamation law, including this title, lands which receive irrigation water may be leased only if the lease instrument is—

(1) written; and

(2) for a term not to exceed ten years, including any exercisable options: *Provided, however,* That leases of lands for the production of perennial crops having an average life of more than ten years may be for periods of time equal to the average life of the perennial crop but in any event not to exceed twenty-five years.

96 STAT. 1274

REPORTING

Recordkeeping.
43 USC 390zz.

SEC. 228. Any contracting entity subject to the ownership or pricing limitations of Federal reclamation law shall compile and maintain such records and information as the Secretary deems reasonably necessary to implement this title and Federal reclamation law. On a date set by the Secretary following the date of enactment of this Act, and annually thereafter, every such contracting entity shall provide in a form suitable to the Secretary such reports on the above matters as the Secretary may require.

COMMISSIONER OF RECLAMATION

43 USC 373a.

SEC. 229. The Act of May 26, 1926 (44 Stat. 657), is amended by adding the words "by and with the advice and consent of the Senate" after the word "President".

SEVERABILITY

43 USC 390zz-1.

SEC. 230. If any provision of this title or the applicability thereof to any person or circumstances is held invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE III

Southern Arizona Water Rights Settlement Act of 1982.

CONGRESSIONAL FINDINGS

Papago Tribe, water rights claims.

SEC. 301. The Congress finds that—

(1) water rights claims of the Papago Tribe with respect to the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation are the subject of existing and prospective lawsuits against numerous parties in southern Arizona, including major mining companies, agricultural interests, and the city of Tucson;

(2) these lawsuits not only will prove expensive and time consuming for all participants, but also could have a profound adverse impact upon the health and development of the Indian and non-Indian economies of southern Arizona;

(3) the parties to the lawsuits and others interested in the settlement of the water rights claims of the Papago Indians within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area have diligently attempted to settle these claims and the Federal Government, by providing the assistance specified in this title, will

make possible the execution and implementation of a permanent settlement agreement;

(4) it is in the long-term interest of the United States, the State of Arizona, its political subdivisions, the Papago Indian Tribe, and the non-Indian community of southern Arizona that the United States Government assist in the implementation of a fair and equitable settlement of the water rights claims of the Papago Indians respecting certain portions of the Papago Reservation; and

(5) the settlement contained in this title will—

(A) provide the necessary flexibility in the management of water resources and will encourage allocation of those resources to their highest and best uses; and

(B) insure conservation and management of water resources in a manner consistent with the goals and programs of the State of Arizona and the Papago Tribe.

DEFINITIONS

SEC. 302. For purposes of this title—

(1) The term "acre-foot" means the amount of water necessary to cover one acre of land to a depth of one foot.

(2) The term "Central Arizona Project" means the project authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521, et seq.).

(3) The term "Papago Tribe" means the Papago Tribe of Arizona organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476).

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "subjugate" means to prepare land for the growing of crops through irrigation.

(6) The term "Tucson Active Management Area" means the area of land corresponding to the area initially designated as the Tucson Active Management Area pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

(7) The term "December 11, 1980, agreement" means the Central Arizona Project water delivery contract between the United States and the Papago Tribe.

(8) The term "replacement costs" means the reasonable costs of acquiring and delivering water from sources within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area. Such costs shall include costs of necessary construction amortized in accordance with standard Bureau of Reclamation Procedures.

(9) The term "value" means the value attributed to the water based on the Tribe's anticipated or actual use of the water, or its fair market value, whichever is greater.

WATER DELIVERIES TO TRIBE FROM CAP; MANAGEMENT PLAN; REPORT ON WATER AVAILABILITY; CONTRACT WITH TRIBE

SEC. 303. (a) As soon as is possible but not later than ten years after the enactment of this title, if the Papago Tribe has agreed to the conditions set forth in section 306, the Secretary, acting through the Bureau of Reclamation, shall—

(1) in the case of the San Xavier Reservation—

(A) deliver annually from the main project works of the Central Arizona Project twenty-seven thousand acre-feet of water suitable for agricultural use to the reservation in accordance with the provisions of section 304(a); and

(B) improve and extend the existing irrigation system on the San Xavier Reservation and design and construct within the reservation such additional canals, laterals, farm ditches, and irrigation works as are necessary for the efficient distribution for agricultural purposes of the water referred to in subparagraph (A); and

96 STAT. 1276

(2) in the case of the Schuk Toak District of the Sells Papago Reservation—

(A) deliver annually from the main project works of the Central Arizona Project ten thousand eight hundred acre-feet of water suitable for agricultural use to the reservation in accordance with the provisions of section 304(a); and

(B) design and construct an irrigation system in the Eastern Schuk Toak District of the Sells Papago Reservation, including such canals, laterals, farm ditches, and irrigation works, as are necessary for the efficient distribution for agricultural purposes of the water referred to in subparagraph (A); and

Water management plan, establishment.

(3) establish a water management plan for the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation which, except as is necessary to be consistent with the provisions of this title, will have the same effect as any management plan developed under Arizona law.

Appropriation authorization.

(4) There are authorized to be appropriated up to $3,500,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved for those features of the irrigation system described in paragraph (1)(B) or (2)(B) of section 303(a) which are not authorized to be constructed under any other provision of law.

Study.

(b)(1) In order to encourage the Papago Tribe to develop sources of water on the Sells Papago Reservation, the Secretary shall, if so requested by the tribe, carry out a study to determine the availability and suitability of water resources within the Sells Papago Reservation but outside the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area.

Study.

(2) The Secretary shall, in cooperation with the Secretary of Energy, or, with the appropriate agency or officials, carry out a study to determine—

(A) the availability of energy and the energy requirements which result from the enactment of the provisions of this title, and

(B) the feasibility of constructing a solar power plant or other alternative energy producing facility to meet such requirements.

(c) The Papago Tribe shall have the right to withdraw ground water from beneath the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation subject to the limitations of section 306(a).

(d) Nothing contained in this title shall diminish or abrogate any obligations of the Secretary to the Papago Tribe under the December 11, 1980, agreement.

(e) Nothing contained in sections 303(c) and 306(c) shall be construed to establish whether or not the Federal reserved rights doctrine applies, or does not apply, to ground water.

DELIVERIES UNDER EXISTING CONTRACT; ALTERNATIVE WATER SUPPLIES; OPERATION AND MAINTENANCE

SEC. 304. (a) The water delivered from the main project works of the Central Arizona Project to the San Xavier Reservation and to the Schuk Toak District of the Sells Papago Reservation as provided in section 303(a), shall be delivered in such amounts, and according to such terms and conditions, as are set forth in the December 11, 1980, agreement, except as otherwise provided under this section.

96 STAT. 1277

(b) Where the Secretary, pursuant to the terms and conditions of the agreement referred to in subsection (a), is unable, during any year, to deliver from the main project works of the Central Arizona Project any portion of the full amount of water specified in section 303(a)(1)(A) and section 303(a)(2)(A), the Secretary shall acquire and deliver an equivalent quantity of water from the following sources or any combination thereof:

(1) agricultural water from the Central Arizona Project which has been contracted for but has been released or will be unused by the contractor during the period in which the Secretary will acquire the water;

(2) any water available for delivery through the Central Arizona Project which exists by reason of the augmentation of the water supply available for use and distribution through the Central Arizona Project by subsequent Acts of Congress; and

(3) water from any of the following sources or any combination thereof within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area in the State of Arizona:

(A) private lands or interests therein having rights in surface or ground water recognized under State law; or

(B) reclaimed water to which the seller has a specific right.

Deliveries of water from lands or interests referred to in subparagraph (A) shall be made only to the extent such water may be transported within the Tucson Active Management Area pursuant to State law.

(c) If the Secretary is unable to acquire and deliver quantities of water adequate to fulfill his obligations under this section or paragraphs (1)(A) and (2)(A) of section 303(a), he shall pay damages in an amount equal to—

(1) the actual replacement costs of such quantities of water as are not acquired and delivered, where a delivery system has not been completed within ten years after the date of enactment of this title, or

(2) the value of such quantities of water as are not acquired and delivered, where the delivery system is completed.

(d) No land, water, water rights, contract rights, or reclaimed water may be acquired under subsection (b) without the consent of the owner thereof. No private lands may be acquired under subsection (b)(3)(A) unless the lands have a recent history of receiving or being capable of actually receiving all or substantially all of the water right the use of which is recognized by State law. In acquiring any private lands under subsection (b)(3)(A), the Secretary shall give preference to the acquisition of lands upon which water has actually been put to beneficial use in any one of the five years preceding the date of acquisition. Nothing in this section shall authorize the Secretary to acquire or disturb the water rights of any Indian tribe, band, group, or community.

(e)(1) To meet the obligation referred to in paragraphs (1)(A) and (2)(A) of section 303(a), the Secretary shall, acting through the Bureau of Reclamation, as part of the main project works of the Central Arizona Project—

96 STAT. 1278

(A) design, construct and, without cost to the Papago Tribe, operate, maintain, and replace such facilities as are appropriate including any aqueduct and appurtenant pumping facilities, powerplants, and electric power transmission facilities which may be necessary for such purposes; and

(B) deliver the water to the southern boundary of the San Xavier Reservation, and to the boundary of the Schuk Toak District of the Sells Papago Reservation, at points agreed to by the Secretary and the tribe which are suitable for delivery to the reservation distribution systems.

Appropriation authorization.

(2) There is hereby authorized to be appropriated by this title in addition to other sums authorized to be appropriated by this title, a sum equal to that portion of the total costs of phase B of the Tucson Aqueduct of the Central Arizona Project which the Secretary determines to be properly allocable to construction of facilities for the delivery of water to Indian lands as described in subparagraphs (A) and (B) of paragraph (1). Sums allocable to the construction of such facilities shall be reimbursable as provided by the Act of July 1, 1932 (Public Law 72-240; 25 U.S.C. 386(a)), as long as such water is used for irrigation of Indian lands.

25 USC 386a.

(f) To facilitate the delivery of water to the San Xavier and the Schuk Toak District of the Sells Papago Reservation under this title, the Secretary is authorized—

(1) to enter into contracts or agreements for the exchange of water, or for the use of aqueducts, canals, conduits, and other facilities for water delivery, including pumping plants, with the State of Arizona or any of its subdivisions, with any irrigation district or project, or with any authority, corporation, partnership, individual, or other legal entity; and

(2) to use facilities constructed in whole or in part with Federal funds.

RECLAIMED WATER; ALTERNATIVE WATER SUPPLIES

SEC. 305. (a) As soon as possible, but not later than ten years after the date of enactment of this title, the Secretary shall acquire reclaimed water in accordance with the agreement described in section 307(a)(1) and deliver annually twenty-three thousand acre-feet of water suitable for agricultural use to the San Xavier Reservation and deliver annually five thousand two hundred acre-feet of water suitable for agricultural use to the Schuk Toak District of the Sells Papago Reservation.

(b)(1) The obligation of the Secretary referred to in subsection (a) to deliver water suitable for agricultural use may be fulfilled by voluntary exchange of that reclaimed water for any other water suitable for agricultural use or by other means. To make available and deliver such water, the Secretary acting through the Bureau of Reclamation shall design, construct, operate, maintain, and replace such facilities as are appropriate. The costs of design, construction, operation, maintenance, and replacement of on-reservation systems for the distribution of the water referred to in subsection (a) are the responsibility of the Papago Tribe.

(2) The Secretary shall not construct a separate delivery system to deliver reclaimed water referred to in subsection (a) to the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation. 96 STAT. 1279

(3) To facilitate the delivery of water under this title, the Secretary shall, to the extent possible, utilize unused capacity of the main project works of the Central Arizona Project without reallocation of costs.

(c) The Secretary may, as an alternative to, and in satisfaction of the obligation to deliver the quantities of water to be delivered under subsection (a), acquire and deliver pursuant to agreements authorized in section 307(b), an equivalent quantity of water from the following sources or any combination thereof—

(1) agricultural water from the Central Arizona Project which has been contracted for but has been released or will be unused by the contractor during the period in which the Secretary will acquire the water;

(2) any water available for delivery through the Central Arizona Project which exists by reason of the augmentation of the water supply available for use and distribution through the Central Arizona Project by subsequent Acts of Congress; and

(3) water from any of the following sources or any combination thereof within the Tucson Active Management Area in the State of Arizona and that part of the Upper Santa Cruz Basin not within that area—

(A) private lands or interests therein having rights in surface or ground water recognized under State law; or

(B) reclaimed water to which the seller has a specific right.

Deliveries of water from lands referred to in subparagraph (A) shall be made only to the extent such water may be transported within the Tucson Active Management Area pursuant to State law.

Payment of damages.

(d) If the Secretary is unable to acquire and deliver quantities of water adequate to fulfill his obligations under this section, he shall pay damages in an amount equal to—

(1) the actual replacement costs of such quantities of water as are not acquired and delivered, where a delivery system has not been completed within ten years after the date of enactment of this title, or

(2) the value of such quantities of water as are not acquired and delivered, where a delivery system is completed.

(e) No land, water, water rights, contract rights, or reclaimed water may be acquired under subsection (c) without the consent of the owner thereof. No private lands may be acquired under subsection (c)(3)(A) unless the lands have a recent history of receiving or being capable of actually receiving all or substantially all of the water the right to the use of which is recognized by State law. In acquiring said private lands, the Secretary shall give preference to the acquisition of lands upon which water has actually been put to beneficial use in any one of the five years preceding the date of acquisition. Nothing in this section shall authorize the Secretary to acquire or disturb the water rights of any Indian tribe, band, group, or community.

LIMITATION ON PUMPING FACILITIES FOR WATER DELIVERIES; DISPOSITION OF WATER

SEC. 306. (a) The Secretary shall be required to carry out his obligation under subsections (b), (c), and (e) of section 304 and under section 305 only if the Papago Tribe agrees to—

96 STAT. 1280

(1) limit pumping of ground water from beneath the San Xavier Reservation to not more than ten thousand acre-feet per year;

(2) limit the quantity of ground water pumped from beneath the eastern Schuk Toak District of the Sells Papago Reservation which lies within the Tucson Active Management Area to those quantities being withdrawn on January 1, 1981; and

(3) comply with the management plan established by the Secretary under section 303(a)(3).

Nothing contained in paragraph (1) shall restrict the tribe from drilling wells and withdrawing ground water therefrom on the San Xavier Reservation if such wells have a capacity of less than thirty-five gallons per minute and are used only for domestic and livestock purposes. Nothing contained in paragraph (2) shall restrict the tribe from drilling wells and withdrawing ground water therefrom in the eastern Schuk Toak District of the Sells Papago Reservation which lies within the Tucson Active Management Area if such wells have a capacity of less than thirty-five gallons per minute and which are used only for domestic and livestock purposes.

(b) The Secretary shall be required to carry out his obligations with respect to distribution systems under paragraphs (1)(B) and (2)(B) of section 303(a) only if the Papago Tribe agrees to—

(1) subjugate, at no cost to the United States, the land for which those distribution systems are to be planned, designed, and constructed by the Secretary; and

(2) assume responsibility, through the tribe or its members or an entity designated by the tribe, as appropriate, following completion of those distribution systems and upon delivery of water under this title, for the operation, maintenance, and replacement of those systems in accordance with the first section of the Act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385).

(c)(1) The Papago Tribe shall have the right to devote all water supplies under this title, whether delivered by the Secretary or pumped by the tribe, to any use, including but not limited to agricultural, municipal, industrial, commercial, mining, or recreational use whether within or outside the Papago Reservation so long as such use is within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within such area.

(2) The Papago Tribe may sell, exchange, or temporarily dispose of water, but the tribe may not permanently alienate any water right. In the event the tribe sells, exchanges, or temporarily disposes of water, such sale, exchange, or temporary disposition shall be pursuant to a contract which has been accepted and ratified by a resolution of the Papago Tribal Council and approved and executed by the Secretary as agent and trustee for the tribe. Such contract shall specifically provide that an action may be maintained by the contracting party against the United States and the Secretary for the breach thereof. The net proceeds from any sale, exchange, or disposition of water by the Papago Tribe shall be used for social or economic programs or for tribal administrative purposes which benefit the Papago Tribe.

(d) Nothing in section 306(c) shall be construed to establish whether or not reserved water may be put to use, or sold for use, off of any reservation to which reserved water rights attach.

96 STAT. 1281

OBLIGATION OF THE SECRETARY; CONTRACT FOR RECLAIMED WATER; DISMISSAL AND WAIVER OR CLAIMS OF PAPAGO TRIBE AND ALLOTTEES

SEC. 307. (a) The Secretary shall be required to carry out his obligations under subsections (b), (c), and (e) of section 304 and under section 305 only if—

(1) within one year of the date of enactment of this title—

(A) the city of Tucson and the Secretary agree that the city will make immediately available, without payment to the city, such quantity of reclaimed water treated to secondary standards as is adequate, after evaporative losses, to deliver annually, as contemplated in section 305(a), twenty-eight thousand two hundred acre-feet of water for the Secretary to dispose of as he sees fit; such agreement may provide terms and conditions under which the Secretary may relinquish to the city of Tucson such quantities of water as are not needed to satisfy the Secretary's obligations under this title;

(B) the Secretary and the city of Tucson, the State of Arizona, the Anamax Mining Company, the Cyprus-Pima Mining Company, the American Smelting and Refining Company, the Duval Corporation, and the Farmers Investment Company agree that funds will be contributed, in accordance with the paragraphs (1)(B) and (2) of subsection (b) of section 313, to the Cooperative Fund established under subsection (a) of such section.

(C) the Papago Tribe agrees to file with the United States District Court for the District of Arizona a stipulation for voluntary dismissal with prejudice, in which the Attorney General is authorized and directed to join on behalf of the United States, and the allottee class representatives' petition for dismissal of the class action with prejudice in the United States, the Papago Indian Tribe, and others against the city of Tucson, and others, civil numbered 75-39 TUC (JAW); and

Waiver and release.

(D) the Papago Tribe executes a waiver and release in a manner satisfactory to the Secretary of—

(i) any and all claims of water rights or injuries to water rights (including water rights in both ground water and surface water) within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, from time immemorial to the date of the execution by the tribe of such waiver, which the Papago Tribe has against the United States, the State of Arizona and any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, arising under the laws of the United States or the State of Arizona; and

(ii) any and all future claims of water rights (including water rights in both ground water and surface water) within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, from and after the date of execution of such waiver, which the Papago Tribe has against the United States, the State of Arizona and any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, under the laws of the United States or the State of Arizona; and

(2) the suit referred to in paragraph (1)(C) is finally dismissed;

(b) After the conditions referred to in subsection (a) have been met the Secretary shall be authorized and required, if necessary or desirable, to enter into agreements with other individuals or entities to acquire and deliver water from such sources set forth in section 305(c) if through such contracts as exercised in conjunction with the contract required in subsection (a)(1)(A) it is possible to deliver the quantities of water required in section 305(a).

(c) Nothing in this section shall be construed as a waiver or release by the Papago Tribe of any claim where such claim arises under this title.

Effective date.

(d) The waiver and release referred to in this section shall not take effect until such time as the trust fund referred to in section 309 is in existence, the conditions set forth in subsection (a) have been met, and the full amount authorized to be appropriated to the trust fund under section 309 has been appropriated by the Congress.

(e) The settlement provided in this title shall be deemed to fully satisfy any and all claims of water rights or injuries to water rights (including water rights in both ground water and surface water) of all individual members of the Papago Tribe that have a legal interest in lands of the San Xavier Reservation and the Schuk Toak District of the Sells Reservation located within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, as of the date the waiver and release referred to in this section take effect. Any entitlement to water of any individual member of the Papago Tribe shall be satisfied out of the water resources provided in this title.

STUDY OF LANDS WITHIN THE GILA BEND RESERVATION; EXCHANGE OF LANDS AND ADDITION OF LANDS TO THE RESERVATION; AUTHORIZED APPROPRIATIONS

Studies and analysis.

SEC. 308. (a) The Secretary is hereby authorized and directed to carry out such studies and analysis as he deems necessary to determine which lands, if any, within the Gila Bend Reservation have been rendered unsuitable for agriculture by reason of the operation of the Painted Rock Dam. Such study and analysis shall be completed within one year after the date of the enactment of this title.

(b) If, on the basis of the study and analysis conducted under subsection (a), the Secretary determines that lands have been rendered unsuitable for agriculture for the reasons set forth in subsection (a), and if the Papago Tribe consents, the Secretary is authorized to exchange such lands for an equivalent acreage of land under his jurisdiction which are within the Federal public domain and which, but for their suitability for agriculture, are of like quality.

(c) The lands exchanged under this section shall be held in trust for the Papago Tribe and shall be part of the Gila Bend Reservation for all purposes. Such lands shall be deemed to have been reserved as of the date of the reservation of the lands for which they are exchanged.

Management.

(d) Lands exchanged under this section which, prior to the exchange, were part of the Gila Bend Reservation, shall be managed

96 STAT. 1283

by the Secretary of the Interior through the Bureau of Land Management.

Reimbursement.

(e) The Secretary may require the Papago Tribe to reimburse the United States for moneys paid, if any, by the Federal Government for flood easements on lands which the Secretary replaces by exchange under subsection (b).

ESTABLISHMENT OF TRUST FUND; EXPENDITURES FROM FUND

SEC. 309. (a) Pursuant to appropriations the Secretary of the Treasury shall pay to the authorized governing body of the Papago Tribe the sum of $15,000,000 to be held in trust for the benefit of such Tribe and invested in interest bearing deposits and securities including deposits and securities of the United States.

(b) The authorized governing body of the Papago Tribe, as trustee for such Tribe, may only spend each year the interest and dividends accruing on the sum held and invested pursuant to subsection (a). Such amount may only be used by the Papago Tribe for the subjugation of land, development of water resources, and the construction, operation, maintenance, and replacement of related facilities on the Papago Reservation which are not the obligation of the United States under this or any other Act of Congress.

APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

SEC. 310. The functions of the Bureau of Reclamation under this title shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (88 Stat. 2203; 25 U.S.C. 450) to the same extent as if performed by the Bureau of Indian Affairs.

EXTENSION OF STATUTE OF LIMITATIONS

SEC. 311. Except as otherwise provided in section 107 of this title, notwithstanding section 2415 of title 28, United States Code, any action relating to water rights of the Papago Indian Tribe or any member of such tribe brought by the United States for, or on behalf of, such tribe or member of such tribe, or by such tribe on its own behalf, shall not be barred if the complaint is filed prior to January 1, 1985.

ARID LAND RENEWABLE RESOURCE ASSISTANCE

SEC. 312. If a Federal entity is established to provide financial assistance to undertake arid land renewable resources projects and to encourage and assure investment in the development of domestic sources of arid land renewable resources, such entity shall give first priority to the needs of the Papago Tribe in providing such assistance. Such entity shall make available to the Papago Tribe—

(1) price guarantees, loan guarantees, or purchase agreements,

(2) loans, and

(3) joint venture projects,

at a level to adequately cultivate a minimum number of acres as determined by such entity to be necessary to the economically successful cultivation of arid land crops and a level to contribute significantly to the economy of the Papago Tribe.

96 STAT. 1284

COOPERATIVE FUND

Establishment.

SEC. 313. (a) There is established in the Treasury of the United States a fund to be known as the "Cooperative Fund" for purposes of carrying out the obligations of the Secretary under sections 303, 304, and 305 of this title, including—

(A) operation, maintenance, and repair costs related to the delivery of water under sections 303, 304, 305;

(B) any costs of acquisition and delivery of water from alternative sources under section 304(b) and 305(c); and

(C) any damages payable by the Secretary under section 304(c) or 305(d) of this title.

(b)(1) The Cooperative Fund shall consist of—

(A) amounts appropriated to the Fund under paragraph (3) of this subsection;

(B) $5,250,000 to be contributed as follows:

(i) $2,750,000 (adjusted as provided in paragraph (2)) contributed by the State of Arizona;

(ii) $1,500,000 (adjusted as provided in paragraph (2)) contributed by the City of Tucson; and

(iii) $1,000,000 (adjusted as provided in paragraph (2)) contributed jointly by the Anamax Mining Company, the Cyprus-Pine Mining Company, the American Smelting and Refining Company, the Duval Corporation, and the Farmers Investment Company; and

(C) interest accruing to the Fund under subsection (a) which is not expended as provided in subsection (c).

(2) The amounts referred to in subparagraph (B) of paragraph (1) shall be contributed before the expiration of the three-year period beginning on the date of the enactment of this title. To the extent that any portion of such amounts is contributed after the one-year period beginning on the date of the enactment of this title, the contribution shall include an adjustment representing the additional interest which would have been earned by the Cooperative Fund if that portion had been contributed before the end of the one-year period.

Appropriation authorization.

(3) There are hereby authorized to be appropriated to the Cooperative Fund the following:

(A) $5,250,000; and

(B) Such sums up to $16,000,000 (adjusted as provided in paragraph 2) which the Secretary determines, by notice to the Congress, are necessary to meet his obligations under this title; and

(C) Such additional sums as may be provided by Act of Congress.

(c)(1) Only interest accruing to the Cooperative Fund may be expended and no such interest may be expended prior to the earlier of—

(A) 10 years after the date of the enactment of this title; or

(B) the date of completion of the main project works of the Central Arizona Project.

(2) Interest accruing to the Fund during the twelve-month period before the date determined under paragraph (1) and interest accruing to Fund thereafter shall, without further appropriation, be available for expenditure after the date determined under paragraph (1).

Trustee.
Investments.

96 STAT. 1285

(d) The Secretary of the Treasury shall be the trustee of the Cooperative Fund. It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

Termination.

(e) If, before the date three years after the date of the enactment of this title—

(1) the waiver and release referred to in section 307 does not take effect by reason of section 307(d); or

(2) the suit referred to in section 307(a)(1)(C) is not finally dismissed

the Cooperative Fund under this section shall be terminated and the Secretary of the Treasury shall return all amounts contributed to

the Fund (together with a ratable share of accrued interest) to the respective contributors. Upon such termination, the share contributed by the United States under subsection (b)(3) shall be deposited in the General Fund of the Treasury.

(f) Payments for damages arising under 304(c) and 305(d) shall not exceed in any given year the amounts available for expenditure in any given year from the Cooperative Fund established under this section.

COMPLIANCE WITH BUDGET ACT

Effective date.

SEC. 314. No authority under this title to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

SHORT TITLE

SEC. 315. This title may be cited as the "Southern Arizona Water Rights Settlement Act of 1982".

Approved October 12, 1982.

LEGISLATIVE HISTORY—S. 1409 (H.R. 5118):

HOUSE REPORTS: No. 97-422 accompanying H.R. 5118 (Comm. on Interior and Insular Affairs), No. 97-855 (Comm. of Conference).

SENATE REPORTS: No. 97-375 accompanying H.R. 5118 (Comm. on Indian Affairs), 97-420 (Comm. on Energy and Natural Resources), No. 97-568 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 128 (1982):
Mar. 4, H.R. 5118 considered and passed House.
May 11, H.R. 5118 considered and passed Senate, amended.
May 12, H.R. 5118 House concurred in Senate amendment with amendments.
May 13, Senate concurred in House amendments.
June 1, H.R. 5118 vetoed by President.
June 22, considered and passed Senate.
Aug. 17, considered and passed House, amended.
Aug. 20, Senate concurred in House amendments with amendments.
Sept. 24, Senate agreed to conference report.
Sept. 29, House agreed to conference report.

---

96 STAT. 1817

Public Law 97-373
97th Congress

An Act

Dec. 20, 1982
[S. 2177]

To amend title III of the Colorado River Basin Project Act, Public Law 90-537 (82 Stat. 885), as amended by Public Law 95-578 (92 Stat. 2471), and Public Law 96-375 (94 Stat. 1505).

Colorado River Basin Project Act, amendment.
43 USC 1501 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That Public Law 90-537 (82 Stat. 885), as amended is further amended to provide for cost indexing as may be justified by reason of ordinary fluctuations in construction costs.**

Appropriation authorization.
43 USC 1528.

Section 309(b), first sentence, is amended to read: "There is also authorized to be appropriated $100,000,000 for construction of distribution and drainage facilities for non-Indian lands plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering and cost indices applicable to the types of construction involved therein from the date of the Colorado River Basin Project Act: *Provided,*

That the Secretary shall enter into agreements with non-Federal interests to provide not less than 20 per centum of the total cost of such facilities during the construction of such facilities.".

Approved December 20, 1982.

LEGISLATIVE HISTORY—S. 2177:

HOUSE REPORTS: No. 97-776 and No. 97-776, Pt. 2, both accompanying S. 2177 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-389 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 128 (1982):
- May 19, considered and passed Senate.
- Sept. 30, considered and passed House, amended.
- Dec. 8, Senate concurred in House amendment with an amendment.
- Dec. 9, House agreed to Senate amendment.

Public Law 97-253
97th Congress

96 STAT. 763

An Act

To provide for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, Ninety-seventh Congress).

Sept. 8, 1982
[H.R. 6955]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Omnibus Budget Reconciliation Act of 1982".

Omnibus Budget Reconciliation Act of 1982.

TITLE I—AGRICULTURE, FORESTRY, AND RELATED PROGRAMS

Subtitle A—Dairy Price Support Program

SEC. 101. Section 201 of the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981, is amended by—

95 Stat. 369.
7 USC 1446.

(1) effective October 1, 1982, striking out everything in subsection (c) after the first sentence and preceding the sentence which begins "Such price support shall be provided";

(2) adding a new subsection (d) as follows:

"(d) Notwithstanding any other provision of law—

"(1)(A) Effective for the period beginning October 1, 1982, and ending September 30, 1984, the price of milk shall be supported at not less than $13.10 per hundredweight of milk containing 3.67 per centum milkfat.

"(B) Effective for the fiscal year beginning October 1, 1984, the price of milk shall be supported at not less than such level that represents the percentage of parity that the Secretary determines $13.10 represented as of October 1, 1983.

"(C) The price of milk shall be supported through the purchase of milk and the products of milk.

"(2) Effective for the period beginning October 1, 1982, and ending September 30, 1985, the Secretary may provide for a deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially by producers to be remitted to the Commodity Credit Corporation to offset a portion of the cost of the milk price support program. Authority for requiring such deductions shall not apply for any fiscal year for which the Secretary estimates that net price support purchases of milk or the products of milk would be less than 5 billion pounds milk equivalent. If at any time during a fiscal year the Secretary should estimate that such net price support purchases during that fiscal year would be less than 5 billion pounds, the authority for requiring such deduction shall not apply for the balance of the year.

"(3)(A) Effective for the period beginning April 1, 1983, and ending September 30, 1985, the Secretary may provide for a

96 STAT. 764

deduction of 50 cents per hundredweight, in addition to the deduction referred to in paragraph (2), from the proceeds of sale of all milk marketed commercially by producers to be remitted to the Corporation. The deduction authorized by this subparagraph shall be implemented only if the Secretary establishes a program whereby the funds resulting from such deductions would be refunded in the manner provided in this paragraph to producers who reduce their commercial marketings from such marketings during the base period. For the purpose of this paragraph, the based period shall be the fiscal year beginning October 1, 1981, or at the option of the Secretary, the average of the two fiscal years beginning October 1, 1980. The Secretary may make such adjustments in individual bases under this subparagraph as the Secretary determines necessary to correct for abnormal factors affecting production and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base.

Based period.

Refunds.

"(B) Refunds under this paragraph shall be based on reductions in commercial marketings as specified by the Secretary, but the Secretary may not require as a condition for making a refund of the entire amount collected from a producer that the producer reduce marketings in excess of a reduction equivalent to the ratio that the total amount of surplus milk production, as estimated by the Secretary for the fiscal year, bears to the total milk production estimated for such period. The Secretary may provide for refunds to be made of amounts collected from producers on a pro rata basis taking into consideration the reduction in commercial marketings by the producer from the commercial marketings during the base period.

"(C) The funds remitted to the Corporation as a result of the deductions provided for under this paragraph that are not used in making refunds to producers shall be used to offset the cost of the milk price support program. Authority for making deductions under this paragraph shall not apply for any fiscal year for which the Secretary estimates that net price support purchases of milk or the products of milk would be less than 7.5 billion pounds milk equivalent. If at any time during a fiscal year the Secretary should establish that such net price support purchases during that fiscal year would be less than 7.5 billion pounds, the authority for requiring such deductions shall not apply for the balance of the year.

Net price support purchases.

"(D) The Secretary may provide for refunds to producers on a periodic basis during the year. If, based on total marketings for the year, the Secretary should determine that an overpayment has been made to the producer for the year, the producer shall repay the amount of the overpayment.

Overpayment.

"(E) Prior to approving any application for a refund, the Secretary shall require evidence that such reduction in marketings has taken place and that such reduction is a net decrease in marketings of milk and has not been offset by expansion of production in other production facilities in which the person has an interest or by transfer of partial interest in the production facility or by the taking of any other action which is a scheme or device to qualify for payment.

"(4) The funds represented by the deductions referred to in paragraphs (2) and (3) shall be remitted to the Commodity

96 STAT. 765

Credit Corporation at such time and such manner as prescribed by the Secretary by each person making payment to a producer for milk purchased from the producer, except that in the case of any producer who markets milk of the producer's own production directly to consumers, such funds shall be remitted to the Corporation by the producer. The funds represented by such reduction shall be considered as included in the payments to a producer of milk for purposes of the minimum price provisions of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

7 USC 601 note.
7 USC 601 note.

"(5) Each producer who markets milk and each person required to make payment to the Corporation under this subsection shall keep such records and make such reports, in such manner, as the Secretary determines necessary to carry out this subsection. The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this subsection or to determine whether any person subject to the provisions of this subsection has engaged or is engaged or is about to engage in any act or practice that constitutes or will constitute a violation of any provision of this subsection or regulation issued under this subsection. For the purpose of such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence and require the production of any books, papers, and documents that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever such person may be found.

Records and reports.

Investigations.

"(6)(A) The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any provision of this subsection or any regulation issued under this subsection. Any such civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropiate action. Nothing in this subsection may be construed as requiring the Secretary to refer to the Attorney General minor violations of this subsection whenever the Secretary believes that the administration and enforcement of this subsection would be adequately served by suitable written notice or warning to any person committing such violation.

Civil action.

"(B) Any person who willfully violates any provision of this subsection or any regulation issued under this subsection, or who willfully fails or refuses to remit any amounts due thereunder shall be liable, in addition to payment of the full amount due plus interest, for a civil penalty (to be assessed by the Secretary) of not more than $1,000 for each such violation which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

Violations.

96 STAT. 766

"(C) The remedies provided in subparagraphs (A) and (B) shall be in addition to, and not exclusive of, remedies otherwise provided at law or in equity.

"(7) In carrying out this subsection, the Secretary may, on a reimbursable or nonreimbursable basis, as the Secretary deems appropriate, use—

"(A) administrators of Federal milk marketing orders;

"(B) State and county committees established under section 8 of the Soil Conservation and Domestic Allotment Act; or

16 USC 590h.

"(C) administrators of State milk marketing programs.".

Subtitle B—Donation of Dairy Products

Sec. 110. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, such dairy products may be donated for distribution to needy households in the United States and to meet the needs of persons receiving nutrition assistance under the Older Americans Act of 1965. Such dairy products may also be donated through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States, and the Commodity Credit Corporation may pay, with respect to commodities so donated, reprocessing, packaging, transporting, handling, and other charges, including the cost of overseas delivery. In order to assure that any such donations for use outside the United States are coordinated with and complement other United States foreign assistance, such donations shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act.".

42 USC 3001 note.

7 USC 1691 note.

Subtitle C—Adjustment Program for the 1983 Crops of Wheat, Feed Grains, Upland Cotton and Rice

ADVANCE DEFICIENCY PAYMENTS

Sec. 120. Effective only for the 1982 through 1985 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 is amended by inserting after section 107B (7 U.S.C. 1445b-1) the following new section:

"ADVANCE PAYMENTS

"Sec. 107C. (a)(1) Effective with respect to the 1982 crops of wheat, feed grains, upland cotton, and rice, the Secretary shall make available to producers who participate in an acreage limitation program established for wheat, feed grains, upland cotton, or rice under section 107B(e), 105B(e), 103(g)(9), or 101(i)(5), respectively, advance deficiency payments in accordance with this section (other than subsection (b)) if the Secretary determines that deficiency payments likely will be made under this Act.

7 USC 1445b-2.

7 USC 1445b-1, 1444d, 1444, 1441.

"(2) Advance deficiency payments under paragraph (1) shall be made to producers under the following terms and conditions:

Terms and conditions.

96 STAT. 767

"(A) Such payments shall be made as soon as practicable after October 1, 1982.

"(B) Such payments shall be made in an amount determined by multiplying (i) the estimated farm program acreage for the crop, by (ii) the farm program payment yield for the crop, by (iii) 70 per centum of the projected payment rate, as determined by the Secretary. Notwithstanding the preceding sentence, in any case in which a producer has received disaster payments for wheat, feed grains, upland cotton, or rice under section 107B(b)(2), 105B(b)(2), 103(g)(4), or 101(i)(3), respectively, the Secretary may make such adjustment in the advance deficiency payments made under this subsection as the Secretary determines appropriate.

7 USC 1445 b-1, 1444d, 1444, 1441.

"(b)(1) Effective with respect to the 1983 through 1985 crops of wheat, feed grains, upland cotton, and rice, if the Secretary establishes an acreage limitation or acreage set-aside program for a crop of wheat, feed grains, upland cotton, or rice under section 107B(e), 105B(e), 103(g)(9), or 101(i)(5), respectively, and determines that deficiency payments will likely be made for such commodity for such crop, the Secretary—

"(A) for the 1983 crop of such commodity, shall make available, as provided in this section (other than subsection (a)), advance deficiency payments to producers who agree to participate in such program; and

"(B) for the 1984 and 1985 crops of such commodities, may make available, as provided in this section (other than subsection (a)), advance deficiency payments to producers who agree to participate in such program.

"(2) Advance deficiency payments under this subsection shall be made to producers under the following terms and conditions:

"(A) Such payments shall be made available to producers as soon as practicable after the producer files a notice of intention to participate in such program, but in no case prior to October 1, 1982.

"(B) Such payments shall be made available to producers in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that such amount may not exceed an amount determined by multiplying (i) the estimated farm program acreage for the crop, by (ii) the farm program payment yield for the crop, by (iii) 50 per centum of the projected payment rate, as determined by the Secretary.

"(c) Advance deficiency payments under this section shall be made to producers under the following terms and conditions:

"(1) In any case in which the deficiency payment payable to a producer for a crop, as finally determined by the Secretary under section 107B(b)(1), 105B(b)(1), 103(g)(3), or 101(i)(2), is less than the amount paid to the producer as an advance deficiency payment for the crop under this section, the producer shall refund an amount equal to the difference between the amount advanced and the amount finally determined by the Secretary to be payable to the producer as a deficiency payment for the crop concerned.

"(2) If the Secretary determines under section 107B(b)(1), 105B(b)(1), 103(g)(3), or 101(i)(2) that deficiency payments will not be made available to producers on a crop with respect to which advance deficiency payments already have been made under this section, the producers who received such advance payments shall refund such payments. 96 STAT. 768

"(3) Any refund required under paragraph (1) or (2) shall be due at the end of the marketing year for the crop with respect to which such payments were made.

"(4) If a producer fails to comply with the requirements under the acreage limitation or set-aside program involved (and, in the case of the 1983 crops of wheat, feed grains, and rice, the requirements of the land diversion program involved) after obtaining an advance deficiency payment under this section, the producer shall repay immediately the amount of the advance, plus interest thereon in such amount as the Secretary shall prescribe by regulations.

"(d) The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(e) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(f) The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provisions of law.".

1983 WHEAT LOANS

SEC. 121. Section 107B(a) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(a)) is amended by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this subsection, the Secretary shall make available to producers loans and purchases for the 1983 crop of wheat at not less than $3.65 per bushel.". 95 Stat. 1221.

1983 WHEAT ACREAGE REDUCTION AND DIVERSION PROGRAMS

SEC. 122. Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by—

(1) striking out in the first sentence of paragraph (1) "Notwithstanding any other provision of this section, the" and inserting in lieu thereof "Notwithstanding any other provision of law—

"(A) Except as provided in subparagraph (B) of this paragraph, the";

(2) adding at the end of paragraph (1) the following new subparagraph:

"(B) Notwithstanding any previous announcement to the contrary, for the 1983 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 20 per centum, consisting of a reduction of 15 per centum under the acreage limitation program and a reduction of 5 per centum under the diversion program. As a condition of eligibility for loans, purchases, and payments on the 1983 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and diversion program.";

(3) in paragraph (2), inserting immediately after the fifth sentence the following: "Notwithstanding any other provision of this paragraph, the acreage base to be used for the farm under the program for the 1983 crop of wheat shall be the same as the acreage base applicable to the farm under the acreage limitation program for the 1982 crop, adjusted to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base."; and

96 STAT. 769

(4) inserting at the end of paragraph (5) the following: "Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1983 crop of wheat under which the Secretary shall make crop retirement and conservation payments to any producer of the 1983 crop of wheat whose acreage planted to wheat for harvest on the farm is reduced so that it does not exceed the wheat acreage base for the farm less an amount equivalent to 5 per centum of the wheat acreage base in addition to the reduction required under paragraph (2), and the producer devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat acreage base under this paragraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this paragraph. The diversion payment rate shall be established by the Secretary at not less than $3.00 per bushel, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate. The Secretary shall make not less than 50 per centum of any payments under this paragraph to producers of the 1983 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance, but in no case prior to October 1, 1982. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this paragraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

1983 FEED GRAIN LOANS

95 Stat. 1227.

SEC. 123. Section 105B(a)(1) of the Agricultural Act of 1949 (7 U.S.C. 1444d(a)(1)) is amended by inserting at the end thereof the following: "Notwithstanding the foregoing provisions of this paragraph, the Secretary shall make available to producers loans and purchases for the 1983 crop of corn at not less than $2.65 per bushel.".

1983 FEED GRAIN ACREAGE REDUCTION AND DIVERSION PROGRAMS

SEC. 124. Section 105B(e) of the Agricultural Act of 1949 (7 U.S.C. 1444d(e)) is amended by—

(1) striking out in the first sentence of paragraph (1) "Notwithstanding any other provision of this section, the" and inserting in lieu thereof "Notwithstanding any other provision of law—

"(A) Except as provided in subparagraph (B) of this paragraph, the";

96 STAT. 770

(2) adding at the end of paragraph (1) the following new subparagraph:

"(B) For the 1983 crop of feed grains, the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) or a set-aside program as described under paragraph (3) and (ii) a diversion program as described under paragraph (5) under which the acreage planted to feed grains for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 15 per centum, consisting of a reduction of 10 per centum under the acreage limitation or set-aside program and a reduction of 5 per centum under the diversion program. As a condition of eligibility for loans, purchases, and payments on the 1983 crop of feed grains, the producers on a farm must comply with the terms and conditions of the combined acreage limitation or set-aside program and diversion program.";

(3) in paragraph (2), inserting immediately after the sixth sentence the following: "Notwithstanding any other provision of this paragraph, the acreage base to be used for the farm under the program for the 1983 crop of feed grains shall be the same as the acreage base applicable to the farm under the acreage limitation program for the 1982 crop, adjusted to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base."; and

(4) inserting at the end of paragraph (5) the following: "Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1983 crop of feed grains under which the Secretary shall make crop retirement and conservation payments to any producer of the 1983 crop of feed grains whose acreage planted to feed grains for harvest on the farm is reduced so that it does not exceed the feed grain acreage base for the farm less an amount equivalent to 5 per centum of the feed grain acreage base in addition to the reduction required under paragraph (2) or (3), and the producer devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the feed grain acreage base under this paragraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this subsection. The diversion payment rate shall be established by the Secretary at not less than $1.50 per bushel for corn, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate. The payment rate for grain sorghums, oats, and, if designated by the Secretary, barley shall be such rate as the Secretary determines is fair and reasonable in relation to the rate at which payments are made available for corn. The Secretary shall make not less than 50 per centum of any payments under this paragraph to producers of the 1983 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance, but in no case prior to October 1, 1982. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this paragraph, the producer shall

96 STAT. 771

repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

1983 RICE ACREAGE REDUCTION AND DIVERSION PROGRAMS

SEC. 125. Section 101(i)(5) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(5)) is amended by—

95 Stat. 1242.

(1) striking out in the first sentence of subparagraph (A) "Notwithstanding any other provision of this subsection, the" and inserting in lieu thereof "Notwithstanding any other provision of law, except as provided in the third and fourth sentences of this paragraph, the";

(2) inserting immediately after the second sentence of subparagraph (A) the following: "For the 1983 crop of rice, the Secretary shall provide for a combination of (i) an acreage limitation program as described under this subparagraph and (ii) a diversion program as described under subparagraph (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 20 per centum, consisting of a reduction of 15 per centum under the acreage limitation program and a reduction of 5 per centum under the diversion program. As a condition of eligibility for loans, purchases, and payments on the 1983 crop of rice, the producers on a farm must comply with the terms and conditions of the combined acreage limitation and diversion program.";

(3) inserting immediately after the ninth sentence of subparagraph (A) (as amended by paragraph (2) of this section) the following: "Notwithstanding any other provision of this subparagraph, the acreage base to be used for the farm under the program for the 1983 crop of rice shall be the same as the acreage base appplicable to the farm under the acreage limitation program for the 1982 crop, adjusted to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base."; and

(4) inserting at the end of subparagraph (B) the following: "Notwithstanding the foregoing provisions of this subparagraph, the Secretary shall implement a land diversion program for the 1983 crop of rice under which the Secretary shall make crop retirement and conservation payments to any producer of the 1983 crop of rice whose acreage planted to rice for harvest on the farm is reduced so that it does not exceed the rice acreage base for the farm less an amount equivalent to 5 per centum of the rice acreage base in addition to the reduction required under subparagraph (A), and the producer devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the rice acreage base under this subparagraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this subparagraph. The diversion payment rate shall be established by the Secretary at not less than $3.00 per hundredweight, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate. The Secretary shall make not less than 50 per centum of any payments under this subparagraph to producers of the 1983

96 STAT. 772

crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance, but in no case prior to October 1, 1982. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this subparagraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

Subtitle D—Agricultural Export Promotion

SEC. 135. Effective for each of the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985, the Secretary of Agriculture shall use not less than $175,000,000 nor more than $190,000,000 of funds of the Commodity Credit Corporation for export activities authorized to be carried out by the Secretary or by the Commodity Credit Corporation under the provisions of law in effect on the date of enactment of this section, notwithstanding the fact that the activity may not be included in the budget program of the Corporation. The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation. The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary of Agriculture or the Commodity Credit Corporation under any other provision of law.

7 USC 612c note.

Subtitle E—Food Stamp Act Amendments of 1982

Food Stamp Act Amendments of 1982.

SHORT TITLE

SEC. 140. This subtitle may be cited as the "Food Stamp Act Amendments of 1982".

7 USC 2011 note.

REFERENCES TO THE FOOD STAMP ACT OF 1977

SEC. 141. Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

HOUSEHOLD DEFINITION

SEC. 142. Section 3(i) (7 U.S.C. 2012(i)) is amended by—

(1) in the first sentence—

(A) inserting ", or siblings," after "children"; and

(B) inserting ", or siblings," after "the parents"; and

(2) inserting after the first sentence the following new sentence: "Notwithstanding clause (1) of the preceding sentence, an individual who lives with others, who is sixty years of age or older, and who is unable to purchase food and prepare meals because such individual suffers, as certified by a licensed physician, from a disability which would be considered a permanent disability under section 221(i) of the Social Security Act (42 U.S.C. 421(i)) or from a severe, permanent, and disabling physical or mental infirmity which is not symptomatic of a disease shall be considered, together with any of the others who is the spouse of such individual, an individual household, without regard to the purchase of food and preparation of meals, if the income (as determined under section 5(d)) of the others, excluding the spouse, does not exceed the poverty line, as described in section 5(c)(1), by more than 65 per centum.".

96 STAT. 773

7 USC 2014.

ROUNDING DOWN

SEC. 143. (a) The second sentence of section 3(o) (7 U.S.C. 2012(o)) (as amended by section 144 of this Act) is amended by—

(1) in clause (1), inserting "(based on the unrounded cost of such diet)" after "adjustments"; and

(2) in clauses (6), (7), and (8), striking out "nearest dollar increment" each place it appears and inserting in lieu thereof "nearest lower dollar increment for each household size".

95 Stat. 1282.

(b) section 5(e) (7 U.S.C. 2014(e)) is amended by—

(1) in the second sentence, striking out "nearest $5 increment" each place it appears and inserting in lieu thereof "nearest lower dollar increment"; and

(2) in the proviso of clause (2) of the fourth sentence, striking out "nearest $5 increment" each place it appears and inserting in lieu thereof "nearest lower dollar increment".

(c) The first sentence of section 8(a) (7 U.S.C. 2017(a)) is amended by inserting "lower" after "nearest".

THRIFTY FOOD PLAN ADJUSTMENTS

SEC. 144. The second sentence of section 3(o) (7 U.S.C. 2012(o)) is amended by striking out "(6)" and all that follows through "twelve months ending the preceding June 30" and inserting in lieu thereof the following: "(6) on October 1, 1982, adjust the cost of such diet to reflect changes in the cost of the thrifty food plan for the twenty-one months ending June 30, 1982, reduce the cost of such diet by 1 per centun, and round the result to the nearest dollar increment, (7) on October 1, 1983, and October 1, 1984, adjust the cost of such diet to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30, reduce the cost of such diet by 1 per centum, and round the result to the nearest dollar increment, and (8) on October 1, 1985, and each October 1 thereafter, adjust the cost of such diet to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30 and round the result to the nearest dollar increment".

DISABLED VETERANS AND SURVIVORS

SEC. 145. (a) section 3 (7 U.S.C. 2012) is amended by adding at the end thereof the following new subsection:

"Elderly or disabled member."

"(r) 'Elderly or disabled member' means a member of a household who—

"(1) is sixty years of age or older;

"(2) receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

42 USC 401, 1201, 1351.

"(3) receives disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq.);

"(4) is a veteran who—

"(A) has a service-connected disability which is rated as total under title 38, United States Code; or

96 STAT. 774

"(B) is considered in need of regular aid and attendance or permanently housebound under such title;

"(5) is a surviving spouse of a veteran and—

"(A) is considered in need of regular aid and attendance or permanently housebound under title 38, United States Code; or

"(B) is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i)); or

"(6) is a child of a veteran and—

"(A) is considered permanently incapable of self-support under section 414 of title 38, United States Code; or

"(B) is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i)).".

(b) The first sentence of section 3(i) (7 U.S.C. 2012(i)) is amended by striking out "sixty" and all that follows through the end of the sentence and inserting in lieu thereof "an elderly or disabled member.".

7 USC 2014.

(c) Section 5(c)(2) (as amended by section 146(a) of this Act) is amended by striking out "a member who is" and all that follows through "(42 U.S.C. 301 et seq.)" and inserting in lieu thereof "an elderly or disabled member".

(d) Section 5(e) (7 U.S.C. 2014(e)) (as amended by section 146(b) of this Act) is amended by—

(1) in the first sentence, striking out "a member who is" and all that follows through "(42 U.S.C. 301 et seq.)" and inserting in lieu thereof "an elderly or disabled member";

(2) in the fourth sentence, striking out "a member" and all that follows through "titles I, II, X, XIV, and XVI of the Social Security Act" and inserting in lieu thereof "an elderly or disabled member"; and

(3) in the last sentence—

(A) in the matter preceding subclause (A), striking out "a member" and all that follows through "titles I, II, X, XIV, and XVI of the Social Security Act" and inserting in lieu thereof "an elderly or disabled member"; and

(B) in subclause (A), striking out "household members" and all that follows through "titles I, II, X, XIV, and XVI of the Social Security Act" and inserting in lieu thereof "elderly or disabled members".

(e) The first sentence of section 6(c)(1) (7 U.S.C. 2015(c)(1)) is amended by striking out "sixty" and all that follows through "titles I, II, X, XIV, and XVI of the Social Security Act" and inserting in lieu thereof "elderly or disabled members".

INCOME STANDARDS OF ELIGIBILITY

SEC. 146. (a) Subsection (c) of section 5 (7 U.S.C. 2014(c)) is amended to read as follows:

"(c) The income standards of eligibility shall provide that a household shall be ineligible to participate in the food stamp program if—

96 STAT. 775

"(1) the household's income (after the exclusions and deductions provided for in subsections (d) and (e)) exceeds the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively; and

95 Stat. 511.

"(2) in the case of a household that does not include a member who is sixty years of age or over or a member who receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq.), the household's income (after the exclusions provided for in subsection (d) but before the deductions provided for in subsection (e)) exceeds such poverty line by more than 30 per centum.

42 USC 401, 1201, 1351.

In no event shall the standards of eligibility for the Virgin Islands of the United States or Guam exceed those in the forty-eight contiguous States.".

(b) The first sentence of section 5(e) (7 U.S.C. 2014(e)) is amended by striking out "households described in subsection (c)(1)" and inserting in lieu thereof "households containing a member who is sixty years of age or over or a member who receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq.)".

COORDINATION OF COST-OF-LIVING ADJUSTMENTS

SEC. 147. Section 5(d) (7 U.S.C. 2014(d)) is amended by—

95 Stat. 1283.

(1) striking out "and" at the end of clause (10); and

(2) adding before the period at the end thereof the following: ", and (12) through September 30 of any fiscal year, any increase in income attributable to a cost-of-living adjustment made on or after July 1 of such fiscal year under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq.), section 3(a)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)(1)), or

42 USC 1381.

section 3112 of title 38, United States Code, if the household was certified as eligible to participate in the food stamp program or received an allotment in the month immediately preceding the first month in which the adjustment was effective".

ADJUSTMENT OF DEDUCTIONS

95 Stat. 359.

SEC. 148. Section 5(e) (7 U.S.C. 2014(e)) is amended by—

(1) in clause (1) of the second sentence, striking out "July 1, 1983" and inserting in lieu thereof "October 1, 1983"; and

(2) in subclause (i) of the proviso of clause (2) of the fourth sentence, striking out "July 1, 1983" and inserting in lieu thereof "October 1, 1983".

STANDARD UTILITY ALLOWANCES

96 STAT. 776

SEC. 149. (a) Section 5(e) (7 U.S.C. 2014(e)) is amended by inserting after the fourth sentence the following new sentences: "In computing the excess shelter expense deduction under clause (2) of the preceding sentence, a State agency may use a standard utility allowance in accordance with regulations promulgated by the Secretary, except that a State agency may use an allowance which does not fluctuate within a year to reflect seasonal variations. An allowance for a heating or cooling expense may not be used for a household that does not incur a heating or cooling expense, as the case may be, or does incur a heating or cooling expense but is located in a public housing unit which has central utility meters and charges households, with regard to such expense, only for excess utility costs. No such allowance may be used for a household that shares such expense with, and lives with, another individual not participating in the food stamp program, another household participating in the food stamp program, or both, unless the allowance is prorated between the household and the other individual, household, or both.".

(b) Subclause (B) of the last sentence of section 5(e) (7 U.S.C. 2014(e)) is amended by striking out "preceding sentence" and inserting in lieu thereof "fourth sentence of this subsection".

MIGRANT FARMWORKERS

95 Stat. 360.

SEC. 150. The last sentence of section 5(f)(4) (7 U.S.C. 2014(f)(4)) is amended by inserting after "subsection" the following: "(except the provisions of paragraph (2)(A))".

FINANCIAL RESOURCES

SEC. 151. The second sentence of section 5(g) (7 U.S.C. 2014(g)) is amended by—

(1) striking out "June 1, 1977" and inserting in lieu thereof "June 1, 1982";

(2) striking out "and" after "vacation purposes,"; and

(3) inserting after "$4,500," the following: "and, regardless of whether there is a penalty for early withdrawal, any savings or retirement accounts (including individual accounts),".

STUDIES

SEC. 152. (a) The second sentence of section 5(g) (7 U.S.C. 2014(g)) is amended by—

(1) striking out "(1)"; and

(2) striking out ", and (2)" and all that follows through the end of the sentence and inserting in lieu thereof a period.

(b) Section 8(a) (7 U.S.C. 2017(a)) is amended by striking out the second sentence.

(c) Subsections (d) and (e) of section 17 (7 U.S.C. 2026 (d) and (e)) are repealed.

CATEGORICAL ELIGIBILITY

SEC. 153. Section 5 (7 U.S.C. 2014) is amended by adding at the end thereof the following new subsection:

"(j) Notwithstanding subsections (a) through (i), a State agency may consider a household in which all members of the household receive benefits under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and whose income does not exceed the applicable income standard of eligibility described in subsection (c)(2) to have satisfied the resource limitations prescribed under subsection (g).".

96 STAT. 777

MONTHLY REPORTING

SEC. 154. The first sentence of section 6(c)(1) (7 U.S.C. 2015(c)(1)) is amended by—

(1) inserting "adult" after "which all"; and

(2) inserting before the period at the end thereof the following: ", except that a State agency may, with the prior approval of the Secretary, select categories of households which may report at specified less frequent intervals upon a showing by the State agency, which is satisfactory to the Secretary, that to require households in such categories to report monthly would result in unwarranted expenditures for administration of this subsection".

PERIODIC REPORT FORMS

SEC. 155. The last sentence of section 6(c)(1) (7 U.S.C. 2015(c)(1)) is amended by striking out ", on a form designed or approved by the Secretary,".

REPORTING REQUIREMENTS

SEC. 156. Section 6(c) (7 U.S.C. 2015(c)) is amended by adding at the end thereof the following new paragraph:

"(5) The Secretary is authorized, upon the request of a State agency, to waive any provisions of this subsection (except the provisions of the first sentence of paragraph (1) which relate to households which are not required to file periodic reports) to the extent necessary to permit the State agency to establish periodic reporting requirements for purposes of this Act which are similar to the periodic reporting requirements established under the State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in that State.".

JOB SEARCH

SEC. 157. Section 6(d)(1)(ii) (7 U.S.C. 2015(d)(1)(ii)) is amended by inserting before the semicolon at the end thereof the following: ", which may include a requirement that, at the option of the State agency, such reporting and inquiry commence at the time of application".

VOLUNTARILY QUITTING A JOB

SEC. 158. (a) The proviso of section 6(d)(1)(iii) (7 U.S.C. 2015(d)(1)(iii)) is amended by striking out "sixty days from the time of the voluntary quit" and inserting in lieu thereof "ninety days".

(b) Section 6(d)(1) (7 U.S.C. 2015(d)(1)) is amended by adding at the end thereof the following new sentence: "An employee of the Federal Government, or of a State or political subdivision of a State, who engaged in a strike against the Federal Government, a State or political subdivision of a State and is dismissed from his job because of his participation in the strike shall be considered to have voluntarily quit such job without good cause.".

96 STAT. 778

PARENTS AND CARETAKERS OF CHILDREN

SEC. 159. Clause (C) of section 6(d)(2) (7 U.S.C. 2015(d)(2)(C)) is repealed.

JOINT EMPLOYMENT REGULATIONS

SEC. 160. Paragraph (3) of section 6(d) (7 U.S.C. 2015(d)(3)) is repealed.

COLLEGE STUDENTS

SEC. 161. Section 6(e) (7 U.S.C. 2015(e)) is amended by striking out "or (B)" and all that follows through "or (C)" and inserting in lieu thereof "; (B) is not a parent with responsibility for the care of a dependent child under age six; (C) is not a parent with responsibility for the care of a dependent child above the age of five and under the age of twelve for whom adequate child care is not available; (D) is not receiving aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or (E)".

ALTERNATIVE ISSUANCE SYSTEM

SEC. 162. Section 7 (7 U.S.C. 2016) is amended by adding at the end thereof the following new subsection:

"(g)(1) If the Secretary determines, in consultation with the Inspector General of the Department of Agriculture, that it would improve the integrity of the food stamp program, the Secretary may require a State agency—

"(A) to issue or deliver coupons using alternative methods, including an automatic data processing and information retrieval system; or

"(B) to issue, in lieu of coupons, reusable documents to be used as part of an automatic data processing and information retrieval system and to be presented by, and returned to, recipients at retail food stores for the purpose of purchasing food.

"(2) The cost of documents or systems that may be required pursuant to this subsection may not be imposed upon a retail food store participating in the food stamp program.".

INITIAL ALLOTMENTS

SEC. 163. (a) The first sentence of section 8(c) (7 U.S.C. 2017(c)) is amended by inserting before the period at the end thereof the following: ", except that no allotment may be issued to a household for the initial month or period if the value of the allotment which such household would otherwise be eligible to receive under this subsection is less than $10".

(b) Clause (2) of the last sentence of section 8(c) (7 U.S.C. 2017(c)) is amended by striking out "of more than thirty days".

NONCOMPLIANCE WITH OTHER PROGRAMS

SEC. 164. Section 8 (7 U.S.C. 2017) is amended by adding at the end thereof the following new subsection:

"(d) A household against which a penalty has been imposed for an intentional failure to comply with a Federal, State, or local law relating to welfare or a public assistance program may not, for the duration of the penalty, receive an increased allotment as the result of a decrease in the household's income (as determined under sections 5(d) and 5(e)) to the extent that the decrease is the result of such penalty.".

96 STAT. 779

7 USC 2014.

HOUSE-TO-HOUSE TRADE ROUTES

95 Stat. 1285.

SEC. 165. Section 9 (7 U.S.C. 2018) is amended by adding at the end thereof the following new subsection:

"(f) In those areas in which the Secretary, in consultation with the Inspector General of the Department of Agriculture, finds evidence that the operation of house-to-house trade routes damages the program's integrity, the Secretary shall limit the participation of house-to-house trade routes to those routes that are reasonably necessary to provide adequate access to households.".

APPROVAL OF STATE PLAN OF OPERATION

SEC. 166. Section 11(d) (7 U.S.C. 2020(d)) is amended by inserting after the first sentence the following new sentence: "The Secretary may not, as a part of the approval process for a plan of operation, require a State to submit for prior approval by the Secretary the State agency instructions to staff, interpretations of existing policy, State agency methods of administration, forms used by the State agency, or any materials, documents, memoranda, bulletins, or other matter, unless the State determines that the materials, documents, memoranda, bulletins, or other matter alter or amend the State plan of operation or conflict with the rights and levels of benefits to which a household is entitled.".

POINTS AND HOURS OF CERTIFICATION AND ISSUANCE

SEC. 167. (a) The last sentence of section 11(e)(2) (7 U.S.C. 2020(e)(2)) is amended by striking out "points and hours of certification, and for". 95 Stat. 1286.

(b) Paragraph (13) of section 11(e) (7 U.S.C. 2020(e)(13)) is repealed.

AUTHORIZED REPRESENTATIVES

SEC. 168. Section 11(e)(7) (7 U.S.C. 2020(e)(7)) is amended by—

(1) striking out "any" each place it appears and inserting in lieu thereof "an"; and

(2) inserting before the semicolon at the end thereof the following: ", except that the Secretary may restrict the number of households which may be represented by an individual and otherwise establish criteria and verification standards for representation under this paragraph".

DISCLOSURE OF INFORMATION

SEC. 169. Section 11(e)(8) (7 U.S.C. 2020(e)(8)) is amended by striking out "or the regulations issued pursuant to this Act" and inserting in lieu thereof ", regulations issued pursuant to this Act, Federal assistance programs, or federally assisted State programs".

96 STAT. 780

EXPEDITED COUPON ISSUANCE

SEC. 170. Paragraph (9) of section 11(e) (7 U.S.C. 2020(e)(9)) is amended to read as follows:

"(9) that the State agency shall—

"(A) provide coupons no later than five days after the date of application to any household which—

"(i)(I) has gross income that is less than $150 per month; or

"(II) is a destitute migrant or a seasonal farmworker household in accordance with the regulations governing such households in effect July 1, 1982; and

"(ii) has liquid resources that do not exceed $100; and

"(B) to the extent practicable, verify the income and liquid resources of the household prior to issuance of coupons to the household;".

PROMPT REDUCTION OR TERMINATION OF BENEFITS

SEC. 171. Section 11(e)(10) (7 U.S.C. 2020(e)(10)) is amended by inserting before the semicolon at the end thereof the following:

", except that in any case in which the State agency receives from the household a written statement containing information that clearly requires a reduction or termination of the household's benefits, the State agency may act immediately to reduce or terminate the household's benefits and may provide notice of its action to the household as late as the date on which the action becomes effective".

DUPLICATION OF COUPONS IN MORE THAN ONE JURISDICTION WITHIN A STATE

SEC. 172. Section 11(e) (7 U.S.C. 2020(e)) is amended by—

(1) striking out "and" at the end of paragraph (20);

(2) striking out the period at the end of paragraph (21) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(22) that the State agency shall establish a system and take action on a periodic basis to verify and otherwise assure that an individual does not receive coupons in more than one jurisdiction within the State.".

CERTIFICATION SYSTEMS

SEC. 173. Section 11(i) (7 U.S.C. 2020(i)) is amended by adding at the end thereof the following new sentence: "Each State agency shall implement clauses (1) and (2) and may implement clause (3) or (4), or both such clauses.".

CASHED-OUT PROGRAMS

SEC. 174. Section 11 (7 U.S.C. 2020) is amended by adding at the end thereof the following new subsection:

"(n) The Secretary shall require State agencies to conduct verification and implement other measures where necessary, but no less often than annually, to assure that an individual does not receive both coupons and benefits or payments referred to in section 6(g) or both coupons and assistance provided in lieu of coupons under section 17(b)(1).".

7 USC 2015.
7 USC 2026.

96 STAT. 781

AMOUNT OF PENALTY AND LENGTH OF DISQUALIFICATION

SEC. 175. Section 12 (7 U.S.C. 2021) is amended by—

(1) inserting "(a)" after the section designation;

(2) in the first sentence, striking out "$5,000" and inserting in lieu thereof "$10,000";

(3) striking out the second sentence and inserting in lieu thereof the following new subsection:

"(b) Disqualification under subsection (a) shall be—

"(1) for a reasonable period of time, of no less than six months nor more than five years, upon the first occasion of disqualification;

"(2) for a reasonable period of time, of no less than twelve months nor more than ten years, upon the second occasion of disqualification ; and

"(3) permanent upon the third occasion of disqualification or the first occasion of a disqualification based on the purchase of coupons or trafficking in coupons or authorization cards by a retail food store or wholesale food concern."; and

(4) designating the last sentence as subsection (c).

BONDS

SEC. 176. (a) Section 12 (7 U.S.C. 2021) (as amended by section 175 of this Act) is amended by adding at the end thereof the following new subsection:

"(d) As a condition of authorization to accept and redeem coupons, the Secretary may require a retail food store or wholesale food concern which has been disqualified or subjected to a civil penalty pursuant to subsection (a) to furnish a bond to cover the value of coupons which such store or concern may in the future accept and redeem in violation of this Act. The Secretary shall, by regulation, prescribe the amount, terms, and conditions of such bond. If the Secretary finds that such store or concern has accepted and redeemed coupons in violation of this Act after furnishing such bond, such store or concern shall forfeit to the Secretary an amount of such bond which is equal to the value of coupons accepted and redeemed by such store or concern in violation of this Act. Such store or concern may obtain a hearing on such forfeiture pursuant to section 14.".

(b) The first sentence of section 14(a) (7 U.S.C. 2023(a)) is amended by inserting "or a retail food store or wholesale food concern forfeits a bond under section 12(d) of this Act," after "section 12 of this Act,". 95 Stat. 1286.

ALTERNATIVE MEANS OF COLLECTION OF OVERISSUANCES

SEC. 177. (a) Section 13(b)(1) (7 U.S.C. 2022(b)(1)) is amended by— 95 Stat. 363.

(1) inserting "(A)" after the paragraph designation; and

(2) adding at the end thereof the following new subparagraph:

"(B) State agencies may collect any claim against a household arising from the overissuance of coupons based on an ineligibility determination under section 6(b), other than claims collected pursuant to subparagraph (A), by using other means of collection.". 7 USC 2015.

(b) Section 13(b)(2) (7 U.S.C. 2022(b)(2)) is amended by—

(1) inserting "(A)" after the paragraph designation; and

(2) adding at the end thereof the following new subparagraph: 96 STAT. 782

"(B) State agencies may collect any claim against a household arising from the overissuance of coupons, other than claims collected pursuant to paragraph (1) or subparagraph (A), by using other means of collection.".

CLAIMS COLLECTION PROCEDURE

SEC. 178. The second sentence of section 13(b)(1)(A) (as amended by section 177(a) of this Act) is amended by inserting "within thirty days of a demand for an election" after "election".

COST-SHARING FOR COLLECTION OF OVERISSUANCES

SEC. 179. The first sentence of section 16(a) (7 U.S.C. 2025(a)) is amended by inserting before the period at the end thereof the following: ", except the value of funds or allotments recovered or collected pursuant to section 13(b)(2) which arise from an error of a State agency". 95 Stat. 362, 363.

ERROR RATE REDUCTION SYSTEM

SEC. 180. (a) Section 16 (7 U.S.C. 2025) is amended by—

(1) amending subsection (c) to read as follows:

"(c) The Secretary is authorized to adjust a State agency's federally funded share of administrative costs pursuant to subsection (a), other than the costs already shared in excess of 50 per centum under the proviso in the first sentence of subsection (a) or under subsection (g), by increasing such share to 60 per centum of all such administrative costs in the case of a State agency which has—

"(1) a payment error rate as defined in subsection (d)(1) which, when added to the total percentage of all allotments underissued to eligible households by the State agency, is less than 5 per centum; and

"(2) a rate of invalid decisions in denying eligibility which is less than a nationwide percentage which the Secretary determines to be reasonable.";

(2) striking out subsections (d), (e), and (g) and redesignating subsections (f), (h), and (i) as subsections (e), (f), and (g), respectively; and

(3) inserting after subsection (c) the following new subsection:

"(d)(1) As used in this subsection, the term 'payment error rate' means the total percentage of all allotments issued in a fiscal year by a State agency which are either—

"(A) issued to households which fail to meet basic program eligibility requirements; or

"(B) overissued to eligible households.

"(2)(A) The Secretary shall institute an error rate reduction program under which, if a State agency's payment error rate exceeds—

"(i) 9 per centum for fiscal year 1983,

"(ii) 7 per centum for fiscal year 1984, or

"(iii) 5 per centum for fiscal year 1985 or any fiscal year thereafter,

then the Secretary shall, other than for good cause shown or as provided in subparagraph (B), reduce the State agency's federally funded share of administrative costs provided pursuant to subsection (a), other than the costs already shared in excess of 50 per centum under the proviso in the first sentence of subsection (a) or under subsection (g), by the amounts required under paragraph (3).

"(B) The Secretary may not reduce a State agency's federally funded share of administrative costs pursuant to subparagraph (A)—

"(i) on the basis of the State agency's payment error rate for fiscal year 1983, if such payment error rate represents a reduction from the State agency's payment error rate for the period beginning on October 1, 1980, and ending on March 31, 1981, of at least 33.3 per centum of the difference between the State agency's payment error rate for such period and 5 per centum; or

"(ii) on the basis of the State agency's payment error rate for fiscal year 1984, if such payment error rate represents a reduction from the State agency's payment error rate for the period beginning on October 1, 1980, and ending on March 31, 1981, of at least 66.7 per centum of the difference between the State agency's payment error rate for such period and 5 per centum.

"(3)(A) The Secretary shall reduce a State agency's federally funded share of administrative costs, except as provided in subparagraph (B), by—

"(i) 5 per centum for each per centum or fraction thereof that the State agency's payment error rate exceeds the maximum payment error rate allowed for the fiscal year under paragraph (2); and

"(ii) if the State agency's payment error rate exceeds the maximum payment error rate allowed for the fiscal year under paragraph (2) by more than 3 per centum, an additional 5 per centum (for a total of 10 per centum) for each per centum or fraction thereof that the State agency's payment error rate exceeds the maximum payment error rate allowed for the fiscal year under paragraph (2) by more than 3 per centum.

"(B) The Secretary may not reduce a State agency's federally funded share of administrative costs for a fiscal year by an amount that exceeds the product of multiplying—

"(i) the per centum by which the State agency's payment error rate exceeds the maximum payment error rate allowed for the fiscal year under paragraph (2); by

"(ii) the total dollar value of all coupons issued by the State agency during the fiscal year.

"(4) The Secretary may require a State agency to report any factors which the Secretary considers necessary to determine the appropriate level of a State agency's federally funded share of administrative costs under this subsection. If a State agency fails to meet the reporting requirements established by the Secretary, the Secretary shall base the determination on all pertinent information available to the Secretary.

Administrative and judicial review.

"(5) If the Secretary reduces a State agency's federally funded share of administrative costs under this subsection, the State may seek administrative and judicial review of the action pursuant to section 14.".

7 USC 2023.

(b)(1) Section 11(e)(3) (7 U.S.C. 2020(e)(3)) is amended by—

(A) striking out "subsections (h) and (i) of section 16" and inserting in lieu thereof "section 16(e)"; and

(B) striking out "quality control program" and inserting in lieu thereof "error rate reduction system".

96 STAT. 784

(2) The first sentence of section 18(e) (7 U.S.C. 2027(e)) is amended by striking out "sections 7(f), 11 (c) and (h), 13(b), and 16(g)" and inserting in lieu thereof "sections 7(f), 11 (g) and (h), and 13(b)".

EMPLOYMENT REQUIREMENT PILOT PROJECT

95 Stat. 1290.

SEC. 181. Section 17 (7 U.S.C. 2026) is amended by adding at the end thereof the following new subsection:

"Qualification period."

"(g)(1) As used in this subsection, the term 'qualification period' means a period of time immediately preceding—

"(A) in the case of a new applicant for benefits under this Act, the date on which application for such benefits is made by the individual; or

"(B) in the case of an otherwise continuing recipient of coupons under this Act, the date on which such coupons would otherwise be issued to the individual.

"(2) Upon application of a State or political subdivision thereof, the Secretary may conduct one pilot project involving the employment requirements described in this subsection in each of four project areas selected by the Secretary.

"(3) Under the pilot projects conducted pursuant to this subsection, except as provided in paragraphs (4), (5), and (6), an individual who resides in a project area shall not be eligible for assistance under this Act if the individual was not employed a minimum of twenty hours per week, or did not participate in a workfare program established under section 20, during a qualification period of—

"(A) thirty or more consecutive days, in the case of an individual whose benefits under a State or Federal unemployment compensation law were terminated immediately before such qualification period began; or

"(B) sixty or more consecutive days, in the case of an individual not described in clause (A).

"(4) The provisions of paragraph (3) shall not apply in the case of an individual who—

"(A) is under eighteen or over fifty-nine years of age;

"(B) is certified by a physician as physically or mentally unfit for employment;

"(C) is a parent or other member of a household with responsibility for the care of a dependent child under six years of age or of an incapacitated person;

"(D) is a parent or other caretaker of a child under six years of age in a household in which there is another parent who, unless covered by clause (A) or (B), or both such clauses, is employed a minimum of twenty hours per week or participating in a workfare program established under section 20;

7 USC 2015.

"(E) is in compliance with section 6(d) and demonstrates, in a manner prescribed by the Secretary, that the individual is able and willing to accept employment but is unable to obtain such employment; or

"(F) is a member of any other group described by the Secretary.

Waiver.

"(5) The Secretary may waive the requirements of paragraph (3) in the case of all individuals within all or part of a project area if the Secretary finds that such area—

"(A) has an unemployment rate of over 10 per centum; or

"(B) does not have a sufficient number of jobs to provide employment for individuals subject to this subsection.

96 STAT. 785

"(6) An individual who has become ineligible for assistance under this Act by reason of paragraph (3) may reestablish eligibility for assistance after a period of ineligibility by—

"(1) becoming employed for a minimum of twenty hours per week during any consecutive thirty-day period; or

"(2) participating in a workfare program established under section 20 during any consecutive thirty-day period.".

BENEFIT IMPACT STUDY

SEC. 182. Section 17 (7 U.S.C. 2026) (as amended by section 181 of this Act) is amended by adding at the end thereof the following new subsection:

95 Stat. 358.
95 Stat. 1282.
Ante, p. 772.

"(h) The Secretary shall conduct a study of the effects of reductions made in benefits provided under this Act pursuant to part 1 of subtitle A of title I of the Omnibus Budget Reconciliation Act of 1981, the Food Stamp and Commodity Distribution Amendments of 1981, the Food Stamp Act Amendments of 1982, and any other laws enacted by the Ninety-seventh Congress which affect the food stamp program. The study shall include a study of the effect of retrospective accounting and periodic reporting procedures established under such Acts, including the impact on benefit and administrative costs and on error rates and the degree to which eligible households are denied food stamp benefits for failure to file complete periodic reports. The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report on the results of such study no later than February 1, 1984, and a final report on the results of such study no later than March 1, 1985.".

Report to congressional committees.

AUTHORIZATION FOR APPROPRIATIONS

95 Stat. 102.

SEC. 183. The first sentence of section 18(a)(1) (7 U.S.C. 2027(a)(1)) is amended by—

(1) striking out "and" after "September 30, 1981;", and

(2) inserting before the period at the end thereof the following: "; not in excess of $12,874,000,000 for the fiscal year ending September 30, 1983; not in excess of $13,145,000,000 for the fiscal year ending September 30, 1984; and not in excess of $13,933,000,000 for the fiscal year ending September 30, 1985".

PUERTO RICO BLOCK GRANT

95 Stat. 364.

SEC. 184. (a) Section 19(a)(1)(A) (7 U.S.C. 2028(a)(1)(A)) is amended by inserting "noncash" after "expenditures for".

7 USC 2028 note.

(b) The amendment made by subsection (a) shall not apply with respect to any plan submitted under section 19(b) of the Food Stamp Act of 1977 (7 U.S.C. 2028(b)) by the Commonwealth of Puerto Rico in order to receive payments for the fiscal year ending September 30, 1982, or the fiscal year ending September 30, 1983.

Study.

(c) The Secretary of Agriculture shall conduct a study of the impact of making food assistance available to needy persons in the Commonwealth of Puerto Rico in the form of cash under section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028). The study shall include an analysis of the impact on both the nutritional status of residents of the Commonwealth and the economy of the Commonwealth. The Secretary shall submit a report of the findings of such study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than six months after the effective date of this subtitle.

Report to congressional committees.

96 STAT. 786

SIMILAR WORKFARE PROGRAMS

95 Stat. 1291.

SEC. 185. Section 20(a) (7 U.S.C. 2029(a)) is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) adding at the end thereof the following new paragraph:

Guidelines.

"(2)(A) The Secretary shall promulgate guidelines pursuant to paragraph (1) which, to the maximum extent practicable, enable a political subdivision to design and operate a workfare program under this section which is compatible and consistent with similar workfare programs operated by the subdivision.

"(B) A political subdivision may comply with the requirements of this section by operating—

"(i) a workfare program pursuant to title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

"(ii) any other workfare program which the Secretary determines meets the provisions and protections provided under this section.".

WIN PARTICIPANTS

SEC. 186. Clause (4) of section 20(b) (7 U.S.C. 2029(b)) is amended by striking out "subject to and currently involved" and inserting in lieu thereof "at the option of the operating agency, subject to and currently actively and satisfactorily participating". 95 Stat. 1291.

HOURS OF WORKFARE

SEC. 187. Section 20(c) (7 U.S.C. 2029(c)) is amended by striking out "either" and all that follows through the end of the sentence and inserting in lieu thereof: ", when added to any other hours worked during such week by such member for compensation (in cash or in kind) in any other capacity, exceeds thirty hours a week.".

REIMBURSEMENT FOR WORKFARE ADMINISTRATIVE EXPENSES

SEC. 188. Section 20(g) (7 U.S.C. 2029(g)) is amended by—

(1) redesignating paragraph (2) as paragraph (3), and

(2) inserting after paragraph (1) the following new paragraph:

"(2)(A) From 50 per centum of the funds saved from employment related to a workfare program operated under this section, the Secretary shall pay to each operating agency an amount not to exceed the administrative expenses described in paragraph (1) for which no reimbursement is provided under such paragraph.

"(B) For purposes of subparagraph (A), the term 'funds saved from employment related to a workfare program operated under this section' means an amount equal to three times the dollar value of the decrease in allotments issued to households, to the extent that such decrease results from wages received by members of such households for the first month of employment beginning after the date such members commence such employment if such employment commences— Definition.

"(i) while such members are participating for the first time in a workfare program operated under this section; or

"(ii) in the thirty-day period beginning on the date such first participation is terminated.".

TECHNICAL CORRECTIONS

SEC. 189. (a) Section 5(f)(2)(A) (as amended by section 107(a) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 360)) is amended by striking out "propsective" and inserting in lieu thereof "prospective". 7 USC 2014.

(b)(1) Clause (2) of section 6(g) (7 U.S.C. 2015(g)) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(2) Section 11 (7 U.S.C. 2020) is amended by—

(A) in subsection (i), striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services", and

(B) in subsection (j), striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(3) The second sentence of section 16(e) (as redesignated by section 180(a)(2) of this Act) is amended by striking out "Secretary of

Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Secretary of Health and Human Services".

(c) Section 16(f) (as redesignated by section 180(a)(2) of this Act) is amended by striking out "; and" and inserting in lieu thereof a period.

CONFORMING AMENDMENTS

SEC. 190. (a) Section 6(d)(2) (7 U.S.C. 2015(d)(2)) (as amended by section 159 of this Act) is amended by redesignating clauses (D) through (F) as clauses (C) through (E), respectively.

(b) Section 6(d) (7 U.S.C. 2015(d)) (as amended by section 160 of this Act) is amended by redesignating paragraph (4) as paragraph (3).

(c)(1) Section 11(e) (17 U.S.C. 2020(e)) (as amended by sections 167(b) and 172 of this Act) is amended by redesignating paragraphs (14) through (22) as paragraphs (13) through (21), respectively.

(2) Section 7(f) (7 U.S.C. 2016(f)) is amended by striking out "section 11(e)(21)" and inserting in lieu thereof "section 11(e)(20)".

(d) Section 17 (7 U.S.C. 2026) (as amended by sections 152(c), 181, and 182 of this Act) is amended by redesignating subsections (f) through (h) as subsections (d) through (f), respectively.

DISTRIBUTION OF SURPLUS COMMODITIES

7 USC 1624 note.

SEC. 191. (a) The Congress finds that—

(1) for an increasing number of people in the United States, these are times of great suffering and deprivation;

(2) rising unemployment, decreasing appropriations for social services, and increasingly adverse economic conditions have all contributed to produce hunger and want on a scale not experienced since the time of the Great Depression;

(3) the demand for every conceivable form of assistance for the hungry and needy people of the United States grows more critical daily, while the availability of goods and services to meet the needs of such people is rapidly diminishing;

96 STAT. 788

(4) soup kitchens, food banks, and other organizations which provide food to the hungry report an astronomical increase in the number of persons seeking the assistance of such organizations;

(5) according to a study completed by the General Accounting Office in 1977, one hundred and thirty-seven million tons of food, or more than 20 per centum of this country's total annual food production, is wasted or discarded in the United States each year;

(6) at wholesale and retail food distributors, shipping terminals, and other establishments all across the country, enormous quantities of fresh fruits and vegetables and dated dairy and bakery products are discarded each day, while growing numbers of Americans go to bed hungry and undernourished each night;

(7) in these times of budget constraints and appeals for reductions in Federal spending, the use of private resources to meet the basic food requirements of our citizens should be encouraged; and

(8) many States and local governments have not enacted laws which limit the liability of food donors, such as so-called Good Samaritan Acts and donor liability laws, and thus have discouraged donation of food to the needy by private persons.

(b) It is the sense of the Congress that—

(1) departments and agencies of the Federal Government should take such steps as may be necessary to distribute to hungry people of the United States surplus food or food which would otherwise be discarded;

(2) State and local governments which have not yet enacted so-called Good Samaritan or donor liability laws to encourage private cooperative efforts to provide food for hungry people

within their respective jurisdictions should do so as quickly as possible; and

(3) wholesale and retail food distributors, shipping terminals, and other establishments should work more closely with religious, community, and other charitable organizations to make wholesome food which is currently being wasted or discarded by such establishments available for immediate distribution to hungry people of the United States.

EFFECTIVE DATES OF PRIOR AMENDMENTS TO THE FOOD STAMP ACT OF 1977

SEC. 192. (a) Notwithstanding section 117 of the Omnibus Budget Reconciliation Act of 1981 (7 U.S.C. 2012 note), the amendments made by sections 101 through 114 of such Act, other than sections 107(b) and 108(c) of such Act, shall take effect on the earlier of the date of the enactment of this subtitle or the date on which such amendments became effective pursuant to section 117 of such Act.

7 USC 2012 note.
95 Stat. 366.
95 Stat. 358-363.

(b) Notwithstanding section 1338 of the Agriculture and Food Act of 1981 (7 U.S.C. 2012 note), the amendments made by sections 1302 through 1333 of such Act shall take effect on the earlier of the date of the enactment of this subtitle or the date on which such amendments became effective pursuant to section 1338 of such Act.

95 Stat. 1294.
95 Stat. 1282-1291.

96 STAT. 789

EFFECTIVE DATES

SEC. 193. (a) Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this subtitle.

7 USC 2012 note.

(b) Sections 180 and 188 shall take effect on October 1, 1982.

TITLE II—BANKING

TREATMENT OF FHA SINGLE-FAMILY MORTGAGE INSURANCE PREMIUMS

SEC. 201. (a) Section 203(b) of the National Housing Act is amended by—

12 USC 1709.

(1) inserting after "150 per centum of such median price" in the first sentence of paragraph (2) the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured"; and

(2) inserting after "cost of acquisition" in paragraph (9) the following: "(excluding the mortgage insurance premium paid at the time the mortgage is insured)".

(b) Section 203(c) of such Act is amended by inserting the following before the period at the end of the fourth sentence: ": *Provided*, That with respect to mortgages (1) for which the Secretary requires, at the time the mortgage is insured, the payment of a single premium charge to cover the total premium obligation for the insurance of the mortgage, and (2) on which the principal obligation is paid before the number of years on which the premium with respect to a particular mortgage was based, or the property is sold subject to the mortgage or is sold and the mortgage is assumed prior to such time, the Secretary shall provide for refunds, where appropriate, of a portion of the premium paid and shall provide for appropriate allocation of the premium cost among the mortgagors over the term of the mortgage, in accordance with procedures established by the Secretary which take into account sound financial and actuarial considerations".

(c) Section 213(b)(2) of such Act is amended by inserting after "exceeded by not to exceed 90 per centum in such an area" the following: ": *Provided further*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

12 USC 1715e.

(d) Section 221(d) of such Act is amended by—

12 USC 1715*l*.

(1) inserting after "in any geographical area where he finds that cost levels so require" in paragraph (2)(A) the following: ": *Provided further*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured";

(2) inserting after "of its acquisition cost" in paragraph (2)(B)(i)(2) the following: "(excluding the mortgage insurance premium paid at the time the mortgage is insured)"; and

(3) striking out "mortgage insurance premium," in paragraph (2)(B)(i)(2).

12 USC 1715y. (e) Section 234(c) of such Act is amended by inserting after "one-family house price in the area, as determined by the Secretary" in clause (A) of the third sentence thereof the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

96 STAT. 790

12 USC 1715z. (f) Section 235(i) of such Act is amended by—

(1) inserting after "respectively" in paragraph (3)(B) the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured";

(2) inserting after "respectively" in paragraph (3)(C) the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured";

(3) inserting after "so require)" in paragraph (3)(D) the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured"; and

(4) inserting after "acquisition" in paragraph (3)(E) the following: "(excluding the mortgage insurance premium paid at the time the mortgage is insured)".

12 USC 1709 note. (g) The amendments made by this section, other than by subsection (b), may be implemented only if the Secretary determines that the program of advance payment of insurance premiums, with specific regard to the effect of the provisions authorized by the amendments made by this section, is actuarially sound.

BUREAU OF THE MINT

Appropriation authorization. SEC. 202. The last sentence of section 3552 of the Revised Statutes (31 U.S.C. 369) is amended to read as follows: "There are authorized to be appropriated for fiscal year 1983 not to exceed $50,165,000 for all expenditures (salaries and expenses) of the mints and assay offices not herein otherwise provided for.".

TITLE III—CIVIL SERVICE PROGRAMS AND GOVERNMENT OPERATIONS

Subtitle A—Civil Service Programs

COST-OF-LIVING ADJUSTMENTS DURING FISCAL YEARS 1983, 1984, AND 1985

5 USC 8340 note. SEC. 301. (a)(1) Except as provided in paragraph (3), the cost-of-living increase under any Government retirement system in annuity or retired or retainer pay of any early retiree taking effect in each of fiscal years 1983, 1984, and 1985, shall be equal to one-half of the assumed increase in the price index for that year.

(2) For purposes of this subsection, an individual shall be considered to be an early retiree if—

(A) the individual is under the age of 62 years as of the effective date of the cost-of-living increase involved (determined without regard to subsection (b));

(B) the annuity or retired or retainer pay of the individual is not computed in whole or in part based on any disability of the individual; and

(C) the annuity or retired or retainer pay of the individual is based upon the Government service of the individual.

96 STAT. 791

(3) If the percentage increase in the price index for fiscal year 1983, 1984, or 1985 (as determined by the Office of Personnel Management on the basis of the calendar year ending in such year) exceeds the assumed increase in the price index for that year, then the increase in the annuity or retired or retainer pay of an early retiree under paragraph (1) taking effect in that fiscal year shall be equal to—

(A) one-half of the assumed increase in the price index for that year, plus

(B) the amount by which the percentage increase in the price index exceeds the assumed price index increase.

Definitions.

(4) As used in this subsection—

(A) the term "price index" has the meaning given such term in section 8331(15) of title 5, United States Code; and

(B) the term "assumed increase in the price index" means—

(i) 6.6 percent, in the case of fiscal year 1983,

(ii) 7.2 percent, in the case of fiscal year 1984, and

(iii) 6.6 percent, in the case of fiscal year 1985.

(5) The amount of any survivor annuity which is based on the service of any early retiree subject to this subsection shall be computed as if this subsection had not been enacted.

5 USC 8340 note.

(b)(1) Notwithstanding any other provision of law, any cost-of-living increase under a Government retirement system shall not take effect until—

(A) the first day of the first calendar month after the date such increase would otherwise take effect, in the case of increases taking effect during fiscal year 1983;

(B) the first day of the second calendar month after the date such increase would otherwise take effect, in the case of increases taking effect during fiscal year 1984; and

(C) the first day of the third calendar month after the date such increase would otherwise take effect, in the case of increases taking effect during fiscal year 1985.

(2) Nothing in this subsection shall be construed to affect the eligibility for any increase in annuity or retired or retainer pay or the amount of the first increase in annuity or retired or retainer pay under section 8340 (b) or (c) of title 5, United States Code, or comparable provisions of law.

Definition.
5 USC 8340 note.

(c) For purposes of this section, the term "cost-of-living increase under a Government retirement system" means any increase under—

(1) section 8340(b) of title 5, United States Code;

(2) section 826 of the Foreign Service Act of 1980;

22 USC 4066.

(3) the Central Intelligence Agency Act of 1964 for Certain Employees (50 U.S.C. 403 note);

(4) section 1401a(b) of title 10, United States Code; or

(5) any other adjustment of any annuity under a retirement system for Government officers or employees which the President determines, by Executive order, is based on adjustments under any of the provisions referred to in the preceding paragraphs.

5 USC 5532 note.

(d)(1) In the case of any member or former member of a uniformed service who, during any period in fiscal year 1983, 1984, or 1985, is receiving retired or retainer pay and holds a civilian position, there shall be deducted from the pay for such position an amount equal to the amount of any increase in such individual's retired or retainer pay pursuant to section 1401a(b) of title 10, United States Code, which takes effect during any of such fiscal years in which he holds such a civilian position and which is allocable to the period of actual employment in such civilian position. The amounts so deducted shall be deposited into the general fund of the Treasury of the United States.

96 STAT. 792

(2) For the purpose of this subsection—

"Uniformed service."

(A) the term "uniformed service" has the meaning given that term by section 2101 of title 5, United States Code; and

"Civilian position."

(B) the term "civilian position" means a position, as defined in section 5531(2) of title 5, United States Code.

(3) This subsection shall not apply to reduce the salary of any person whose compensation may not, under section 1 of article III of the Constitution of the United States, be diminished during such individual's continuance in office.

Prec. title 1 USC.

(4) The reduction in pay required by this subsection does not apply to a member or former member of a uniformed service receiving retired or retainer pay whose retired or retainer pay is computed, in whole or in part, based on disability—

(A) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(B) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by sections 101 and 301 of title 38, United States Code.

DISABILITY RETIREMENT

SEC. 302. (a) Section 8337 of title 5, United States Code, is amended—

(1) by striking out "1 year" in the second sentence of subsection (d) and inserting in lieu thereof "180 days";

(2) by striking out "each of 2 succeeding calendar years" in the third sentence of subsection (d) and inserting in lieu thereof "any calendar year"; and

"Technician."

(3) by adding at the end thereof the following new subsection:

"(h)(1) As used in this subsection, the term 'technician' means an individual employed under section 709(a) of title 32 who, as a condition of the employment, is required under section 709(b) of such title to be a member of the National Guard and to hold a specified military grade.

"(2)(A) Except as provided in subparagraph (B) of this paragraph, an individual shall be retired under this section if the individual—

"(i) is separated from employment as a technician under section 709(e)(1) of title 32 by reason of a disability that disqualifies the individual from membership in the National Guard or from holding the military grade required for such employment;

"(ii) is not considered to be disabled under the second sentence of subsection (a) of this section;

"(iii) is not appointed to a position in the Government (whether under paragraph (3) of this subsection or otherwise); and

"(iv) has not declined an offer of an appointment to a position in the Government under paragraph (3) of this subsection.

"(B) Payment of any annuity for an individual pursuant to this subsection terminates—

"(i) on the date the individual is appointed to a position in the Government (whether pursuant to paragraph (3) of this subsection or otherwise);

96 STAT. 793

"(ii) on the date the individual declines an offer of appointment to a position in the Government under paragraph (3); or

"(iii) as provided under subsection (d).

"(3) Any individual applying for or receiving any annuity pursuant to this subsection shall, in accordance with regulations prescribed by the Office, be considered by any agency of the Government before any vacant position in the agency is filled if—

"(A) the position is located within the commuting area of the individual's former position;

"(B) the individual is qualified to serve in such position, as determined by the head of the agency; and

"(C) the position is at the same grade or equivalent level as the position from which the individual was separated under section 709(e)(1) of title 32.".

(b) Section 8347(m) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting a semicolon in lieu thereof; and

(3) by adding at the end thereof the following new paragraphs:

"(3) the Secretary of Health and Human Services or the Secretary's designee shall provide information contained in the records of the Social Security Administration; and

"(4) the Secretary of Labor or the Secretary's designee shall provide information on benefits paid under subchapter I of chapter 81 of this title.". 5 USC 8101.

Effective dates.
5 USC 8337 note.

(c)(1) Except as provided in paragraphs (2) and (3), the amendments made by subsections (a) and (b) shall take effect October 1, 1982, and shall apply with respect to individuals retiring on or after such date.

(2) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect with respect to income earned after December 31, 1982.

(3) Subsection (h) of section 8337 of title 5, United States Code (as added by subsection (a)) shall apply to any technician (as defined in paragraph (1) of such subsection (h)) who separated from employment as a technician on or after December 31, 1979, and before October 1, 1982, if application therefor is made to the Office of Personnel Management within 12 months after the date of the enactment of this Act. Any annuity resulting from such application shall commence as of the day after the date such application is received by the Office.

INTEREST RATES, DEPOSITS, REFUNDS, AND REDEPOSITS

Sec. 303. (a)(1) Section 8334(e) of title 5, United States Code, is amended to read as follows:

"(e)(1) Interest under subsection (c), (d), or (j) of this section is computed in accordance with paragraphs (2) and (3) of this subsection and regulations prescribed by the Office of Personnel Management.

"(2) Interest accrues annually on the outstanding portion of any amount that may be deposited under subsection (c), (d), or (j) of this section, and is compounded annually, until the portion is deposited. Such interest is computed from the mid-point of each service period included in the computation, or from the date refund was paid. The deposit may be made in one or more installments. Interest may not be charged for a period of separation from the service which began before October 1, 1956.

96 STAT. 794

"(3) The rate of interest is 4 percent a year through December 31, 1947, and 3 percent a year beginning January 1, 1948, through December 31, 1984. Thereafter, the rate of interest for any calendar year shall be equal to the overall average yield to the Fund during the preceding calendar year from all obligations purchased by the Secretary of the Treasury during such calendar year under section 8348 (c), (d), and (e) of this title, as determined by the Secretary.". 5 USC 8348.

(2) The second sentence of section 8343(a) of title 5, United States Code, is amended by inserting after "at 3 percent a year" the following: "through December 31, 1984, and thereafter at the rate computed under section 8334(e) of this title,". *Ante*, p. 793.

(b) Section 8339(i) of title 5, United States Code, is amended to read as follows:

"(i) For the purposes of subsections (a)–(h) and (n) of this section, the total service of any employee or Member shall not include any period of civilian service after July 31, 1920, for which retirement deductions or deposits have not been made under section 8334(a) of this title unless— 5 USC 8334.

"(1) the employee or Member makes a deposit for such period as provided in section 8334(c) or (d) of this title; or

"(2) no deposit is required for such service, as provided under section 8334(g) of this title or under any statute.".

Lump-sum credit.

(c) Section 8342(a) of title 5, United States Code, is amended to read as follows:

"(a) An employee or Member who—

"(1)(A) is separated from the service for at least thirty-one consecutive days; or

"(B) is transferred to a position in which he is not subject to this subchapter and remains in such position for at least thirty-one consecutive days;

"(2) files an application with the Office of Personnel Management for payment of the lump-sum credit;

"(3) is not reemployed in a position in which he is subject to this subchapter at the time he files the application; and

"(4) will not become eligible to receive an annuity within thirty-one days after filing the application,

is entitled to be paid the lump-sum credit. The receipt of the payment of the lump-sum credit by the employee or Member voids all annuity rights under this subchapter based on the service on which the lump-sum credit is based, until the employee or Member is reemployed in the service subject to this subchapter.".

5 USC 8334 note.

(d)(1) The amendments made by subsections (a) and (b) shall apply with respect to deposits for service performed on or after October 1, 1982, and with respect to refunds made on or after such date. The provisions of section 8334 and section 8339(i) of title 5, United States Code, as in effect the day before the date of the enactment of this Act, shall continue to apply with respect to periods of service and refunds occurring on or before September 30, 1982.

Effective date.
5 USC 8342 note.

(2) The amendment made by subsection (c) shall take effect October 1, 1982.

96 STAT. 795

ROUNDING DOWN OF CIVIL SERVICE RETIREMENT ANNUITIES

SEC. 304. (a) The first sentence of section 8340(e) of title 5, United States Code, is amended by striking out "fixed at the nearest" and inserting in lieu thereof "rounded to the next lowest".

(b) Section 8345(a) of title 5, United States Code, is amended by striking out "fixed at the nearest" and inserting in lieu thereof "rounded to the next lowest".

5 USC 8340 note.

(c) The amendments made by subsections (a) and (b) shall apply with respect to any annuity commencing on or after October 1, 1982, and with respect to any adjustment or redetermination of any annuity made on or after such date.

LATER COMMENCEMENT DATE FOR CERTAIN ANNUITIES

SEC. 305. (a) Section 8345(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Except as otherwise provided—

"(A) an annuity of an employee or Member commences on the first day of the month after—

"(i) separation from the service; or

"(ii) pay ceases and the service and age requirements for title to annuity are met; and

"(B) any other annuity payable from the Fund commences on the first day of the month after the occurrence of the event on which payment thereof is based.

"(2) The annuity of—

"(A) an employee involuntarily separated from service, except by removal for cause on charges of misconduct or delinquency; and

5 USC 8337.

"(B) an employee or Member retiring under section 8337 of this title due to a disability;

shall commence on the day after separation from the service or the day after pay ceases and the service and age or disability requirements for title to annuity are met.".

(b) The amendment made by subsection (a) shall apply to annuities which commence on or after October 1, 1982.

5 USC 8345 note.

CREDITABLE SERVICE BASED ON MILITARY SERVICE

SEC. 306. (a) Section 8331(8)(B) of title 5, United States Code, is amended by inserting after "service" a comma and "including any amounts deposited under section 8334(j) of this title".

(b) Section 8332(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) of this subsection and subsection (d) of this section—

"(A) the service of an individual who first becomes an employee or Member before October 1, 1982, shall include credit for each month of military service performed before the date of the separation on which the entitlement to an annuity under this subchapter is based, subject to section 8332(j) of this title; and

"(B) the service of an individual who first becomes an employee or Member on or after October 1, 1982, shall include credit for each month of military service (performed before the date of the separation on which the entitlement to an annuity

96 STAT. 796

under this subchapter is based) only if a deposit with interest, if any, is made with respect to that month, as provided in section 8334(j) of this title.

Infra.

"(2) If an employee or Member is awarded retired pay based on any period of military service, the service of the employee or Member may not include credit for such period of military service unless the retired pay is awarded—

"(A) based on a service-connected disability—

"(i) incurred in combat with an enemy of the United States; or

"(ii) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by section 301 of title 38; or

"(B) under chapter 67 of title 10.".

10 USC 1331 *et seq.*

(c) Subsection (j) of section 8332 of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(j)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The provisions of paragraph (1) of this subsection relating to credit for military service shall not apply to—

"(A) any month of military service of an employee or Member with respect to which the employee or Member has made a deposit with interest, if any, under section 8334(j) of this title; or

"(B) the service of any employee or Member described in section 8332(c)(1)(B) of this title.".

Ante, p. 795.

(d) Section 8334 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j)(1) Each employee or Member who has performed military service before the date of the separation on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office shall issue within 90 days after the effective date of this subsection, to the agency by which the employee is employed or, in the case of a Member or a Congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 7 percent of the amount of the basic pay paid under section 204 of title 37 to the employee or Member for each month of military service after December 1956, as certified to the agency, the Secretary of the Senate, or the Clerk of the House of Representatives, as appropriate, by the Secretary of Defense, the Secretary of Transportation, the

Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, upon the employee's or Member's request.

Deposit.

"(2) Any deposit made under paragraph (1) of this subsection more than two years after the later of—

"(A) October 1, 1982; or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the two-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (e) of this section.

Payment remittance.

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office for deposit in the Treasury of the United States to the credit of the Fund.

96 STAT. 797

"(4) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Office as the Office may determine to be necessary for the administration of this subsection.".

(e) Section 8334(g)(2) of title 5, United States Code, is amended by inserting after "military service" the following: ", except to the extent provided under section 8332(c) or section 8334(j) of this title".

5 USC 8332; *Ante*, p. 796.

(f) Section 8348(g) of title 5, United States Code, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a comma and "less an amount determined by the Office to be appropriate to reflect the value of the deposits made to the credit of the Fund under section 8334(j) of this title.".

Effective date.
5 USC 8331 note.

(g) The amendments made by this section shall take effect October 1, 1982.

RECOMPUTATION AT AGE 62 OF CREDIT FOR MILITARY SERVICE OF CURRENT ANNUITANTS

5 USC 8332 note.
5 USC 8331.

SEC. 307. (a) The provisions of section 8332(j) of title 5, United States Code, relating to credit for military service, shall not apply with respect to any individual who is entitled to an annuity under subchapter III of chapter 83 of title 5, United States Code, on or before the date of enactment of this Act.

42 USC 402.

(b) Subject to subsection (b), in any case in which an individual described in subsection (a) is also entitled to old-age insurance benefits under section 202(a) of the Social Security Act (or would be entitled to such benefits upon filing application therefor), the amount of the annuity to which such individual is entitled under subchapter III of chapter 83 of title 5, United States Code, (after taking into account subsection (a)) which is payable for any month shall be reduced by an amount determined by multiplying the amount of such old-age insurance benefit for the determination month by a fraction—

42 USC 409.
42 USC 410.
42 USC 429.
42 USC 430.
42 USC 415.

(1) the numerator of which is the total of the wages (within the meaning of section 209 of the Social Security Act) for service referred to in section 210(l) of such Act (relating to service in the uniformed services) and deemed additional wages (within the meaning of section 229 of such Act) of such individual credited for years after 1956 and before the calendar year in which the determination month occurs, up to the contribution and benefit base determined under section 230 of the Social Security Act (or other applicable maximum annual amount referred to in section 215(e)(1) of such Act) for each such year, and

42 USC 409.
42 USC 411.

(2) the denominator of which is the total of all wages and deemed additional wages described in paragraph (1) of this subsection plus all other wages (within the meaning of section 209 of such Act) and all self-employment income (within the meaning of section 211(b) of such Act) of such individual credited for years after 1936 and before the calendar year in which

the determination month occurs, up to the contribution and benefit base (or such other amount referred to in such section 215(e)(1)) for each such year.

42 USC 415.

(c) Subsection (b) shall not reduce the annuity of any individual below the amount of the annuity which would be payable under this subchapter to the individual for the determination month if section 8332(j) of title 5, United States Code, applied to the individual for such month.

96 STAT. 798

"Determination month."

(d) For purposes of this section, the term "determination month" means—

(1) the first month the individual described in subsection (a) is entitled to old-age insurance benefits under section 202(a) of the Social Security Act (or would be entitled to such benefits upon filing application therefor); or

42 USC 402.

(2) October 1982, in the case of any individual so entitled to such benefits for such month.

Effective date.

(e) The preceding provisions of this section shall take effect with respect to any annuity payment payable under subchapter III of chapter 83 of title 5, United States Code, for calendar months beginning after September 30, 1982.

5 USC 8331.

(f) The Secretary of Health and Human Services shall furnish such information to the Office of Personnel Management as may be necessary to carry out the preceding provisions of this section.

IMMEDIATE RETIREMENT

SEC. 308. (a) Subsection (d) of section 8336 of title 5, United States Code, is amended to read as follows:

"(d) An employee who—

"(1) is separated from the service involuntarily, except by removal for cause on charges of misconduct or delinquency; or

"(2) while serving in a geographic area designated by the Office of Personnel Management, is separated from the service voluntarily during a period in which the Office determines that—

"(A) the agency in which the employee is serving is undergoing a major reorganization, a major reduction in force, or a major transfer of function; and

"(B) a significant percent of the employees serving in such agency will be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53 of this title or comparable provisions);

5 USC 5361.

after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity. Notwithstanding the first sentence of this subsection, an employee described in paragraph (1) of this subsection is not entitled to an annuity under this subsection if the employee has declined a reasonable offer of another position in the employee's agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.".

Nonentitlement of annuity.

Effective date.
5 USC 8336 note.

(b) The amendment made by subsection (a) shall take effect October 1, 1982.

GENERAL LIMITATION ON COST-OF-LIVING ADJUSTMENT FOR ANNUITIES

SEC. 309. (a) Section 8340 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g)(1) An annuity shall not be increased by reason of any adjustment under this section to an amount which exceeds the greater of—

96 STAT. 799

"(A) the maximum pay payable for GS–15 30 days before the effective date of the adjustment under this section; or

"(B) the final pay (or average pay, if higher) of the employee or Member with respect to whom the annuity is paid, increased by the overall annual average percentage adjustments (compounded) in rates of pay of the General Schedule under subchapter I of chapter 53 of this title during the period— 5 USC 5301.

"(i) beginning on the date the annuity commenced (or, in the case of a survivor of the retired employee or Member, the date the employee's or Member's annuity commenced), and

"(ii) ending on the effective date of the adjustment under this section.

"Pay." "(2) For the purposes of paragraph (1) of this subsection, 'pay' means the rate of salary or basic pay as payable under any provision of law, including any provision of law limiting the expenditure of appropriated funds.".

5 USC 8340 note. (b) The amendment made by subsection (a) of this section shall not cause any annuity to be reduced below the rate that is payable on the date of the enactment of this Act, but shall apply to any adjustment occurring on or after such date of enactment under section 8340 of title 5, United States Code, to any annuity payable from the Civil Service Retirement and Disability Fund, whether such annuity has a commencing date before, on, or after the date of enactment of this Act.

FEDERAL EMPLOYEE PAY ADJUSTMENTS

5 USC 5305 note. SEC. 310. (a)(1) Notwithstanding any other provision of law, if—

(A) before September 1, 1982, the President transmits to the Congress pursuant to section 5305(c)(1) of title 5, United States Code, an alternative plan which provides for an overall percentage pay adjustment which is less than 4 percent, and

(B) the alternative plan referred to in subparagraph (A) is disapproved pursuant to such section 5305,

the rates of pay under the General Schedule and the rates of pay under the other statutory pay systems shall be increased under the provisions of such section 5305 by 4 percent in the case of fiscal year 1983.

Effective date. (2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect on the first day of the first applicable pay period commencing on or after October 1 of such fiscal year.

5 USC 5504 note. (b)(1) Notwithstanding any other provision of law, effective with respect to fiscal years 1984 and 1985, and applicable in the case of an employee under the General Schedule, any hourly rate derived under section 5504(b)(1) of title 5, United States Code, shall be derived by dividing the annual rate of basic pay by 2,087.

(2) Paragraph (1) shall not apply in determining basic pay for purposes of subchapter III of chapter 83 of title 5, United States Code. 5 USC 8331.

(3) The Office of Personnel Management may prescribe regulations necessary for the administration of this subsection insofar as this subsection affects employees in or under an Executive agency.

SUBTITLE B—LIMITATION ON TRAVEL AND TRANSPORTATION EXPENSES

TRAVEL AND TRANSPORTATION EXPENSES FOR VACATION LEAVE

SEC. 351. (a) Section 5728 of title 5, United States Code, is amended by inserting a comma and "Alaska, and Hawaii" after "continental United States" each place it occurs in subsections (a) and (b).

(b) Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) Under such regulations as the President may prescribe, an agency may pay, subject to paragraph (3) of this subsection, the expenses described in paragraph (2) of this subsection in any case in which the head of the agency determines that the payment of such expenses is necessary for the purpose of recruiting or retaining an employee for service of a tour of duty at a post of duty in Alaska or Hawaii.

"(2) The expenses payable under paragraph (1) of this subsection are the expenses of round-trip travel of an employee, and the transportation of his immediate family, but not household goods, from his post of duty in Alaska or Hawaii to the place of his actual residence at the time of appointment or transfer to the post of duty, incurred after he has satisfactorily completed an agreed period of service in Alaska or Hawaii and in returning to his actual place of residence to take leave before serving another tour of duty at the same or another post of duty in Alaska or Hawaii under a new written agreement made before departing from the post of duty.

"(3) The payment of expenses of any employee and the transportation of his family under paragraph (1) of this subsection is limited to the expenses of travel and transportation incurred for not more than two round trips commenced within 5 years after the date the employee first commences any period of consecutive tours of duty in Alaska or Hawaii.".

5 USC 5728 note.

(c) Notwithstanding section 5728(c)(3) of title 5, United States Code (as added by subsection (b)(2) of this section), the agency shall pay under section 5728(c)(1) of such title (as added by subsection (b)(2) of this section) the expenses of one round-trip of travel of an employee who has served on consecutive tours of duty at posts of duty in Alaska or Hawaii for a period beginning at least five years before the date of enactment of this Act and including such date and the expenses of transportation of such employee's immediate family on one round-trip.

Effective date.
5 USC 5728 note.

(d) The amendments made by subsection (a) shall take effect with respect to expenses incurred after the date of enactment of this Act for round-trip travel (commenced after such date) of an employee or transportation of his immediate family from his post of duty to the place of his actual residence at the time of appointment or transfer to the post of duty.

"Employee."
5 USC 5728 note.

(e) For the purposes of subsections (c) and (d), the term "employee" shall have the same meaning as provided in section 5721(2) of title 5, United States Code.

96 STAT. 801

Subtitle C—Cost-of-Living Adjustments

UNIFORMED SERVICES

SEC. 361. For cost savings achieved through a limitation on the amount of the annual adjustment of retired and retainer pay of members and former members of the uniformed services, in satisfaction of the reconciliation requirements of section 2(b)(2), section 2(c)(2), and section 2(c)(4) of the first concurrent resolution on the budget for fiscal year 1983, see section 301 of this Act and section 1401a(b) of title 10, United States Code.

Ante, p. 790.

COAST GUARD

SEC. 362. For cost savings achieved through a limitation on the amount of the annual adjustment of retired and retainer pay of members and former members of the uniformed services, in satisfaction of the reconciliation requirements of section 2(b)(4) and section 2(c)(6) of the first concurrent resolution on the budget for fiscal year 1983, see section 301 of this Act and section 1401a(b) of title 10, United States Code.

FOREIGN SERVICE

SEC. 363. For cost savings achieved through a limitation on the amount of the annual adjustment of the annuity payable from the

Foreign Service Retirement and Disability Fund, in satisfaction of the reconciliation requirements of section 2(b)(5) and section 2(c)(5) of the first concurrent resolution on the budget for fiscal year 1983, see section 301 of this Act and sections 826 and 827 of the Foreign Service Act of 1980. 22 USC 4066, 4067.

TITLE IV—VETERANS' BENEFITS

COMMENCEMENT OF CERTAIN PERIODS OF PAYMENT

Sec. 401. (a)(1) Chapter 51 of title 38, United States Code, is amended by inserting after section 3010 the following new section:

38 USC 3011. **"§ 3011. Commencement of period of payment**

38 USC 3010. "(a) Notwithstanding section 3010 of this title or any other provision of law and except as provided in subsection (c) of this section, payment of monetary benefits based on an award or an increased award of compensation, dependency and indemnity compensation, or pension may not be made to an individual for any period before the first day of the calendar month following the month in which the award or increased award became effective as provided under section 3010 of this title or such other provision of law.

"(b)(1) Except as provided in paragraph (2) of this subsection, during the period between the effective date of an award or increased award as provided under section 3010 of this title or other provision of law and the commencement of the period of payment based on such award as provided under subsection (a) of this section, an individual entitled to receive monetary benefits shall be deemed to be in receipt of such benefits for the purpose of all laws administered by the Veterans' Administration.

96 STAT. 802

Waiver. "(2) If any person who is in receipt of retired or retirement pay would also be eligible to receive compensation or pension upon the filing of a waiver of such pay in accordance with section 3105 of this title, such waiver shall not become effective until the first day of the month following the month in which such waiver is filed, and nothing in this section shall prohibit the receipt of retired or retirement pay for any period before such effective date. 38 USC 3105.

"(c) This section shall apply to payments made pursuant to section 3110 of this title only if the monthly amount of dependency and indemnity compensation or pension payable to the surviving spouse is greater than the amount of compensation or pension the veteran would have received, but for such veteran's death, for the month in which such veteran's death occurred. 38 USC 3110.

"Award or increased award." "(d) For the purposes of this section, the term 'award or increased award' means—

"(1) an original or reopened award; or

"(2) an award that is increased because of an added dependent, increase in disability or disability rating, or reduction in income.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3010 the following new item:

"3011. Commencement of period of payment.".

Effective date. 38 USC 3011 note. (b) Section 3011 of title 38, United States Code, as added by subsection (a), shall apply to awards and increased awards the effective dates of which are after September 30, 1982.

ADVANCEMENT OF EFFECTIVE DATE OF CERTAIN REDUCTIONS OF COMPENSATION AND PENSION

Sec. 402. (a) Section 3012(b)(2) of title 38, United States Code, is amended by striking out "calendar year" and inserting in lieu thereof "month".

38 USC 3012 note. (b) The amendment made by subsection (a) shall apply with respect to any marriage, annulment, divorce, or death that occurs after September 30, 1982.

ROUNDING DOWN OF PENSION TO NEAREST DOLLAR

SEC. 403. (a)(1) Chapter 51 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3023. Rounding down of pension rates

38 USC 3023.

"The monthly or other periodic rate of pension payable to an individual under section 521, 541, or 542 of this title or under section 306(a) of the Veterans' and Survivors' Pension Improvement Act of 1978 (Public Law 95-588), if not a multiple of $1, shall be rounded down to the nearest dollar.".

38 USC 521, 541, 542.

38 USC 521 note.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3023. Rounding down of pension rates.".

(b) The amendment made by this section shall apply with respect to amounts payable for periods beginning after May 31, 1983.

38 USC 3023 note.

96 STAT. 803

ROUNDING RULE FOR CERTAIN RATES OF COMPENSATION

SEC. 404. (a) Section 314(p) of title 38, United States Code, is amended by inserting "down" after "rounded".

(b) The second sentence of section 315(2) of such title is amended to read as follows: "The amounts payable under this paragraph, if not a multiple of $1, shall be rounded down to the nearest dollar.".

38 USC 315.

(c) The amendments made by this section shall take effect on October 1, 1982.

Effective date.
38 USC 314 note.

ROUNDING DOWN OF FISCAL YEAR 1983 COMPENSATION COST-OF-LIVING INCREASE

SEC. 405. (a) In contemplation of the enactment, after the date of the enactment of this Act, of legislation providing for cost-of-living increases to be effective on October 1, 1982, in the rates of disability compensation and dependency and indemnity compensation under chapters 11 and 13, respectively, of title 38, United States Code, and the rounding down of the amounts so provided to the nearest dollar and the realigning of the amounts of disability compensation paid on account of dependents, the adjustments made by this section in the current rates under such chapters are enacted, effective January 1, 1983, with the intent that they be superseded by the rounded and realigned increased rates to be provided for in such legislation.

38 USC 314 note.

38 USC 301 *et seq.*, 401 *et seq.*

(b) Section 314 of title 38, United States Code, is amended—

95 Stat. 1026.

(1) by striking out "$58" in subsection (a) and inserting in lieu thereof "$57";

(2) by striking out "$162" in subsection (c) and inserting in lieu thereof "$161";

(3) by striking out "$413" in subsection (f) and inserting in lieu thereof "$412";

(4) by striking out "$604" in subsection (h) and inserting in lieu thereof "$603";

(5) by striking out "$62", "$1,403", "$62", and "$1,966" in subsection (k) and inserting in lieu thereof "$61", "$1,402", "$61", and "$1,965", respectively;

(6) by striking out "$1,403" in subsection (l) and inserting in lieu thereof "$1,402";

(7) by striking out "$1,547" in subsection (m) and inserting in lieu thereof "$1,546";

(8) by striking out "$1,758" in subsection (n) and inserting in lieu thereof "$1,757";

(9) by striking out "$1,966" each place it appears in subsections (o) and (p) and inserting in lieu thereof in each such place "$1,965";

(10) by striking out "$844" and "$1,257" in subsection (r) and inserting in lieu thereof "$843" and "$1,256", respectively;

(11) by striking out "$1,264" in subsection (s) and inserting in lieu thereof "$1,263"; and

(12) by striking out "$244" in subsection (t) and inserting in lieu thereof "$243".

95 Stat. 1027.
38 USC 315.

(c) Section 315 of such title is amended—

(1) by striking out "$116" in clause (1)(B) and inserting in lieu thereof "$115";

(2) by striking out "$38" in clause (1)(D) and inserting in lieu thereof "$37"; and

96 STAT. 804

(3) by striking out "$38" in clause (1)(G) and inserting in lieu thereof "$37".

95 Stat. 1027.
38 USC 362.

(d) Section 362 of such title is amended by striking out "$305" and inserting in lieu thereof "$304".

95 Stat. 1028.
38 USC 411.

(e)(1) Subsection (a) of section 411 of such title is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	"Pay grade	Monthly rate
E-1	$414	W-4	$594
E-2	$427	O-1	$524
E-3	$438	O-2	$541
E-4	$466	O-3	$579
E-5	$479	O-4	$612
E-6	$490	O-5	$675
E-7	$514	O-6	$760
E-8	$541	O-7	$823
E-9	[1] $566	O-8	$902
W-1	$524	O-9	$969
W-2	$545	O-10	[2] $1,060
W-3	$561		

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $609.

[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,137.".

(2) Subsection (b) of such section is amended by striking out "$48" and inserting in lieu thereof "$47".

(3) Subsection (c) of such section is amended by striking out "$125" and inserting in lieu thereof "$124".

(4) Subsection (d) of such section is amended by striking out "$62" and inserting in lieu thereof "$61".

95 Stat. 1029.
38 USC 413.

(f) Section 413 of such title is amended—

(1) by striking out "$210" in clause (1) and inserting in lieu thereof "$209";

(2) by striking out "$301" in clause (2) and inserting in lieu thereof "$300";

(3) by striking out "$389" in clause (3) and inserting in lieu thereof "$388"; and

(4) by striking out "$389" and "$79" in clause (4) and inserting in lieu thereof "$388" and "$78", respectively.

95 Stat. 1029.
38 USC 414.

(g) Section 414 of such title is amended—

(1) by striking out "$125" in subsection (a) and inserting in lieu thereof "$124";

(2) by striking out "$210" in subsection (b) and inserting in lieu thereof "$209"; and

(3) by striking out "$107" in subsection (c) and inserting in lieu thereof "$106".

Effective date.
38 USC 314 note.

(h) The amendments made by this section shall take effect on January 1, 1983.

96 STAT. 805

FEE FOR HOME LOANS

SEC. 406. (a)(1) Subchapter III of chapter 37 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 1829.

"§ 1829. Loan fee

"(a) Except as provided in subsection (b) of this section, a fee shall be collected from each veteran obtaining a housing loan guaranteed, made, or insured under this chapter, and no such loan may be guaranteed, made, or insured under this chapter until the fee payable with respect to such loan has been remitted to the Administrator. The amount of the fee shall be one-half of one percent of the total loan amount. The amount of the fee may be included in the loan to the veteran and paid from the proceeds thereof.

"(b) A fee may not be collected under this section from a veteran who is receiving compensation (or who but for the receipt of retirement pay would be entitled to receive compensation) or from a surviving spouse described in section 1801(b)(2) of this title.

95 Stat. 1059.
38 USC 1801.

"(c) Fees collected under this section shall be deposited into the Treasury of the United States as miscellaneous receipts.

"(d) A fee may not be collected under this section with respect to any loan closed after September 30, 1985.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1828 the following new item:

"1829. Loan fee.".

38 USC 1829 note.

(b) Section 1829 of title 38, United States Code, as added by subsection (a), shall apply only to loans closed after September 30, 1982.

TITLE V—COMMERCE, SCIENCE, AND TRANSPORTATION

FEDERAL COMMUNICATIONS COMMISSION

Term expiration; office abolishment.
47 USC 154 note.

Sec. 501. (a) Upon expiration of the term of office as a member of the Federal Communications Commission, which is prescribed by law to occur on June 30, 1982, any member appointed to fill such office after such date shall be appointed for a term which ends on June 30, 1983, and such office shall be abolished on July 1, 1983. Upon expiration of the term of office as a member of such Commission, which—

(1) is prescribed by law;

(2) is in effect before the date of the enactment of this Act; and

(3) is to occur on June 30, 1983;

no person shall be appointed to fill such office after such date, and such office shall be abolished on July 1, 1983.

(b)(1) Section 4(a) of the Communications Act of 1934 (47 U.S.C. 154(a)) is amended by striking out "seven" and inserting in lieu thereof "five".

(2) The last sentence of section 4(b) of the Communications Act of 1934 (47 U.S.C. 154(b)) is amended to read as follows: "The maximum number of commissioners who may be members of the same political party shall be a number equal to the least number of commissioners which constitutes a majority of the full membership of the Commission.".

96 STAT. 806

(3) Section 4(h) of the Communications Act of 1934 (47 U.S.C. 154(h)) is amended by striking out "Four" and inserting in lieu thereof "Three".

Effective date.
47 USC 154 note.

(4) The amendments made in paragraphs (1), (2), and (3) of this subsection shall take effect on July 1, 1983.

INTERSTATE COMMERCE COMMISSION

Office abolishment.
49 USC 10301 note.

Sec. 502. (a) Effective January 1, 1983, each office within the Interstate Commerce Commission provided in section 10301(b) of title 49, United States Code (except one of the two offices prescribed by law to expire on December 31, 1984), which was vacant on July 1, 1982, is abolished.

(b) Effective January 1, 1983, section 10301(b) of title 49, United States Code, is amended (1) by striking out "11" and inserting in lieu thereof "7", and (2) by striking out "6 members" and inserting in lieu thereof "4 members".

Term expiration; office abolishment.
49 USC 10301 note.

(c) Upon the expiration of the term of office as a member of the Interstate Commerce Commission which is prescribed by law to expire on December 31, 1982, any person appointed to fill such office after such date shall be appointed for a term of office which ends on December 31, 1985, and such office shall be abolished immediately after the expiration of that date.

49 USC 10301 note.

(d) Upon the expiration of the term of office as a member of the Interstate Commerce Commission which is prescribed by law to expire on December 31, 1983, any person appointed to fill such office after such date shall be appointed for a term of office which ends on December 31, 1985, and such office shall be abolished immediately after the expiration of that date.

(e) Effective January 1, 1986, section 10301(b) of title 49, United States Code, is amended (1) by striking out "7" and inserting in lieu thereof "5", and (2) by striking out "4 members" and inserting in lieu thereof "3 members".

49 USC 10301 note.

(f) Nothing in subsection (c) or (d) of this section shall be construed as prohibiting the reappointment of any person serving in such office in terms expiring on December 31, 1982, or December 31, 1983, respectively.

Term expiration.
49 USC 10301 note.

(g) The term of office of one of the two persons appointed to fill an office, as a member of the Interstate Commerce Commission, the term for which is prescribed by law to expire on December 31, 1987, shall end on December 31, 1991. At the time of the first of such two appointments, the President shall designate which appointment is to fill the term of office which shall end under the preceding sentence on December 31, 1991.

(h)(1) Section 10301(c) of title 49, United States Code, is amended by striking out "7 years" and inserting in lieu thereof "5 years".

96 STAT. 807

Effective date.
49 USC 10301 note.

(2) The amendment made by paragraph (1) of this subsection shall take effect on January 1, 1984, and shall apply to any person appointed, after such date, to fill any office, as a member of the Interstate Commerce Commission, the term for which is prescribed by law to expire after such date, except that such amendment shall not apply to the person designated by the President to fill the term of office which is to end under subsection (g) of this section on December 31, 1991.

Approved September 8, 1982.

LEGISLATIVE HISTORY—H.R. 6955 (H.R. 6782) (H.R. 6812) (H.R. 6862) (H.R. 6892) (S. 2774):

HOUSE REPORTS: No. 97-660 accompanying H.R. 6782 (Comm. on Veterans' Affairs), No. 97-683 accompanying H.R. 6812 (Comm. on Banking, Finance and Urban Affairs), No. 97-687 accompanying H.R. 6892 (Comm. on Agriculture), Nos. 97-750 and 97-759 (Comms. of Conference).

SENATE REPORT No. 97-504 accompanying S. 2774 (Comm. on the Budget).

CONGRESSIONAL RECORD, Vol. 128 (1982):
- July 27, H.R. 6782 considered and passed House.
- Aug. 3, H.R. 6862 considered and passed House.
- Aug. 4, 5, S. 2774 considered and passed Senate.
- Aug. 5, H.R. 6812 considered and passed House.
- Aug. 10, H.R. 6892 considered and passed House.
- Aug. 10, considered and passed House.
- Aug. 11, considered and passed Senate, amended, in lieu of S. 2774.
- Aug. 18, House and Senate agreed to conference report.

Public Law 97-204
97th Congress

96 STAT. 130

Joint Resolution

To provide for a temporary increase in the public debt limit.

June 28, 1982
[H.J. Res. 519]

***Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That during the period beginning on the date of the enactment of this Act and ending on September 30, 1982, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $743,100,000,000 (and any other provision of law providing for a temporary increase in such limit shall not apply).**

Public debt limit, temporary increase.
31 USC 757b note.

Approved June 28, 1982.

LEGISLATIVE HISTORY—H.J. Res. 519:

CONGRESSIONAL RECORD, Vol. 128 (1982):
June 23, considered and passed House and Senate.

Public Law 97-248
97th Congress

96 STAT. 324

An Act

To provide for tax equity and fiscal responsibility, and for other purposes.

Sept. 3. 1982
[H.R. 4961]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tax Equity and Fiscal Responsibility Act of 1982.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF 1954 CODE.

26 USC 1 note.

(a) SHORT TITLE.—This Act may be cited as the "Tax Equity and Fiscal Responsibility Act of 1982".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents; amendment of 1954 Code.

TITLE I—PROVISIONS RELATING TO SAVINGS IN HEALTH AND INCOME SECURITY PROGRAMS

Subtitle A—Medicare

PART I—CHANGES IN PAYMENTS FOR SERVICES

Subpart A—Amount of Payment for Institutional Services

Sec. 101. Payment for inpatient hospital services.
Sec. 102. Single reimbursement limit for skilled nursing facilities.
Sec. 103. Elimination of inpatient routine nursing salary cost differential.
Sec. 104. Elimination of duplicate overhead payments for outpatient services.
Sec. 105. Single reimbursement limit for home health agencies.
Sec. 106. Prohibiting payment for Hill-Burton free care.
Sec. 107. Prohibiting payment for anti-unionization activities.
Sec. 108. Reimbursement of provider-based physicians.
Sec. 109. Prohibiting recognition of payments under certain percentage arrangements.

Sec. 110. Elimination of lesser-of-cost-or-charge provision.
Sec. 111. Elimination of private room subsidy.

Subpart B—Payments for Other Services

Sec. 112. Reimbursement for inpatient radiology and pathology services.
Sec. 113. Reimbursement for assistants at surgery.
Sec. 114. Payments to health maintenance organizations and competitive medical plans.
Sec. 115. Prohibition of payment for ineffective drugs.

Subpart C—Other Payment Provisions

Sec. 116. Medicare payments secondary for older workers covered under group health plans.
Sec. 117. Interest charges on overpayments and underpayments.
Sec. 118. Audit and medical claims review.
Sec. 119. Private sector review initiative.
Sec. 120. Temporary delay in periodic interim payments.

Part II—Changes in Benefits, Premiums, and Enrollment

Sec. 121. Medicare coverage of Federal employees.
Sec. 122. Hospice care.
Sec. 123. Coverage of extended care services without regard to three-day prior hospitalization requirement.
Sec. 124. Provision temporarily holding part B premium at constant percentage of cost.
96 STAT. 325 Sec. 125. Special enrollment provisions for merchant seamen.

Part III—Miscellaneous Provisions

Sec. 126. Extending medicare proficiency examination authority.
Sec. 127. Regulations regarding access to books and records.
Sec. 128. Technical corrections to Omnibus Budget Reconciliation Act of 1981.

Subtitle B—Medicaid

Sec. 131. Copayments by medicaid recipients.
Sec. 132. Modifications in lien provisions.
Sec. 133. Limitation on Federal financial participation in erroneous medical assistance expenditures.
Sec. 134. Medicaid coverage of home care for certain disabled children.
Sec. 135. Six-month moratorium on deregulation of skilled nursing and intermediate care facilities.
Sec. 136. Medicaid program in American Samoa.
Sec. 137. Technical corrections from Omnibus Budget Reconciliation Act of 1981.

Subtitle C—Utilization and Quality Control Peer Review

Sec. 141. Short title of subtitle.
Sec. 142. Requirement for Secretary to enter into contracts.
Sec. 143. Establishment of utilization and quality control peer review program.
Sec. 144. Facilitation of private review.
Sec. 145. Waiver of liability provision.
Sec. 146. Medicaid provisions.
Sec. 147. Demonstration projects for competitive bidding and other reimbursement methods.
Sec. 148. Technical amendments.
Sec. 149. Effective date.
Sec. 150. Maintenance of current PSRO agreements.

Subtitle D—Aid to Families with Dependent Children

Sec. 151. Rounding of eligibility and benefit amounts.
Sec. 152. Effective date of application; proration of first month's AFDC benefit.
Sec. 153. Absence from home solely by reason of uniformed service.
Sec. 154. Job search.
Sec. 155. Proration of standard amount for shelter and utilities.
Sec. 156. Limitation on Federal financial participation in erroneous assistance expenditures.
Sec. 157. Exclusion from income of certain State payments.
Sec. 158. Extension of time for States to establish a work incentive demonstration program.
Sec. 159. Exclusion from income.
Sec. 160. Technical amendments to social services and foster care provisions in 1981 Reconciliation Act.
Sec. 161. Delayed effective date in cases requiring conforming State legislation.

Subtitle E—Child Support Enforcement

Sec. 171. Fee for services to non-AFDC families.
Sec. 172. Allotments from pay for child and spousal support owed by members of the uniformed services on active duty.
Sec. 173. Reimbursement of State agency in initial month of ineligibility for AFDC.
Sec. 174. Reduction in certain Federal payments to States under child support enforcement program.

Sec. 175. Technical amendments to child support enforcement provisions in 1981 Reconciliation Act.
Sec. 176. Delayed effective date in cases requiring State legislation.

Subtitle F—Supplemental Security Income

Sec. 181. Effective date of application; proration of initial SSI benefit payment.
Sec. 182. Rounding of SSI eligibility and benefit amounts.
Sec. 183. Coordination of SSI and OASDI cost-of-living adjustments.
Sec. 184. Phaseout of hold harmless protection.
Sec. 185. Exclusion from resources of burial plots and certain funds set aside for burial expenses.
Sec. 186. Mandatory passthrough under State supplementation provisions.
Sec. 187. Treatment of unnegotiated checks under the supplemental security income program.

Subtitle G—Unemployment Compensation

Sec. 191. Rounding of benefit amounts.

96 STAT. 326

Sec. 192. Use of certain amounts transferred to State unemployment funds.
Sec. 193. Treatment of certain employees of institutions of higher education.
Sec. 194. Short-time compensation.

TITLE II—REVENUE MEASURES

Subtitle A—Provisions Relating to Individuals

Sec. 201. Alternative minimum tax on taxpayers other than corporations.
Sec. 202. Limitation on medical deduction.
Sec. 203. Limitation on deduction for nonbusiness casualty losses.

Subtitle B—Provisions Primarily Relating to Business

PART I—REDUCTION IN CERTAIN DEDUCTIONS AND CREDITS

Sec. 204. 15 percent reduction in certain corporate preference items.
Sec. 205. Amendments to investment credit.
Sec. 206. Repeal of 1985 and 1986 increases in accelerated cost recovery deductions.
Sec. 207. Section 189 made applicable to certain corporations for nonresidential real property.

PART II—LEASING

Sec. 208. Limitations and additional requirements on leases under the accelerated cost recovery system.
Sec. 209. Repeal of leasing; special rule for leases with economic substance.
Sec. 210. Motor vehicle operating leases.

PART III—FOREIGN TAX

Sec. 211. Foreign tax credit for taxes on oil and gas income.
Sec. 212. Current taxation of foreign oil related income of controlled foreign corporations.
Sec. 213. Possession tax credit; income tax liability incurred to the Virgin Islands.

PART IV—TAX-EXEMPT OBLIGATIONS

Sec. 214. Modification of exemption for small issues.
Sec. 215. Public approval and information reporting requirements applicable to private activity bonds.
Sec. 216. Cost recovery for certain property financed with tax-exempt bonds.
Sec. 217. Miscellaneous.
Sec. 218. Treatment of certain refunding obligations.
Sec. 219. Limitation on maturity of industrial development bonds.
Sec. 220. Mortgage subsidy bonds.
Sec. 221. Industrial development bonds for certain residential rental property

PART V—MERGERS AND ACQUISITIONS

Subpart A—Changes in Tax Treatment of Partial Liquidations and of Certain Distributions of Appreciated Property

Sec. 222. Partial liquidations.
Sec. 223. Distribution of appreciated property in redemption of stock.

Subpart B—Certain Stock Purchases Treated as Asset Purchases

Sec. 224. Certain stock purchases treated as asset purchases.

Subpart C—Miscellaneous Provisions

Sec. 225. Clarification of section 368(a)(1)(F).
Sec. 226. Amendments relating to bailouts through use of holding companies.
Sec. 227. Application of attribution rules for purposes of sections 306 and 356(a)(2).
Sec. 228. Waiver of family attribution by entities.

PART VI—METHODS OF ACCOUNTING

Sec. 229. Modification of regulations on the completed contract method of accounting.
Sec. 230. Annual accrual method of accounting extended to certain partnerships.

PART VII—ORIGINAL ISSUE DISCOUNT

Sec. 231. Original issue discount taken into account on basis of constant interest rate.
96 STAT. 327 Sec. 232. Tax treatment of stripped bonds.

PART VIII—OTHER BUSINESS PROVISIONS

Sec. 233. Targeted jobs tax credit.
Sec. 234. Accelerated payment of income tax by corporations.

Subtitle C—Pensions

PART I—CONTRIBUTION AND LOAN LIMITS

Sec. 235. Lower contribution and benefit limits for certain annuities, etc.
Sec. 236. Loans treated as distributions.

PART II—REPEAL OF SPECIAL LIMITATIONS ON PLANS BENEFITING SELF-EMPLOYED INDIVIDUALS OR OWNER-EMPLOYEES

Sec. 237. Repeal of special qualification requirements.
Sec. 238. Repeal of special limitations on deduction for self-employed individuals and subchapter S corporations.
Sec. 239. Allowance of exclusion of death benefit for self-employed individuals.
Sec. 240. Special rules for top heavy plans.
Sec. 241. Effective dates.

PART III—OTHER REQUIREMENTS

Sec. 242. Required distributions for qualified plans.
Sec. 243. Required distributions in case of individual retirement plans.
Sec. 244. Limitation on exclusion for group-term life insurance purchased for employees.
Sec. 245. Limitation on estate tax exclusions under section 2039.
Sec. 246. Organizations performing management functions.
Sec. 247. Existing personal service corporations may liquidate under section 333 during 1983 or 1984.
Sec. 248. Employee leasing.
Sec. 249. Nondiscriminatory coordination of defined contribution plans with OASDI.
Sec. 250. Authority of Secretary to allocate income and deductions in the case of certain corporations.

PART IV—MISCELLANEOUS

Sec. 251. Church plans.
Sec. 252. Deferred compensation plans for State judges.
Sec. 253. Profit-sharing plan contributions on behalf of disabled.
Sec. 254. Exemption for trusts which include governmental plans.

Subtitle D—Taxation of Life Insurance Companies and Annuities

PART I—COINSURANCE ARRANGEMENTS

Subpart A—Modified Coinsurance Contracts

Sec. 255. Repeal of optional treatment of policies reinsured under modified coinsurance contracts.
Sec. 256. Special accounting rules relating to repeal of section 820.

Subpart B—Other Reinsurance Agreements

Sec. 257. Denial of interest deduction on indebtedness incurred in connection with reinsurance agreements.
Sec. 258. Allocation of income, etc. in the case of other reinsurance agreements.

PART II—2-YEAR TEMPORARY PROVISIONS RELATING TO TAXATION OF LIFE INSURANCE COMPANIES

Sec. 259. Increase in amount of dividend deduction allowed; pension plan reserves.
Sec. 260. Computation of amount of life insurance reserves.
Sec. 261. Modification of menge formula.
Sec. 262. Consolidated returns to be computed on a botton line basis.
Sec. 263. Effective dates; special rules applicable to transactions before effective date.

PART III—EXCESS INTEREST; AMOUNTS RECEIVED UNDER ANNUITY CONTRACTS; FLEXIBLE PREMIUM CONTRACTS; COMPUTATION OF RESERVES

Sec. 264. Allowance of deduction for excess interest.
Sec. 265. Treatment of amounts received and under annuity contracts before annuity starting date.
96 STAT. 328
Sec. 266. Flexible premium contracts.
Sec. 267. Reduction in approximate revaluation method of computing reserves.

PART IV—UNDERPAYMENTS OF ESTIMATED TAX FOR 1982

Sec. 268. Underpayments of estimated tax for 1982.

Subtitle E—Employment Taxes

Part I—In General

Sec. 269. Treatment of real estate agents and direct sellers.
Sec. 270. Simplified procedure for determining amount of employment taxes.

Part II—Federal Unemployment Tax

Subpart A—Increase in Federal Unemployment Tax

Sec. 271. Increase in Federal unemployment tax wage base and rate.

Subpart B—Other Financing Provisions

Sec. 272. Credit reduction not to apply when State makes certain repayments.
Sec. 273. Limitation of fifth year credit reduction.
Sec. 274. Deferral of interest in case of certain States with high unemployment rates.
Sec. 275. Required repayments from extended unemployment compensation account.
Sec. 276. Treatment of certain services performed by students.
Sec. 277. Treatment of certain alien farm workers.

Part III—Medicare Coverage

Sec. 278. Medicare coverage of, and application of hospital insurance tax to, Federal employment.

Subtitle F—Excise Taxes

Part I—Airport and Airway

Sec. 279. Tax on fuel used in noncommercial aviation.
Sec. 280. Tax on transportation by air.
Sec. 281. Extension of Airport and Airway Trust Fund.
Sec. 281A. Technical provisions relating to tax on transportation of persons by air.

Part II—Communications Services

Sec. 282. Extension of excise tax on communications services.

Part III—Cigarettes

Sec. 283. Increase in tax on cigarettes.

Part IV—TAPS Adjustment Eliminated

Sec. 284. Elimination of the TAPS adjustment.

Subtitle G—Miscellaneous

Sec. 285. Two-year extension of exclusion from gross income of national research service awards.
Sec. 286. Special rules for certain amateur sports organizations.
Sec. 287. New Jersey general revenue sharing allocation.
Sec. 288. Illegal payments to government officials or employees.
Sec. 289. Debt management provisions.
Sec. 290. Jefferson County mental health center.
Sec. 291. Alaska native corporations.
Sec. 292. Awarding of costs and certain fees.
Sec. 293. Treatment of certain lending of finance businesses for purposes of the tax on personal holding companies.
Sec. 294. Additional refunds relating to repeal of excise tax on buses.

TITLE III—TAXPAYER COMPLIANCE

Subpart A—Withholding on Interest and Dividends

Sec. 301. Withholding on interest and dividends.
Sec. 302. Credit against tax.
Sec. 303. Returns regarding payments of dividends and payments of interest.
Sec. 304. Returns regarding payments of patronage dividends.

96 STAT. 329

Sec. 305. Denial of deduction for certain taxes.
Sec. 306. Penalties.
Sec. 307. Conforming and clerical amendments.
Sec. 308. Effective dates; special rules.

Subtitle B—Improved Information Reporting

Part I—Expanded Reporting

Sec. 309. Reporting of interest.
Sec. 310. Obligations required to be registered.
Sec. 311. Returns of brokers.
Sec. 312. Information reporting requirements for payments of remuneration for services and direct sales.
Sec. 313. State and local income tax refunds.
Sec. 314. Employer reporting with respect to tips.

PART II—PROVISIONS TO IMPROVE REPORTING GENERALLY

Sec. 315. Increased penalties for failure to file information return or to furnish statement.
Sec. 316. Increase in civil penalty on failure to supply identifying numbers.
Sec. 317. Extension of withholding to certain payments where identifying number not furnished or inaccurate.
Sec. 318. Minimum penalty for extended failure to file.
Sec. 319. Information returns.

Subtitle C—Abusive Tax Shelters, Etc.; Substantial Underpayments; False Documents; Frivolous Returns

PART I—ABUSIVE TAX SHELTERS, ETC.

Sec. 320. Penalty for promoting abusive tax shelters, etc.
Sec. 321. Action to enjoin promoters of abusive tax shelters, etc.
Sec. 322. Procedural rules applicable to penalties under sections 6700, 6701, and 6702.

PART II—SUBSTANTIAL UNDERPAYMENT; FALSE DOCUMENTS; FRIVOLOUS RETURNS; ETC.

Sec. 323. Penalty for substantial understatement.
Sec. 324. Penalties for documents understating tax liability.
Sec. 325. Fraud penalty.
Sec. 326. Penalty for frivolous returns.
Sec. 327. Relief from criminal penalty for failure to file estimated tax where taxpayer falls within statutory exceptions.
Sec. 328. Adjustments to estimated tax provisions.
Sec. 329. Increases in certain criminal fines.
Sec. 330. Special rules with respect to certain cash.

Subtitle D—Administrative Summons

Sec. 331. Special procedures for third-party summons.
Sec. 332. Duty of third-party recordkeeper.
Sec. 333. Limitation on use of administrative summons.

Subtitle E—Withholding on Pensions and Other Retirement Income

Sec. 334. Withholding on pensions annuities, and certain other deferred income.
Sec. 335. Partial rollovers of IRA distributions permitted.

Subtitle F—Transactions Outside the United States or Involving Foreign Persons

Sec. 336. Jurisdiction of court and enforcement of summons in case of persons residing outside the United States.
Sec. 337. Admissibility of evidence maintained in foreign countries.
Sec. 338. Penalty for failure to furnish information with respect to certain foreign corporations.
Sec. 339. Information requirements with respect to certain foreign-owned corporations.
Sec. 340. Returns with respect to foreign personal holding companies.
Sec. 341. Authority to delay date for filing certain returns relating to foreign corporations and foreign trusts.
Sec. 342. Withholding of tax on nonresident aliens and foreign corporations.
96 STAT. 330 Sec. 343. Technical amendment relating to penalty under section 905(c).

Subtitle G—Modification of Interest Provisions

Sec. 344. Interest compounded daily.
Sec. 345. Determination of rate of interest to be made semiannually.
Sec. 346. Restrictions on payment of interest for certain periods.

Subtitle H—Taxpayer Safeguard Amendments

Sec. 347. Increase in certain exemptions from levy.
Sec. 348. Required release of lien.
Sec. 349. Requirement of timely notice of levy.
Sec. 349A. Extension of period for redemption of real property.
Sec. 350. Amount of damages in case of wrongful levy.

Subtitle I—Other Provisions

Sec. 351. Disallowance of deductions relating to narcotics trafficking.
Sec. 352. Sense of Congress with respect to providing of additional funds to Internal Revenue Service.
Sec. 353. Report on forms.
Sec. 354. Exemption of veterans' organizations.
Sec. 355. Amendment to Communications Act of 1934.
Sec. 356. Confidentiality and disclosure of returns and return information.
Sec. 357. Civil damages against United States for unauthorized disclosures by an employee.
Sec. 358. Disclosure for use in certain audits by General Accounting Office.

TITLE IV—TAX TREATMENT OF PARTNERSHIP ITEMS

Sec. 401. Short title.
Sec. 402. Tax treatment of partnership items.
Sec. 403. Requirement that statement be furnished to partner.
Sec. 404. Returns required from all partnerships with United States partners.
Sec. 405. Return requirement for United States persons having interest in foreign partnerships.
Sec. 406. Special rule for certain international satellite partnerships.

TITLE V—AIRPORT AND AIRWAY IMPROVEMENT

Sec. 501. Short title.
Sec. 502. Declaration of policy.
Sec. 503. Definitions.
Sec. 504. National airport and airway system plans.
Sec. 505. Airport improvement program.
Sec. 506. Airway improvement program.
Sec. 507. Apportionment of funds.
Sec. 508. Use of apportioned and discretionary funds; miscellaneous conditions.
Sec. 509. Submission and approval of project grant applications.
Sec. 510. United States share of project costs.
Sec. 511. Project sponsorship.
Sec. 512. Grant agreements.
Sec. 513. Project costs.
Sec. 514. Payments under grant agreements.
Sec. 515. Performance of construction work.
Sec. 516. Use of Government-owned lands.
Sec. 517. False statements.
Sec. 518. Access to records.
Sec. 519. General powers.
Sec. 520. Civil rights.
Sec. 521. Reports to Congress.
Sec. 522. Report on ability of airports to finance airport development needs.
Sec. 523. Repeals; effective date; saving provisions; and separability.
Sec. 524. Miscellaneous amendments.
Sec. 525. Safety certification of airports.
Sec. 526. Contracting authority.
Sec. 527. Study of airport access.
Sec. 528. Part-time operation of flight service stations.
Sec. 529. Explosive detection K-9 teams.
Sec. 530. Release of certain conditions.
Sec. 531. Continuation of certain certificates.
Sec. 532. State taxation.

96 STAT. 331

TITLE VI—FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

Subtitle A—Extension of Benefits

Sec. 601. Short title.
Sec. 602. Federal-State agreements.
Sec. 603. Payments to States having agreements for the payment of Federal supplemental compensation.
Sec. 604. Financing provisions.
Sec. 605. Definitions.
Sec. 606. Fraud and overpayments.

Subtitle B—Taxation of Unemployment Compensation

Sec. 611. Taxation of unemployment compensation.

(c) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in titles II, III, and IV an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

LEGISLATIVE HISTORY—H.R. 4961:

HOUSE REPORTS: No. 97-404 (Comm. on Ways and Means) and No. 97-760 (Comm. of Conference).
SENATE REPORTS: No. 97-494 Vols. 1 and 2 (Comm. on Finance) and No. 97-530 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Dec. 15, considered and passed House.
Vol. 128 (1982): July 19-22, considered and passed Senate, amended.
Aug. 19, House and Senate agreed to conference report.

96 STAT. 1156

Public Law 97-270
97th Congress

Joint Resolution

Sept. 30, 1982
[H.J. Res. 520]

To provide for a temporary increase in the public debt limit.

Public debt limit.
Temporary increase.
Ante, p. 937.
31 USC 3101 note.
31 USC 3101 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on October 1, 1982, and ending on September 30, 1983, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $890,200,000,000 (and any other provision of law providing for a temporary increase in such limit shall not apply).

Approved September 30, 1982.

LEGISLATIVE HISTORY—H.J. Res. 520:

CONGRESSIONAL RECORD, Vol. 128 (1982):
June 23, considered and passed House.
Aug. 16-20, Sept. 8-10, 13-17, 20-23, considered and passed Senate.

---

96 STAT. 1726

Public Law 97-362
97th Congress

An Act

Oct. 25, 1982
[H.R. 4717]

To reduce the amount of LIFO recapture in the case of certain plans of liquidation adopted during 1982, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Miscellaneous Revenue Act of 1982.

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

26 USC 1 note.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Revenue Act of 1982".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

TITLE I—TAX PROVISIONS

SEC. 101. REDUCTION OF LIFO RECAPTURE AMOUNT WITH RESPECT TO CERTAIN PLANS OF LIQUIDATION ADOPTED DURING 1982.

26 USC 336 and note, 337, 453.

Subsection (b) of section 403 of the Crude Oil Windfall Profit Tax Act of 1980 (relating to effective date for recognition of gain on certain dispositions of LIFO inventories) is amended by adding at the end thereof the following new paragraph:

26 USC 336 note.

"(4) PLANS OF LIQUIDATION ADOPTED DURING 1982.—

"(A) IN GENERAL.—If—

"(i) a corporation adopts a plan of liquidation during 1982, and

"(ii) such liquidation is completed before January 1, 1984,

then the LIFO recapture amount taken into account with respect to such liquidation under the amendments made by paragraphs (1) and (2) shall be reduced (but not below zero) by $1,000,000.

"(B) MORE THAN 1 PLAN OF LIQUIDATION.—If a corporation (or group of corporations treated as 1 corporation under subparagraph (C)) has more than 1 liquidation which qualifies under subparagraph (A), the dollar amount under such subparagraph shall apply to all such liquidations in the order in which the distributions, sales, and exchanges occur until such dollar amount is used up.

"(C) APPLICATION TO MEMBERS OF CONTROLLED GROUP.—

"(i) IN GENERAL.—For purposes of this paragraph, all corporations which are competent members of the same controlled group of corporations at any time after December 31, 1981, and before January 1, 1984, shall be treated as 1 corporation.

96 STAT. 1727

"(ii) CORPORATIONS MEMBERS OF MORE THAN 1 GROUP.—For purposes of this subparagraph, if (but for this clause) a corporation would be a component member of more than 1 controlled group of corporations during the period described in clause (i)—

"(I) if such corporation is a component member of a controlled group on October 1, 1982, such corporation shall be treated only as a component member of such group, or

"(II) if subclause (I) does not apply, such corporation shall be treated as a component member of only the first such controlled group.

"(iii) CONTROLLED GROUP OF CORPORATIONS DEFINED.—For purposes of this subparagraph, the term 'controlled group of corporations' has the meaning given such term by section 1563(a) of the Internal Revenue Code of 1954, except that— 26 USC 1563.

"(I) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1) of such Code, and

"(II) the determination shall be made without regard to subsections (a)(4), (b), and (e)(3)(C) of section 1563 of such Code.

"(D) TREATMENT OF DEEMED LIQUIDATIONS UNDER SECTION 338.—If an election under section 338 of the Internal Revenue Code of 1954 is made during 1982 with respect to any qualified stock purchase (within the meaning of such section 338), the requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as met with respect to the target corporation for purposes of applying section 338 of such Code. For purposes of this paragraph, an election to which subparagraph (A) applies by reason of this subparagraph shall be treated as a sale and a liquidation." *Ante*, p. 485.

SEC. 102. ADJUSTMENTS TO NET OPERATING LOSS CARRYBACK AND CARRYFORWARD RULES FOR FEDERAL NATIONAL MORTGAGE ASSOCIATION.

(a) 10-YEAR CARRYBACK AND 5-YEAR CARRYFORWARD FOR LOSSES OTHER THAN MORTGAGE DISPOSITION LOSSES.—Paragraph (1) of section 172(b) (relating to net operating loss carrybacks and carryovers) is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph: 26 USC 172.

"(H) In the case of a net operating loss of the Federal National Mortgage Association for any taxable year beginning after December 31, 1981—

"(i) such loss, to the extent it exceeds the FNMA mortgage disposition loss (within the meaning of subsection (i)), shall be—

"(I) a net operating loss carryback to each of the 10 taxable years preceding the taxable year of the loss, and

"(II) a net operating loss carryover to each of the 5 taxable years following the taxable year of the loss, and

"(ii) the FNMA mortgage disposition loss shall be—

96 STAT. 1728

"(I) a net operating loss carryback to each of the 3 taxable years preceding the taxable year of the loss, and

"(II) a net operating loss carryover to each of the 15 taxable years following the taxable year of the loss."

(b) Rules Relating to FNMA Mortgage Disposition Loss.—Section 172 is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection: 26 USC 172.

"(i) Rules Relating to FNMA Mortgage Disposition Loss.—

"(1) FNMA mortgage disposition loss defined.—

"(A) In general.—For purposes of subsection (b)(1)(H) and this subsection, the term 'FNMA mortgage disposition loss' means for any taxable year the excess (if any) of— *Ante*, p. 1727.

"(i) the losses for such year from the sale or exchange of mortgages, securities, and other evidences of indebtedness, over

"(ii) the gains for such year from the sale or exchange of such assets.

"(B) FNMA mortgage disposition loss cannot exceed the net operating loss for the year.—The amount of the FNMA mortgage disposition loss for any taxable year shall not be greater than the net operating loss for such year.

"(C) Foreclosure transactions not included.—In applying subparagraph (A), any gain or loss which is attributable to a mortgage foreclosure shall not be taken into account.

"(2) Coordination with subsection (b)(2).—In applying paragraph (2) of subsection (b), a FNMA mortgage disposition loss shall be treated in a manner similar to the manner in which a foreign expropriation loss is treated."

(c) Conforming Amendments.—

(1) Subparagraph (A) of section 172(b)(1) is amended by striking out "(H), and (I)" and inserting in lieu thereof "(H), (I), and (J)".

(2) Subparagraph (B) of section 172(b)(1) is amended by striking out "and (I)" in the second sentence and inserting in lieu thereof "(H), and (J)".

(3) Subparagraph (I) of section 172(b)(1), as redesignated by subsection (a), is amended by striking out "subsection (i)" and inserting in lieu thereof "subsection (j)".

(4) Paragraph (3) of section 172(j), as redesignated by subsection (b), is amended by striking out "subsection (b)(1)(H)" each place it appears and inserting in lieu thereof "subsection (b)(1)(I)".

26 USC 172 note. (d) Effective Date.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 1981.

SEC. 103. ROLLOVER OF GAIN ON CERTAIN SALES UNDER FCC ORDER WHERE NEWSPAPERS ARE BOUGHT.

If—

(1) a corporation was ordered by the Federal Communications Commission in January 1975 to divest itself of its newspaper operations or its broadcasting operations,

96 STAT. 1729

(2) after the conclusion of the appellate process, the order was again issued in October 1979,

(3) the corporation sold its broadcasting operations before 1982, and

(4) on October 15, 1981, the corporation acquired 100 percent of the stock of a publishing company,

then the second sentence of section 1071(a) of the Internal Revenue Code of 1954 shall be applied with respect to sales and exchanges by such corporation before January 1, 1982, which are related to such 26 USC 1071.

order as if such second sentence treated stock of any corporation the principal business of which is operating newspapers and related printing operations in the same manner as stock of a corporation operating a radio broadcasting station.

SEC. 104. TREATMENT OF CERTAIN SHALE OIL PROPERTY AS ENERGY PROPERTY.

26 USC 48.

(a) In General.—Paragraph (7) of section 48(l) is amended by striking out "but does not" and all that follows and inserting in lieu thereof "; except that such term does not include equipment for hydrogenation, refining, or other process subsequent to retorting other than hydrogenation or other process which is applied in the vicinity of the property from which the shale was extracted and which is applied to bring the shale oil to a grade and quality suitable for transportation to and processing in a refinery."

26 USC 48 note.

(b) Effective Date.—The amendment made by this section shall apply to periods beginning after December 31, 1980, and before January 1, 1983, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

SEC. 105. ANNUITIES FOR SURVIVORS OF TAX COURT JUDGES.

26 USC 7448.

(a) Computation of Annuities.—Subsection (m) of section 7448 (relating to computation of annuities) is amended—

(1) by striking out "5 consecutive years" and inserting in lieu thereof "3 consecutive years", and

(2) by striking out "37½" and inserting in lieu thereof "40".

(b) Cost-of-Living Adjustments.—Section 7448 (relating to annuities to surviving spouses and dependent children of judges) is amended by redesignating subsection (s) as subsection (t), and by inserting after subsection (r) the following new subsection:

"(s) Increases Attributable to Increased Pay.—Whenever the salary of a judge under section 7443(c) is increased, each annuity payable from the survivors annuity fund which is based, in whole or in part, upon a deceased judge having rendered some portion of his or her final 18 months of service as a judge of the Tax Court, shall also be increased. The amount of the increase in such an annuity shall be determined by multiplying the amount of the annuity, on the date on which the increase in salary becomes effective, by 3 percent for each full 5 percent by which such salary has been increased."

26 USC 7448 note.

(c) Catchup for Survivors Annuities in Pay Status on Date of Enactment.—If an annuity payable under section 7448(h) of the Internal Revenue Code of 1954 (relating to entitlement to annuity) to the surviving spouse of a judge of the United States Tax Court is being paid on the date of the enactment of this Act, then the amount of that annuity shall be adjusted, as of the first day of the first month beginning more than 30 days after such date, to reflect the amount of the annuity which would have been payable if the amendment made by subsection (a) applied with respect to increases in the salary of a judge under section 7443(c) of such Code taking effect after December 31, 1963.

96 STAT. 1730

26 USC 7443.

26 USC 7448 note.

(d) Effective Date.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to annuities payable with respect to judges dying after the date of the enactment of this Act.

(2) Subsection (b).—The amendment made by subsection (b) of this section shall apply with respect to increases in the salary of judges of the United States Tax Court taking effect after the date of the enactment of this Act.

SEC. 106. TAX COURT PROCEDURES.

(a) Disputes Involving Certain Excise Taxes.—

26 USC 7463.

(1) In general.—Subsection (a) of section 7463 (relating to disputes involving $5,000 or less) is amended—

(A) by striking out "or" at the end of paragraph (2),

(B) by adding "or" at the end of paragraph (3), and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) $5,000 for any 1 taxable period (or, if there is no taxable period, taxable event) in the case of any tax imposed by subtitle D which is described in section 6212(a) (relating to a notice of deficiency),".

26 USC 7463 note.

(2) Effective date.—The amendment made by this subsection shall apply with respect to petitions filed after the date of the enactment of this Act.

26 USC 7459.

(b) Oral Findings of Fact or Opinions.—Subsection (b) of section 7459 (relating to inclusion of findings of fact or opinions in report) is amended by adding at the end thereof the following new sentence: "Subject to such conditions as the Tax Court may by rule provide, the requirements of this subsection and of section 7460 are met if findings of fact or opinion are stated orally and recorded in the transcript of the proceedings."

(c) Hearings and Opinions by Commissioners in Cases Involving Deficiencies of $5,000 or Less.—

26 USC 7456.

(1) Section 7456 (relating to administration of oaths and procurement of testimony) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Proceedings Which May Be Assigned to Commissioners.—The chief judge may assign—

"(1) any declaratory judgment proceeding,

"(2) any proceeding under section 7463, and

"(3) any other proceeding where neither the amount of the deficiency placed in dispute (within the meaning of section 7463) nor the amount of any claimed overpayment exceeds $5,000,

to be heard by the commissioners of the court, and the court may authorize a commissioner to make the decision of the court with respect to any such proceeding, subject to such conditions and review as the court may by rule provide."

(2) Subsection (c) of section 7456 is amended by striking out the last sentence.

26 USC 7447.

(d) Designation of Judges Who Are Receiving Retired Pay.—Subsection (b) of section 7447 (relating to retirement) is amended by adding at the end thereof the following sentence: "Any judge who retires shall be designated 'senior judge'."

96 STAT. 1731

SEC. 107. WITHHOLDING STATEMENTS FOR TERMINATED EMPLOYEES.

26 USC 6051.

(a) In General.—Subsection (a) of section 6051 (relating to receipts for employees) is amended by striking out "on the day on which the last payment of remuneration is made" and inserting in lieu thereof "within 30 days after the date of receipt of a written request from the employee if such 30-day period ends before January 31".

26 USC 6051 note.

(b) Effective Date.—The amendments made by this section shall apply with respect to employees whose employment is terminated after the date of the enactment of this Act.

SEC. 108. WITHHOLDING OF STATE INCOME TAX FROM THE WAGES OF CERTAIN SEAMEN.

Section 12 of the Act of March 4, 1915 (38 Stat. 1169; 46 U.S.C. 601), is amended by inserting before the period at the end of the second proviso the following: ", but nothing in this section shall prohibit any such withholding of the wages of any seaman who is employed in the coastwise trade between ports in the same State if such withholding is pursuant to a voluntary agreement between such seaman and his employer".

SEC. 109. WAGERING PERMITTED UNDER STATE LAW.

26 USC 4401.

(a) Tax on Wagers.—Subsection (a) of section 4401 (relating to wagers) is amended to read as follows:

"(a) Wagers.—

"(1) State authorized wagers.—There shall be imposed on any wager authorized under the law of the State in which accepted an excise tax equal to 0.25 percent of the amount of such wager.

"(2) UNAUTHORIZED WAGERS.—There shall be imposed on any wager not described in paragraph (1) an excise tax equal to 2 percent of the amount of such wager."

(b) OCCUPATIONAL TAX.—Section 4411 (relating to imposition of tax) is amended to read as follows: 26 USC 4411.

"SEC. 4411. IMPOSITION OF TAX.

"(a) IN GENERAL.—There shall be imposed a special tax of $500 per year to be paid by each person who is liable for the tax imposed under section 4401 or who is engaged in receiving wagers for or on behalf of any person so liable.

"(b) AUTHORIZED PERSONS.—Subsection (a) shall be applied by substituting '$50' for '$500' in the case of—

"(1) any person whose liability for tax under section 4401 is determined only under paragraph (1) of section 4401(a), and

"(2) any person who is engaged in receiving wagers only for or on behalf of persons described in paragraph (1)."

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall take effect on January 1, 1983. 26 USC 4401 note.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect on July 1, 1983. 26 USC 4411 note.

TITLE II—OTHER PROVISIONS

SEC. 201. UNEMPLOYMENT BENEFITS PAID TO EX-SERVICE MEMBERS.

(a) ELIGIBILITY REQUIREMENTS.—Paragraph (1) of section 8521(a) of title 5, United States Code, is amended to read as follows:

"(1) 'Federal service' means active service (not including active duty in a reserve status unless for a continuous period of 180 days or more) in the armed forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration if with respect to that service—

"(A) the individual was discharged or released under honorable conditions (and, if an officer, did not resign for the good of the service); and

"(B)(i) the individual was discharged or released after completing his first full term of active service which the individual initially agreed to serve, or

"(ii) the individual was discharged or released before completing such term of active service—

"(I) for the convenience of the Government under an early release program,

"(II) because of medical disqualification, pregnancy, parenthood, or any service-incurred injury or disability,

"(III) because of hardship, or

"(IV) because of personality disorders or inaptitude but only if the service was continuous for 365 days or more;".

(b) PERIOD FOR WHICH BENEFITS PAYABLE.—Section 8521 of such title 5 is amended by adding at the end thereof the following new subsection:

"(c)(1) An individual shall not be entitled to compensation under this subchapter for any week before the fifth week beginning after the week in which the individual was discharged or released.

"(2) The aggregate amount of compensation payable on the basis of Federal service (as defined in subsection (a)) to any individual with respect to any benefit year shall not exceed 13 times the individual's weekly benefit amount for total unemployment."

(c) EFFECTIVE DATE.— 5 USC 8521 note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to terminations of service on or after July 1, 1981, but only for purposes of determining eligibility for benefits for weeks of unemployment beginning after the date of the enactment of this Act.

(2) TRANSITIONAL RULE.—The amendments made by this section shall not apply to the extent that such amendments would (but for this paragraph) reduce the amount of compensation payable in the case of benefit years established before the date of the enactment of this Act.

SEC. 202. COMPENSATION PAID TO EX-SERVICE MEMBERS CHARGED TO DEPARTMENT OF DEFENSE.

(a) GENERAL RULE.—

(1) Subsections (b) and (c)(1) of section 8509 of title 5, United States Code, are each amended by striking out "subchapter" each place it appears and inserting in lieu thereof "chapter". 96 STAT. 1733

(2) Section 8509 of such title 5 is amended by adding at the end thereof the following new subsection:

"(h) For purposes of this section, the term 'Federal service' includes Federal service as defined in section 8521(a)." *Ante*, p. 1732

(b) EFFECTIVE DATE.— 5 USC 8509 note.

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 1983.

(2) TREATMENT OF PREVIOUSLY APPROPRIATED FUNDS.—All funds appropriated which are available (on October 1, 1983) for the making of payments to States under chapter 85 of title 5, United States Code, on the basis of Federal service (as defined in section 8521(a) of such title 5) or for the making of payments under such chapter on the basis of such service in States which do not have in effect an agreement under such chapter, shall be transferred on such date to the Federal Employees Compensation Account established by section 909 of the Social Security Act. On and after such date, all payments described in the preceding sentence shall be made from such account as provided by section 8509 of such title 5. 5 USC 8501 *et seq.* 42 USC 1109.

SEC. 203. EXCLUSION OF CERTAIN SERVICES FROM THE FEDERAL UNEMPLOYMENT TAX ACT.

Subsection (b) of section 822 of the Economic Recovery Tax Act of 1981 is amended by striking out "during 1981" and inserting in lieu thereof "after December 31, 1980, and before January 1, 1983". 26 USC 3306 note.

SEC. 204. ELIGIBILITY REQUIREMENTS FOR TRADE ADJUSTMENT ASSISTANCE.

Section 2514(a)(2)(A) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 889) (relating to the effective date of amendments relating to group eligibility requirements for adjustment assistance for workers under the Trade Act of 1974) is amended by striking out "the 180th day after the date of the enactment of this Act" and inserting in lieu thereof "October 1, 1983". 19 USC 2291 note. 19 USC 2101.

Approved October 25, 1982.

LEGISLATIVE HISTORY—H.R. 4717:

HOUSE REPORTS: No. 97-405 (Comm. on Ways and Means) and No. 97-929 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Dec. 15, considered and passed House.
Dec. 16, considered and passed Senate, amended.
Vol. 128 (1982): Mar. 16, House agreed to Senate amendment with amendment.
Oct. 1, House and Senate agreed to conference report.

Public Law 97-448
97th Congress

96 STAT. 2365

An Act

To make technical corrections in the Economic Recovery Tax Act of 1981 and certain other recent tax legislation.

Jan. 12, 1983
[H.R. 6056]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Technical Corrections Act of 1982.

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

26 USC 1 note.

(a) SHORT TITLE.—This Act may be cited as the "Technical Corrections Act of 1982".

26 USC 1 *et seq.*

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—AMENDMENTS RELATED TO ECONOMIC RECOVERY TAX ACT OF 1981

SEC. 101. AMENDMENTS RELATED TO TITLE I OF THE ACT.

95 Stat. 176.

(a) AMENDMENTS RELATED TO SECTION 101.—

(1) EFFECTIVE DATE FOR AMENDMENT TO SECTION 21.—Paragraph (1) of section 101(f) of the Economic Recovery Tax Act of 1981 (relating to effective dates for rate cuts) is amended by inserting before the period at the end thereof the following: "; except that the amendment made by paragraph (3) of subsection (d) shall apply to taxable years ending after December 31, 1981".

95 Stat. 184.
26 USC 1 note.

26 USC 6428.

(2) RATE REDUCTION TAX CREDIT.—Section 6428 (relating to 1981 rate reduction tax credit) is amended by adding at the end thereof the following new subsection:

"(d) SPECIAL RULES.—For purposes of this section—

"(1) INDIVIDUALS TO WHOM 50 PERCENT MAXIMUM RATE OR 20 PERCENT CAPITAL GAIN RATE APPLIES.—

"(A) IN GENERAL.—In the case of any individual to whom this paragraph applies, in determining the amount of the credit allowable under subsection (a)—

"(i) the portion of the tax imposed by section 1 determined under section 1348(a)(2) (as in effect before its repeal by the Economic Recovery Tax Act of 1981), and

"(ii) the portion of the tax imposed by section 1 determined under subsection (a)(2)(B) of section 102 of the Economic Recovery Tax Act of 1981,

95 Stat. 186.
26 USC 1201 note.

shall not be taken into account.

"(B) INDIVIDUALS TO WHOM PARAGRAPH APPLIES.—This paragraph applies to any individual if the tax imposed by section 1 for the taxable year is determined under—

"(i) section 1348 (as in effect before its repeal by the Economic Recovery Tax Act of 1981), or

96 STAT. 2366

"(ii) section 102(a)(2) of the Economic Recovery Tax Act of 1981.

95 Stat. 186.
26 USC 1201 note.

"(2) SPECIAL RULE FOR TAX IMPOSED BY SECTION 402(e).—The tax imposed by subsection (e) of section 402 shall be treated as a tax imposed by section 1."

26 USC 1 note.

(3) ELIMINATION OF 50-CENT ROUNDING ERRORS.—If any figure in any table—

(A) which is set forth in section 1 of the Internal Revenue Code of 1954 (as amended by section 101 of the Economic Recovery Tax Act of 1981), and

95 Stat. 176.

(B) which applies to married individuals filing separately or to estates and trusts,

differs by not more than 50 cents from the correct amount under the formula used in constructing such table, such figure is hereby corrected to the correct amount.

95 Stat. 186.
26 USC 1201 note.

(aa) AMENDMENT RELATED TO SECTION 102.—Clause (ii) of section 102(b)(1)(B) of the Economic Recovery Tax Act of 1981 is amended by striking out "qualified net capital gain" and inserting in lieu thereof "qualified net capital gain (or, if lesser, the alternative minimum taxable income within the meaning of section 55(b)(1) of such Code)".

95 Stat. 188.
26 USC 402.

(b) AMENDMENT RELATED TO SECTION 104.—Subparagraph (C) of section 402(e)(1) (relating to imposition of separate tax on lump sum distributions) is amended by striking out "$2,300" and inserting in lieu thereof "the zero bracket amount applicable to such an individual for the taxable year".

95 Stat. 190.

(c) AMENDMENTS RELATED TO SECTION 111.—

26 USC 911.

(1) CLARIFICATION OF LIMITATION ON BENEFIT.—Subsection (d) of section 911 (relating to citizens or residents of the United States living abroad) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) AGGREGATE BENEFIT CANNOT EXCEED FOREIGN EARNED INCOME.—The sum of the amount excluded under subsection (a) and the amount deducted under subsection (c)(3)(A) for the taxable year shall not exceed the individual's foreign earned income for such year."

(2) TECHNICAL AMENDMENT.—Clause (ii) of section 911(c)(3)(B) (relating to special rules where housing expenses not provided by employer) is amended by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)".

95 Stat. 197.
26 USC 1034 note.

(d) AMENDMENT RELATED TO SECTION 122.—Subsection (c) of section 122 of the Economic Recovery Tax Act of 1981 (relating to effective date for increase in rollover period for principal residence) is amended by adding at the end thereof the following new sentences:

"Notwithstanding the preceding sentence, the taxpayer may elect to have the amendments made by this section not apply to any old residence sold or exchanged on or before August 13, 1981. Such an election shall be made at such time and in such manner as the Secretary of the Treasury or his delegate shall by regulations prescribe."

95 Stat. 197.

(e) AMENDMENTS RELATED TO SECTION 124.—

(1) BENEFITS MUST BE NONDISCRIMINATORY.—

26 USC 129.

(A) Subsection (d) of section 129 (defining dependent care assistance program) is amended by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively, and by inserting after paragraph (1) the following new paragraph:

96 STAT. 2367

"(2) DISCRIMINATION.—The contributions or benefits provided under the plan shall not discriminate in favor of employees who are officers, owners, or highly compensated, or their dependents."

95 Stat. 199.
26 USC 129.

(B) Paragraph (3) of section 129(d) (as redesignated by subparagraph (A)) is amended by striking out "employees who are officers, owners, or highly compensated, or their dependents" and inserting in lieu thereof "employees described in paragraph (2), or their dependents".

(C) Paragraph (1) of section 129(d) is amended by striking out "paragraphs (2) through (6)" and inserting in lieu thereof "paragraphs (2) through (7)".

(2) CLARIFICATION OF DEDUCTION TO EMPLOYER.—Paragraph (7) of section 129(e) (relating to disallowance of excluded amounts as credit or deduction) is amended—

(A) by striking out "shall be allowed" and inserting in lieu thereof "shall be allowed to the employee", and

(B) by striking out "excluded from income" and inserting in lieu thereof "excluded from the gross income of the employee".

95 Stat. 201.
26 USC 222.

(f) AMENDMENT RELATED TO SECTION 125.—Paragraph (2) of section 222(c) (defining child with special needs) is amended to read as follows:

"(2) Child with special needs.—The term 'child with special needs' means any child determined by the State to be a child described in paragraphs (1) and (2) of section 473(c) of the Social Security Act."

(g) Amendment Related to Section 126.—Paragraph (4) of section 483(g) (relating to nonresident alien individuals) is amended by striking out "This section" and inserting in lieu thereof "Paragraph (1)". 95 Stat. 202. 26 USC 483.

SEC. 102. AMENDMENTS RELATED TO TITLE II OF THE ACT.

(a) Amendments Related to Section 201.— 95 Stat. 203.

(1) Application of short taxable year rule to 15-year real property.—Paragraph (5) of section 168(f) (relating to short taxable years) is amended by adding at the end thereof the following new sentence: "In the case of 15-year real property, the first sentence of this paragraph shall not apply to the taxable year in which the property is placed in service or disposed of." 26 USC 168.

(2) Adjustments to basis in the case of certain transfers.—Subparagraph (B) of section 168(d)(2) (relating to adjustment to basis) is amended by striking out "subsection (f)(7)" and inserting in lieu thereof "paragraph (7) or (10) of subsection (f)".

(3) Changes in use.—Subsection (f) of section 168 (relating to special rules for application of section) is amended by adding at the end thereof the following new paragraph:

"(13) Changes in use.—The Secretary shall, by regulation, provide for the method of determining the deduction allowable under subsection (a) with respect to any property for any taxable year (and for succeeding taxable years) during which such property changes status under this section but continues to be held by the same person."

96 STAT. 2368

(4) Qualified coal utilization property.—

(A) Paragraph (4) of section 168(h) (relating to qualified coal utilization property) is amended to read as follows: 26 USC 168.

"(4) Qualified coal utilization property.—The term '10-year property' includes qualified coal utilization property which would otherwise be 15-year public utility property."

(B) The heading of subparagraph (A) of section 168(g)(8) is amended to read as follows:

"(A) Qualified coal utilization property.—".

(C) The heading of subparagraph (B) of section 168(g)(8) is amended to read as follows:

"(B) Coal utilization property.—".

(5) Clarification of applicable percentage for year real property placed in service.—The third sentence of section 168(b)(2)(A) (relating to 15-year real property) is amended by striking out "For purposes of this subparagraph" and inserting in lieu thereof "In the case of 15-year real property".

(6) Section 1245 recovery property included as unrealized receivable.—The second sentence of subsection (c) of section 751 (relating to unrealized receivables and inventory items) is amended by inserting "section 1245 recovery property (as defined in section 1245(a)(5))," after "section 1245(a)(3)),". 26 USC 751.

(7) Clarification of additional depreciation in the case of recovery property.—

(A) Subsection (b) of section 1250 (defining additional depreciation) is amended by adding at the end thereof the following new paragraph: 26 USC 1250.

"(5) Method of computing straight line adjustments.—For purposes of paragraph (1), the depreciation adjustments which would have resulted for any taxable year under the straight line method shall be determined—

"(A) in the case of recovery property, by determining the adjustments which would have resulted for such year if the taxpayer had elected the straight line method for such year using the recovery period applicable to such property, and

"(B) in the case of any property which is not recovery property, if a useful life (or salvage value) was used in determining the amount allowable as a deduction for any taxable year, by using such life (or value)."

(B) Paragraph (1) of section 1250(b) is amended by striking out the last sentence.

26 USC 168.

(8) THEME PARKS, ETC.—Paragraph (2) of section 168(c) (defining classes of recovery property) is amended by adding at the end thereof the following new subparagraph:

"(F) SPECIAL RULE FOR THEME PARKS, ETC.—For purposes of subparagraphs (C) and (D), a building (and its structural components) shall not be treated as having a present class life of 12.5 years or less by reason of any use other than the use for which such building was originally placed in service."

Ante, p. 431.

(9) ANTI-CHURNING PROVISIONS.—Paragraph (4) of section 168(e) (relating to certain transactions in property placed in service before 1981), as amended by section 206(b)(1) of the Tax Equity and Fiscal Responsibility Act of 1982, is amended—

(A) by adding at the end of subparagraph (D) thereof the following new sentence: "In the case of the acquisition of property by any partnership which results from the termination of another partnership under section 708(b)(1)(B), the determination of whether the acquiring partnership is related to the other partnership shall be made immediately before the event resulting in such termination occurs."; and

(B) by adding at the end thereof the following new subparagraphs:

"(H) ACQUISITIONS BY REASON OF DEATH.—Subparagraphs (A) and (B) shall not apply to the acquisition of any property by the taxpayer if the basis of the property in the hands of the taxpayer is determined under section 1014(a).

"(I) SECTION 1245 CLASS PROPERTY ACQUIRED INCIDENTAL TO ACQUISITION OF SECTION 1250 CLASS PROPERTY.—Under regulations prescribed by the Secretary, subparagraph (B) shall apply (and subparagraph (A) shall not apply) to section 1245 class property which is acquired incidental to the acquisition of section 1250 class property."

26 USC 168.
Ante, p. 324.

(10)(A) Subparagraph (D) of section 168(f)(8) (relating to special rule for leases), as in effect before the amendments made by the Tax Equity and Fiscal Responsibility Act of 1982, is amended by adding at the end thereof the following new sentence: "Under regulations prescribed by the Secretary, public utility property shall not be treated as qualified leased property unless the requirements of rules similar to the rules of subsection (e)(3) of this section and section 46(f) are met with respect to such property."

26 USC 168 note.

(B) The amendment made by subparagraph (A) shall apply with respect to property to which the provisions of section 168(f)(8) of the Internal Revenue Code of 1954 (as in effect before the amendments made by the Tax Equity and Fiscal Responsibility Act of 1982) apply.

95 Stat. 219.
26 USC 179.

(aa) AMENDMENT RELATED TO SECTION 202.—Subsection (d) of section 179 (relating to election to expense certain business assets) is amended by adding at the end thereof of the following new paragraph:

"(10) RECAPTURE IN CERTAIN CASES.—The Secretary shall, by regulations, provide for recapturing the benefit under any deduction allowable under subsection (a) with respect to any property which is not used predominantly in a trade or business at any time before the close of the second taxable year following the taxable year in which it is placed in service by the taxpayer."

95 Stat. 223.
26 USC 57.

(b) AMENDMENTS RELATED TO SECTION 205.—

(1)(A) The next to the last sentence of section 57(a) is amended by striking out "and (12)" and inserting in lieu thereof "and (12)(A)".

26 USC 57 note.

(B) The amendment made by subparagraph (A) shall take effect as if included in the amendment made by section 205(b) of the Economic Recovery Tax Act of 1981 but shall not apply to taxable years beginning after December 31, 1982.

26 USC 58.

(2) Paragraph (2) of section 58(f) is amended by striking out "the item of tax preference set forth in section 57(a)(2)" and inserting in lieu thereof "the items of tax preference set forth in paragraphs (2) and (12)(B) of section 57(a)".

(3) Paragraph (12) of section 57(a) (defining items of tax preference) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

96 STAT. 2370

"(C) SUBPARAGRAPHS (A) AND (B) INAPPLICABLE WHERE LONGER RECOVERY PERIODS APPLY.—If, pursuant to section 168(b)(3) or 168(f)(2), the recovery period for any property is longer than the recovery period for such property set forth in subparagraph (A) or (B), subparagraph (A) or (B) (as the case may be) shall not apply to such property."

26 USC 57.

(4) Subparagraph (A) of section 57(a)(12) is amended by striking out "under section 168(a)" and inserting in lieu thereof "under section 168(a) (or, in the case of property described in section 167(k), under section 167)".

95 Stat. 224.

(c) AMENDMENTS RELATED TO SECTION 206.—

26 USC 1248.

(1) Paragraph (1) of section 1248(c) is amended by striking out "section 312(k)(3)" and inserting in lieu thereof "section 312(k)(4)".

26 USC 562.

(2) Section 562 (relating to rules applicable in determining dividends eligible for dividends paid deduction) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULES FOR REAL ESTATE INVESTMENT TRUSTS.—In the case of a real estate investment trust, in determining the amount of dividends under section 316 for purposes of computing the dividends paid deduction, the earnings and profits of such trust for any taxable year beginning after December 31, 1980, shall be increased by the total amount of gain (if any) on the sale or exchange of real property by such trust during such taxable year."

95 Stat. 225.

(d) AMENDMENTS RELATED TO SECTION 207.—

95 Stat. 226.
26 USC 168 note.

(1) Paragraph (1) of section 209(c) of the Economic Recovery Tax Act of 1981 (relating to effective date for carryover provisions) is amended by adding at the end thereof the following new subparagraph:

"(C) If any net operating loss for any taxable year ending on or before December 31, 1975, could be a net operating loss carryover to a taxable year ending in 1981 by reason of subclause (II) of section 172(b)(1)(E)(ii) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act and as modified by section 1(b) of Public Law 96-595), such net operating loss shall be a net operating loss carryover under section 172 of such Code to each of the 15 taxable years following the taxable year of such loss."

26 USC 172 note.

26 USC 168 note.

(2) Subsection (c) of section 209 of the Economic Recovery Tax Act of 1981 is amended by adding at the end thereof the following new paragraph:

"(3) CARRYOVER MUST HAVE BEEN ALIVE IN 1981.—The amendments made by subsections (a), (b), and (c) of section 207 shall not apply to any amount which, under the law in effect on the day before the date of the enactment of this Act, could not be carried to a taxable year ending in 1981."

26 USC 53.

(3) Paragraph (2) of section 207(c) of the Economic Recovery Tax Act of 1981 (relating to new employee credit) is amended by striking out "section 53(c)" and inserting in lieu thereof "section 53(b)".

95 Stat. 227.

(e) AMENDMENTS RELATED TO SECTION 211.—

Ante, p. 430.

(1) APPLICABLE INVESTMENT TAX CREDIT PERCENTAGE FOR

RECOVERY PROPERTY.—Paragraph (7) of section 46(c) (relating to applicable percentage for recovery property) is amended—

(A) by striking out subparagraph (A) and inserting in lieu thereof the following:

96 STAT. 2371

"(A) in the case of property other than 3-year property (within the meaning of section 168(c)), 100 percent, and", and

(B) by striking out "shall be treated as 5-year property" in the last sentence and inserting in lieu thereof "shall be treated as property which is not 3-year property".

(2) PETROLEUM STORAGE FACILITIES.—

26 USC 48.

(A) Subparagraph (G) of section 48(a)(1) (defining section 38 property) is amended by inserting "(not including a building and its structural components)" after "storage facility".

26 USC 1245.

(B) Subparagraph (F) of section 1245(a)(3) (defining section 1245 property) is amended by inserting "(not including a building or its structural components)" after "storage facility".

(3) CLERICAL AMENDMENT.—

26 USC 47.

(A) Paragraph (2) of section 47(d) is amended—

(i) by striking out "section 48(c)(8)(D)" and inserting in lieu thereof "section 46(c)(8)(D)", and

(ii) by striking out "section 48(c)(8)(B)" and inserting in lieu thereof "section 46(c)(8)(B)".

(B) Subparagraph (A) of section 47(d)(3) is amended by striking out "section 46(c)(8)(E)" and inserting in lieu thereof "section 46(c)(8)(F)".

95 Stat. 235.

(f) AMENDMENTS RELATED TO SECTION 212.—

26 USC 46 note.

(1) CLARIFICATION OF TRANSITIONAL RULE.—Subparagraph (B) of section 212(e)(2) of the Economic Recovery Tax Act of 1981 (relating to transitional rule for increase in investment tax credit for qualified rehabilitation expenditures) is amended to read as follows:

"(B) such building does not meet the requirements of paragraph (1) of section 48(g) of the Internal Revenue Code of 1954 (as amended by this Act)."

26 USC 48.

(2) DETERMINATION OF SUBSTANTIAL REHABILITATION.—Clause (i) of section 48(g)(1)(C) (defining substantially rehabilitated) is amended by striking out "the 24-month period ending on the last day of the taxable year" and inserting in lieu thereof "the 24-month period selected by the taxpayer (at the time and in the manner prescribed by regulations) and ending with or within the taxable year".

(3) CLARIFICATION OF BASIS ADJUSTMENT.—Subparagraph (A) of section 48(g)(5) (relating to adjustments to basis) is amended—

(A) by striking out "a credit is allowed under this section" and inserting in lieu thereof "a credit is determined under section 46(a)(2)", and

(B) by striking out "the credit so allowed" and inserting in lieu thereof "the credit so determined".

26 USC 168.

(4) EXTENSION OF TIME TO MAKE ELECTION TO USE STRAIGHT LINE DEPRECIATION.—Subparagraph (B) of section 168(f)(4) (relating to election made on return) is amended to read as follows:

"(B) ELECTION MADE ON RETURN.—

"(i) IN GENERAL.—Except as provided in clause (ii), any election under this section shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year concerned.

"(ii) SPECIAL RULE FOR QUALIFIED REHABILITATED BUILDINGS.—In the case of any qualified rehabilitated

96 STAT. 2372

building (as defined in section 48(g)(1)), an election under subsection (b)(3) may be made at any time before the date 3 years after the building was placed in service."

(5) CLARIFICATION OF BUILDINGS ELIGIBLE FOR REHABILITATION CREDIT.—

(A) Subclause (II) of section 46(a)(2)(F)(iii) (defining 40-year building) is amended by striking out "any building" and inserting in lieu thereof "a qualified rehabilitated building". 26 USC 46.

(B) Subclause (III) of section 46(a)(2)(F)(iii) (defining certified historic structure) is amended by striking out "has the meaning given to such term by section 48(g)(3)" and inserting in lieu thereof "means a qualified rehabilitated building which meets the requirements of section 48(g)(3)".

(6) DEFINITION OF SUBSTANTIALLY REHABILITATED.—Clause (i) of section 48(g)(1)(C) (defining substantially rehabilitated) is amended— 26 USC 48.

(A) by striking out "property" the first 2 places it appears and inserting in lieu thereof "building (and its structural components)",

(B) by striking out "property" the third place it appears and inserting in lieu thereof "building", and

(C) by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, the determination of the beginning of the holding period shall be made without regard to any reconstruction by the taxpayer in connection with the rehabilitation."

(7) CROSS REFERENCE.—Clause (ii) of section 170(h)(4)(B) (defining certified historic structure) is amended by striking out "section 191(d)(2)" and inserting in lieu thereof "section 48(g)(3)(B)". 26 USC 170.

(g) AMENDMENT RELATED TO SECTION 213.—Subsection (b) of section 213 of the Economic Recovery Tax Act of 1981 (relating to investment tax credit for used property; increase in dollar limit) is amended by striking out "property placed in service" and inserting in lieu thereof "taxable years beginning". 95 Stat. 240. 26 USC 48 note.

(h) AMENDMENTS RELATED TO SECTION 221.—

(1) Subparagraph (B) of section 108(b)(2) (relating to certain credit carryovers) is amended by striking out "or" at the end of clause (iii), by striking out the period at the end of clause (iv) and inserting in lieu thereof ", or", and by inserting after clause (iv) the following new clause:

"(v) section 44F (relating to credit for increasing research activities)."

(2) Effective only with respect to amounts paid or incurred after March 31, 1982, subparagraph (A) of section 44F(b)(2) is amended by adding at the end thereof the following: 95 Stat. 241. 26 USC 44F.

"Clause (iii) shall not apply to any amount to the extent that the taxpayer (or any person with whom the taxpayer must aggregate expenditures under subsection (f)(1)) receives or accrues any amount from any other person for the right to use substantially identical personal property."

(3) The paragraph (28) of section 381(c) added by section 221 of the Economic Recovery Tax Act of 1981 is redesignated as paragraph (29). 95 Stat. 241. 26 USC 381.

(i) AMENDMENTS RELATED TO SECTION 234.— 95 Stat. 250.

(1) Subparagraph (B) of section 1371(g)(3) (defining qualified subchapter S trust) is amended to read as follows: 26 USC 1371.

96 STAT. 2373

"(B) all of the income (within the meaning of section 643(b)) of which is distributed (or required to be distributed) currently to 1 individual who is a citizen or resident of the United States, and".

(2) Section 678 is amended by adding at the end thereof the following new subsection: 26 USC 678.

"(e) CROSS REFERENCE.—

"For provision under which beneficiary of trust is treated as owner of the portion of the trust which consists of stock in an electing small business corporation, see section 1361(d)."

(j) AMENDMENTS RELATED TO SECTION 251.— 95 Stat. 256.

(1) Paragraph (8) of section 422A(b) (defining incentive stock option) is amended by striking out "granted options" and inserting in lieu thereof "granted incentive stock options". 26 USC 422A.

(2) Paragraph (1) of section 422A(c) (relating to exercise of option where price is less than value of stock) is amended—

(A) by adding at the end thereof the following new sentence: "To the extent provided in regulations by the Secretary, a similar rule shall apply for purposes of paragraph (8) of subsection (b) and paragraph (4) of this subsection.", and

(B) by striking out the paragraph heading and inserting in lieu thereof the following:

"(1) GOOD FAITH EFFORTS TO VALUE STOCK.—".

(3) Subparagraph (A) of section 422A(c)(2) (relating to certain disqualified dispositions where amount realized is less than value at exercise) is amended by striking out "the 2-year period" and inserting in lieu thereof "either of the periods".

(4) Clause (ii) of section 422A(c)(4)(A) (relating to carryover of unused limit) is amended by striking out "granted options" and inserting in lieu thereof "granted incentive stock options".

26 USC 425.

(5) Subsection (j) of section 425 (relating to cross references) is amended by inserting "an incentive stock option," after "qualified stock option,".

(6) Effective only with respect to transfers after March 15, 1982—

(A) subsection (c) of section 425 (defining disposition) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE WHERE INCENTIVE STOCK IS ACQUIRED THROUGH USE OF OTHER STATUTORY OPTION STOCK.—

"(A) NONRECOGNITION SECTIONS NOT TO APPLY.—If—

"(i) there is a transfer of statutory option stock in connection with the exercise of any incentive stock option, and

"(ii) the applicable holding period requirements (under section 422(a)(1), 422A(a)(1), 423(a)(1), or 424(a)(1)) are not met before such transfer,

then no section referred to in subparagraph (B) of paragraph (1) shall apply to such transfer.

"(B) STATUTORY OPTION STOCK.—For purpose of subparagraph (A), the term 'statutory option stock' means any stock acquired through the exercise of a qualified stock option, an incentive stock option, an option granted under an employee stock purchase plan, or a restricted stock option.", and

96 STAT. 2374

26 USC 425.

(B) paragraph (1) of section 425(c) is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)".

95 Stat. 260.

(k) AMENDMENT RELATED TO SECTION 252.—

26 USC 83.

(1) Paragraph (3) of section 83(c) (relating to sales which may give rise to suit under section 16(b) of the Securities Exchange Act) is amended by striking out "Securities and Exchange Act of 1934" each place it appears and inserting in lieu thereof "Securities Exchange Act of 1934".

26 USC 83 note.

(2) Subsection (c) of section 252 of the Economic Recovery Tax Act of 1981 (relating to effective date) is amended by striking out "taxable years ending after December 31, 1981" and inserting in lieu thereof "transfers after December 31, 1981".

95 Stat. 260.

(l) AMENDMENTS RELATED TO SECTION 261.—

26 USC 51.

(1) CLARIFICATION OF DEFINITION OF YOUTH PARTICIPATING IN QUALIFIED COOPERATIVE EDUCATION PROGRAM.—Subparagraph (D) of section 51(d)(8) (defining wages) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "clauses (i), (ii), and (iii) of subparagraph (A)".

26 USC 51 note.

(2) CLARIFICATION OF EFFECTIVE DATE FOR ELIGIBLE WORK INCENTIVE EMPLOYEES.—Subparagraph (B) of section 261(g)(1) of the Economic Recovery Tax Act of 1981 (relating to eligible work incentive employees) is amended by striking out "subsection (b)(2)(A)" and inserting in lieu thereof "subsection (b)(2)".

(3) DEFINITION OF ELIGIBLE WORK INCENTIVE EMPLOYEES.—Subparagraph (B) of section 51(d)(9) (defining eligible work incen-

tive employees) is amended by striking out "section 432(b)(1)" and inserting in lieu thereof "section 432(b)(1) or 445".

(4) PERIOD DURING WHICH LOW-INCOME DETERMINATION IS MADE.—Effective with respect to certifications made after the date of the enactment of this Act with respect to individuals beginning work for an employer after May 11, 1982, paragraph (11) of section 51(d) (defining members of an economically disadvantaged family) is amended by striking out "the month in which such determination occurs" and inserting in lieu thereof "the earlier of the month in which such determination occurs or the month in which the hiring date occurs".

(m) AMENDMENTS RELATED TO SECTION 263.— 95 Stat. 264.

(1) Subparagraph (A) of section 809(e)(3) (relating to charitable, etc., contributions and gifts) is amended by striking out "5 percent" and inserting in lieu thereof "10 percent". 26 USC 809.

(2) Sections 545(b)(2) and 556(b)(2) are each amended by striking out "5-percent" and inserting in lieu thereof "10-percent". 26 USC 545, 556.

(3) Paragraph (10) of section 512(b) (relating to modifications to unrelated business taxable income) is amended by striking out "5 percent" and inserting in lieu thereof "10 percent". 26 USC 512.

(n) AMENDMENT RELATED TO SECTION 266.—Subsection (c) of section 266 of the Economic Recovery Tax Act of 1981 (relating to deduction for motor carrier operating authority) is amended by adding at the end thereof the following new paragraph: 95 Stat. 265. 26 USC 165 note.

"(3) SECTION 381 OF THE INTERNAL REVENUE CODE OF 1954 TO APPLY.—For purposes of section 381 of the Internal Revenue Code of 1954, any item described in this section shall be treated as an item described in subsection (c) of such section 381."

SEC. 103. AMENDMENTS RELATED TO TITLE III OF THE ACT.

(a) AMENDMENTS RELATED TO SECTION 301.— 95 Stat. 267.

(1) Paragraph (4) of section 128(d) (relating to limitation for credit unions) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, the amounts described in subparagraph (A) of paragraph (5) shall include amounts paid into credit union share accounts." 95 Stat. 270. 26 USC 128.

(2) Paragraph (2) of section 584(c) (relating to dividends or interest received) is amended to read as follows: 26 USC 584.

"(2) DIVIDENDS OR INTEREST RECEIVED.—The proportionate share of each participant in the amount of dividends or interest received by the common trust fund and to which section 116 or 128 applies shall be considered for purposes of such section as having been received by such participant."

(3) Paragraph (7) of section 643(a) (defining distributable net income) is amended to read as follows: 26 USC 643.

"(7) DIVIDENDS OR INTEREST.—There shall be included the amount of any dividends or interest excluded from gross income pursuant to section 116 (relating to partial exclusion of dividends) or section 128 (relating to certain interest)."

(4) Paragraph (5) of section 702(a) (relating to income and credits of partner) is amended to read as follows: 26 USC 702.

"(5) dividends or interest with respect to which there is an exclusion under section 116 or 128, or a deduction under part VIII of subchapter B,".

(5) Subparagraph (A) of section 128(c)(2) (defining qualified institution) is amended—

(A) by striking out "or" at the end of clause (ii), and

(B) by inserting after clause (iii) the following new clause:

"(iv) a banking facility (whether or not insured under Federal or State law) which is operated under a cost plus agreement with the Department of Defense for members of the Armed Forces of the United States serving outside the United States and their dependents, or".

(b) AMENDMENT RELATED TO SECTION 302.—Subsection (c) of section 128 (as amended by section 302(a) of the Economic Recovery Tax 95 Stat. 270.

Act of 1981) is amended by adding at the end thereof the following new paragraph:

"(3) LIMITATION ON QUALIFIED INTEREST EXPENSES, ETC.—

"(A) LIMITATION.—The amount of the qualified interest expense of any taxpayer for any taxable year shall not exceed such taxpayer's excess itemized deductions (as defined in section 63(c)).

"(B) COORDINATION WITH OTHER PROVISIONS.—For purposes of sections 37, 43, 85, 105(d), 165(c)(3), 170(b), and 213, adjusted gross income shall be determined without regard to the exclusion provided by this section."

(c) AMENDMENTS RELATED TO SECTION 311.—

26 USC 219.

(1) LIMITATION ON DEDUCTION FOR SPOUSE.—Subparagraph (B) of section 219(c)(2) (relating to limitation) is amended to read as follows:

"(B) the amount allowable as a deduction under subsection (a) for the taxable year (determined without regard to so much of the employer contributions to a simplified employee pension as is allowable by reason of paragraph (2) of subsection (b))."

26 USC 219.

(2) CLARIFICATION OF AGE 70½ RULE.—Paragraph (1) of section 219(d) (relating to individuals who have attained age 70½) is amended to read as follows:

"(1) BENEFICIARY MUST BE UNDER AGE 70½.—No deduction shall be allowed under this section with respect to any qualified retirement contribution for the benefit of an individual if such individual has attained age 70½ before the close of such individual's taxable year for which the contribution was made."

(3) DEFINITION OF QUALIFIED EMPLOYER PLAN.—

(A) Paragraph (3) of section 219(e) (defining qualified employer plan) is amended by inserting "and" at the end of subparagraph (C), by striking out subparagraph (D), and by redesignating subparagraph (E) as subparagraph (D).

26 USC 72.

(B)(i) Paragraph (3) of section 72(p) (defining qualified employer plan, etc.) is amended by striking out "without regard to subparagraph (D) thereof".

Effective date.
26 USC 72 note.

(ii) The amendment made by clause (i) shall take effect as if the matter struck out had never been included in such paragraph.

(4) CLARIFICATION OF DEFINITION OF COMPENSATION.—Paragraph (1) of section 219(f) (defining compensation) is amended to read as follows:

"(1) COMPENSATION.—For purposes of this section, the term 'compensation' includes earned income (as defined in section 401(c)(2)) reduced by any amount allowable as a deduction to the individual in computing adjusted gross income under paragraph (7) of section 62. The term 'compensation' does not include any amount received as a pension or annuity and does not include any amount received as deferred compensation."

(5) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—Subparagraph (B) of section 219(f)(3) (relating to time when contributions deemed made) is amended by striking out "the contribution is made" and inserting in lieu thereof "the contribution is made on account of the taxable year which includes such last day and".

(6) CLARIFICATION OF ADDITIONAL TAX WHERE AMOUNTS RECEIVED BEFORE AGE 59½.—Subparagraph (A) of section 72(o)(2) (relating to additional tax if amount received before age 59½) is amended by striking out "to which the employee made one or more deductible employee contributions".

26 USC 402.

(7) 10-YEAR AVERAGING AND CAPITAL GAINS PROVISIONS.—The last sentence of subparagraph (A) of section 402(e)(4) (defining lump sum distribution) is amended by striking out "this section and section 403" and inserting in lieu thereof "this subsection, subsection (a)(2) of this section, and subsection (a)(2) of section 403".

(8) ROLLOVER OF PARTIAL DISTRIBUTIONS OF DEDUCTIBLE EMPLOYEE CONTRIBUTIONS PERMITTED.—

(A) Subparagraph (D) of section 402(a)(5) (relating to rollover amounts) is amended by adding at the end thereof the following new clause:

"(v) ROLLOVER OF PARTIAL DISTRIBUTIONS OF DEDUCTIBLE EMPLOYEE CONTRIBUTIONS PERMITTED.—In the case of any qualifying rollover distribution described in subclause (III) of clause (i), clause (i) of subparagraph (A) shall be applied by substituting 'any portion of the balance' for 'the balance'."

96 STAT. 2377

(B) Subparagraph (C) of section 403(b)(8) (relating to rollover amounts) is amended by striking out "subparagraphs (B), (C)," and inserting in lieu thereof "subparagraphs (B), (C), (D)(v),". 26 USC 403.

(9) ESTATE TAX EXCLUSION.—

(A) Paragraph (1) of section 2039(f) is amended to read as follows: 26 USC 2039.

"(1) IN GENERAL.—An amount is described in this subsection if—

"(A) it is a lump sum distribution described in section 402(e)(4) (determined without regard to the third sentence of section 402(e)(4)(A)), or

"(B) it is an amount attributable to accumulated deductible employee contributions (as defined in section 72(o)(5)(B)) in any plan taken into account for purposes of determining whether the distribution described in subparagraph (A) qualifies as a lump sum distribution."

(B) Paragraph (2) of section 2039(f) is amended by striking out "A lump sum distribution" and inserting in lieu thereof "An amount".

(10) DEDUCTIBLE EMPLOYEE CONTRIBUTIONS BY OWNER-EMPLOYEES PERMITTED.—

(A) The second sentence of section 401(d)(5) is amended to read as follows: "Subparagraphs (A) and (B) shall not apply to contributions described in subsection (e), and shall not apply to any deductible employee contribution (as defined in section 72(o)(5))." 26 USC 401.

(B) Paragraph (2) of section 4972(b) (relating to contributions by owner-employees) is amended by adding at the end thereof the following new sentence: "No contribution by an owner-employee which is a deductible employee contribution (as defined in section 72(o)(5)) shall be taken into account under this paragraph." 26 USC 4972.

(11) EFFECTIVE DATE FOR ESTATE AND GIFT TAX PROVISIONS.—Subsection (i) of section 311 of the Economic Recovery Tax Act of 1981 (relating to effective dates) is amended by adding at the end thereof the following new paragraph: 26 USC 219 note. 95 Stat. 274.

"(5) ESTATE AND GIFT TAX PROVISIONS.—

"(A) ESTATE TAX.—The amendments made by subsections (d)(1) and (h)(4) shall apply to the estates of decedents dying after December 31, 1981.

"(B) GIFT TAX.—The amendments made by subsections (d)(2) and (h)(5) shall apply to transfers after December 31, 1981."

(12) CLERICAL AMENDMENTS.—

(A) Subparagraph (A) of section 219(b)(2) is amended by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (1))". 26 USC 219.

(B) Subparagraph (D) of section 3401(a)(12) is amended by striking out "section 219(a)" and inserting in lieu thereof "section 219". 26 USC 3401.

(C) Subsection (d) of section 6047 is amended by striking out "section 219(a)" and inserting in lieu thereof "section 219". 26 USC 6047.

(D) Paragraph (2) of section 311(c) of the Economic Recovery Tax Act of 1981 is amended to read as follows: 26 USC 402.

"(2) Subparagraph (J) of section 402(e)(4) (relating to tax on lump sum distribution) is amended by adding at the end thereof the following new sentence: 'This subparagraph shall not apply to distributions of accumulated deductible employee contributions (within the meaning of section 72(o)(5)).' "

95 Stat. 283.

(d) Amendments Related to Section 312.—

(1) Simplified employee pensions.—

26 USC 408.

(A) Clause (ii) of section 408(k)(3)(C) (relating to uniform relationships of contributions) is amended by striking out "on behalf of each employee" and inserting in lieu thereof "on behalf of each employee (other than an employee within the meaning of section 401(c)(1))".

(B) Subsection (j) of section 408 is amended by striking out "$15,000" and inserting in lieu thereof "$17,000".

26 USC 401.

(2) Conforming amendment.—The last sentence of section 401(j)(3) is amended—

(A) by striking out "subsection (j)(2)" and inserting in lieu thereof "paragraph (2)", and

(B) by inserting "with respect only to such change" after "participation".

26 USC 72 note.

(3) Clarification of effective date.—Paragraph (1) of section 312(f) of the Economic Recovery Tax Act of 1981 (relating to effective date) is amended by striking out "plans which include employees within the meaning of section 401(c)(1) with respect to".

95 Stat. 286.

(e) Amendments Related to Section 314.—

26 USC 408.

(1) Paragraph (1) of section 314(b) of the Economic Recovery Tax Act of 1981 is amended by striking out "by redesignating subsection (n) as subsection (o) and by inserting after subsection (m)" and inserting in lieu thereof "by redesignating subsection (m) as subsection (n) and by inserting after subsection (l)".

26 USC 408.

(2) Section 408 is amended by redesignating the subsection added by section 314(b)(1) of the Economic Recovery Tax Act of 1981 as subsection (m).

95 Stat. 287.

(f) Amendments Related to Section 321.—

26 USC 305.

(1) Subparagraph (A) of section 305(e)(3) (defining qualified public utility) is amended to read as follows:

"(A) In general.—For purposes of this subsection, the term 'qualified public utility' means, for any taxable year of the corporation, a domestic corporation which, for the 10-year period ending on the day before the beginning of the taxable year, placed in service qualified long-life public utility property having a cost equal to at least 60 percent of the aggregate cost of all tangible property described in subparagraph (A) or (B) of section 1245(a)(3) placed in service by the corporation during such period."

(2) Clause (ii) of section 305(e)(3)(C) is amended to read as follows:

"(ii) Qualified long-life public utility property.—The term 'qualified long-life public utility property' means any tangible property which—

"(I) is described in subparagraph (A) or (B) of section 1245(a)(3),

"(II) has a present class life (as defined in section 168(g)(2)) of more than 18 years, and

"(III) is public utility property (within the meaning of section 167(l)(3)(A))."

96 STAT. 2379

95 Stat. 289.

(g) Amendments Related to Section 331.—

26 USC 44G.

(1) Certain regulated companies.—Paragraph (3) of section 44G(b) (relating to certain regulated companies) is amended—

(A) by striking out "No credit" and inserting in lieu thereof "No credit attributable to compensation taken into account for the ratemaking purposes involved", and

(B) by adding at the end thereof the following new sentence:

"Under regulations prescribed by the Secretary, rules similar to the rules of paragraphs (4) and (7) of section 46(f) shall apply for purposes of the preceding sentence."

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (21) of section 401(a) is amended by striking out "which would be allowable" and all that follows and inserting in lieu thereof the following: 26 USC 401.

"which would be allowable—

"(A) under section 46(a) if the employer made the transfer described in section 48(n)(1), or

"(B) under section 44G if the employer made the transfer described in section 44G(c)(1)(B)."

(B) Paragraph (4) of section 331(c) of the Economic Recovery Tax Act of 1981 is amended by striking out "section 6699" and inserting in lieu thereof "section 6699(c)". 26 USC 6699.

(C) Clause (ii) of section 6699(c)(2)(A) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "clause (i)". 26 USC 6699.

(D) Clause (ii) of section 6699(c)(2)(B) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "clause (i)".

(E) Paragraph (4) of section 55(c) is amended by striking out "44G(b)(1),". 26 USC 55.

(F) The paragraph (29) of section 381(c) added by section 331 of the Economic Recovery Tax Act of 1981 is redesignated as paragraph (30). 26 USC 381.

(h) AMENDMENT RELATED TO SECTION 334.—The last sentence of section 409A(h)(2) is amended by striking out "the requirements of section 401(a)" and inserting in lieu thereof "the requirements of this subsection or of section 401(a)". 95 Stat. 297. 26 USC 409A.

(i) AMENDMENT RELATED TO SECTION 337.—Paragraph (2) of section 409A(d) is amended to read as follows: 95 Stat. 298.

"(2) a transfer of a participant to the employment of an acquiring employer from the employment of the selling corporation in the case of a sale to the acquiring corporation of substantially all of the assets used by the selling corporation in a trade or business conducted by the selling corporation, or".

SEC. 104. AMENDMENTS RELATED TO TITLE IV OF THE ACT.

(a) AMENDMENTS RELATED TO SECTION 403.— 95 Stat. 301.

(1) PROPERTY TREATED AS HAVING PASSED FROM SPOUSE.—

(A) Subsection (b) of section 1014 (relating to basis of property acquired from decedent) is amended by adding at the end thereof the following new paragraph: 26 USC 1014.

"(10) Property includible in the gross estate of the decedent under section 2044 (relating to certain property for which marital deduction was previously allowed). In any such case, the last 3 sentences of paragraph (9) shall apply as if such property were described in the first sentence of paragraph (9)."

96 STAT. 2380

(B) Section 2044 (relating to certain property for which marital deduction was previously allowed) is amended by adding at the end thereof the following new subsection: 26 USC 2044.

"(c) PROPERTY TREATED AS HAVING PASSED FROM DECEDENT.—For purposes of this chapter and chapter 13, property includible in the gross estate of the decedent under subsection (a) shall be treated as property passing from the decedent."

(2) DENIAL OF DOUBLE DEDUCTION.—

(A) Subsection (b) of section 2056 (relating to bequests, etc., to surviving spouse) is amended by adding at the end thereof the following new paragraph: 26 USC 2056.

"(9) DENIAL OF DOUBLE DEDUCTION.—Nothing in this section or any other provision of this chapter shall allow the value of any interest in property to be deducted under this chapter more than once with respect to the same decedent."

(B) Section 2523 (relating to gift to spouse) is amended by adding at the end thereof the following new subsection: 26 USC 2523.

"(h) DENIAL OF DOUBLE DEDUCTION.—Nothing in this section or any other provision of this chapter shall allow the value of any interest in property to be deducted under this chapter more than once with respect to the same donor."

(3) DISPOSITIONS OF CERTAIN LIFE ESTATES.—

26 USC 2519.

(A) Subsection (a) of section 2519 (relating to dispositions of certain life estates) is amended to read as follows:

"(a) GENERAL RULE.—For purposes of this chapter and chapter 11, any disposition of all or part of a qualifying income interest for life in any property to which this section applies shall be treated as a transfer of all interests in such property other than the qualifying income interest."

95 Stat. 301.

(B) Clauses (i) and (ii) of section 403(d)(3)(B) of the Economic Recovery Tax Act of 1981 are each amended by striking out "chapter 11" and inserting in lieu thereof "chapter 12".

(4) TIME FOR MAKING ELECTION.—Paragraph (4) of section 2523(f) (relating to election with respect to life estate for donee spouse) is amended to read as follows:

"(4) ELECTION.—

"(A) TIME AND MANNER.—An election under this subsection with respect to any property shall be made on or before the first April 15th after the calendar year in which the interest was transferred and shall be made in such manner as the Secretary shall by regulations prescribe.

"(B) ELECTION IRREVOCABLE.—An election under this subsection, once made, shall be irrevocable."

(5) TREATMENT OF CERTAIN INTEREST RETAINED BY DONOR SPOUSE.—Subsection (f) of section 2523 (relating to election with respect to life estate for donee spouse) is amended by adding at the end thereof the following new paragraph:

"(5) TREATMENT OF INTEREST RETAINED BY DONOR SPOUSE.—

"(A) IN GENERAL.—In the case of any qualified terminable interest property—

"(i) such property shall not be includible in the gross estate of the donor spouse, and

"(ii) any subsequent transfer by the donor spouse of an interest in such property shall not be treated as a transfer for purposes of this chapter.

96 STAT. 2381

"(B) SUBPARAGRAPH (A) NOT TO APPLY AFTER TRANSFER BY DONEE SPOUSE.—Subparagraph (A) shall not apply with respect to any property after the donee spouse is treated as having transferred such property under section 2519, or such property is includible in the donee spouse's gross estate under section 2044."

26 USC 2523.

(6) AMENDMENT OF SECTION 2523(f).—Paragraph (3) of section 2523(f) (relating to certain rules made applicable) is amended by striking out "the rules of" and inserting in lieu thereof "rules similar to the rules of".

26 USC 2519.

(7) CROSS REFERENCE.—Section 2519 is amended by adding at the end thereof the following new subsection:

"(c) CROSS REFERENCE.—

"For right of recovery for gift tax in the case of property treated as transferred under this section, see section 2207A(b)."

(8) TREATMENT OF ANNUITIES.—Clause (ii) of section

26 USC 2056.

2056(b)(7)(B) is amended by adding at the end thereof the following new sentence: "To the extent provided in regulations, an annuity shall be treated in a manner similar to an income interest in property (regardless of whether the property from which the annuity is payable can be separately identified)."

26 USC 2035.

(9) CLERICAL AMENDMENT.—Paragraph (2) of section 2035(b) is amended by striking out "section 6019(a)(2)" and inserting in lieu thereof "section 6019(2)".

26 USC 2056 note.

(10) CLARIFICATION OF EFFECTIVE DATE.—Paragraph (2) of section 403(e) of the Economic Recovery Tax Act of 1981 is amended by striking out "and paragraphs (2) and (3)(B) of subsection (d)" and inserting in lieu thereof "paragraphs (2) and (3)(B) of subsection (d), and paragraph (4)(A) of subsection (d) (to the extent related to the tax imposed by chapter 12 of the Internal Revenue Code of 1954)".

26 USC 2501 *et seq.*

(b) Amendments Related to Section 421.—

(1) Treatment of certain surviving spouses.—Paragraph (5) of section 2032A(b) (relating to special rules for surviving spouses) is amended by adding at the end thereof the following new subparagraph:

95 Stat. 306.
26 USC 2032A.

"(C) Coordination with paragraph (4).—In any case in which to do so will enable the requirements of paragraph (1)(C)(ii) to be met with respect to the surviving spouse, this subsection and subsection (c) shall be applied by taking into account any application of paragraph (4)."

(2) Exchanges of qualified real property.—

(A) Clause (ii) of section 2032A(i)(1)(B) (relating to exchanges where other property received) is amended by striking out "the other property" and inserting in lieu thereof "the qualified exchange property".

(B) Paragraph (3) of section 2032A(i) is amended by striking out "subparagraph (A), (B), or (C)" and inserting in lieu thereof "subparagraph (A) or (B)".

(3) Transfers of certain farm, etc., real property.—

(A) Subsection (a) of section 1040 (relating to transfer of certain farm, etc., real property) is amended by striking out "such exchange" and inserting in lieu thereof "such transfer".

26 USC 1040.

(B) Subsection (c) of section 1040 is amended—

96 STAT. 2382

(i) by striking out "an exchange" and inserting in lieu thereof "a transfer",

(ii) by striking out "the exchange" each place it appears and inserting in lieu thereof "the transfer", and

(iii) by striking out "Exchange" in the subsection heading and inserting in lieu thereof "Transfer".

(C) Section 1223 (defining holding period of property) is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

26 USC 1223.

"(12) If—

"(A) property is acquired by any person in a transfer to which section 1040 applies,

"(B) such property is sold or otherwise disposed of by such person within 1 year after the decedent's death, and

"(C) such sale or disposition is to a person who is a qualified heir (as defined in section 2032A(e)(1)) with respect to the decedent,

then the person making such sale or other disposition shall be considered to have held such property for more than 1 year."

(4) Clarification of effective dates.—

(A) Subparagraph (A) of section 421(k)(5) of the Economic Recovery Tax Act of 1981 is amended by striking out "subsections (b)(1), (c)(2), (j)(1), and (j)(2)" and inserting in lieu thereof "subsections (b)(1), (j)(1), and (j)(2) and the provisions of subparagraph (A) of section 2032A(c)(7) of the Internal Revenue Code of 1954 (as added by subsection (c)(2))".

95 Stat. 306.
26 USC 2032A note.

(B) Subparagraph (B) of section 421(k)(5) of the Economic Recovery Tax Act of 1981 is amended by striking out the second sentence and inserting in lieu thereof the following: "If the estate of any decedent would not qualify under section 2032A of the Internal Revenue Code of 1954 but for the amendments described in subparagraph (A) and the time for making an election under section 2032A with respect to such estate would (but for this sentence) expire after July 28, 1980, the time for making such election shall not expire before the close of February 16, 1982."

(C)(i) Subparagraph (C) of section 421(k)(5) of the Economic Recovery Tax Act of 1981 is amended by striking out "within 6 months after the date of the enactment of this

Act" and inserting in lieu thereof "at any time before February 17, 1982".

(ii) Subparagraph (D) of section 421(k)(5) of the Economic Recovery Tax Act of 1981 is amended—

(I) by striking out "within 6 months after such date of enactment" and inserting in lieu thereof "before February 17, 1982", and

(II) by striking out "the date 6 months after such date of enactment" and inserting in lieu thereof "February 17, 1982".

95 Stat. 314.

(c) Amendments Related to Section 422.—

26 USC 6166.

(1) Paragraph (3) of section 6166(b) (relating to farm houses and certain other structures taken into account) is amended by striking out "65-percent requirement" and inserting in lieu thereof "35-percent requirement".

96 STAT. 2383

26 USC 6166.

(2) Clauses (i) and (ii) of the first sentence of section 6166(g)(1)(B) (relating to disposition of interest; withdrawal of funds from business) are amended to read as follows:

"(i) the redemption of such stock, and the withdrawal of money and other property distributed in such redemption, shall not be treated as a distribution or withdrawal for purposes of subparagraph (A), and

"(ii) for purposes of subparagraph (A), the value of the interest in the closely held business shall be considered to be such value reduced by the value of the stock redeemed."

95 Stat. 317.

(d) Amendments Related to Section 424.—

(1) Coordination with section 6166(a)(1).—

26 USC 2035.

(A) In general.—Subsection (d) of section 2035 (relating to adjustments for gifts made within 3 years of decedent's death) is amended by adding at the end thereof the following new paragraph:

"(4) Coordination of 3-year rule with section 6166(a)(1).—An estate shall be treated as meeting the 35-percent of adjusted gross estate requirement of section 6166(a)(1) only if the estate meets such requirement both with and without the application of paragraph (1)."

26 USC 6166.

(B) Cross reference.—Subsection (j) of section 6166 (relating to extension of time for payment of estate tax where estate consists largely of interest in closely held business) is amended by adding at the end thereof the following new paragraph:

"(5) Transfers within 3 years of death.—

"For special rule for qualifying an estate under this section where property has been transferred within 3 years of decedent's death, see section 2035(d)(4)."

(C) Conforming amendment.—Paragraph (3) of section 2035(d) is amended by striking out subparagraph (C), by adding "and" at the end of subparagraph (B), and by redesignating subparagraph (D) as subparagraph (C).

(2) Exceptions for certain transfers.—Paragraph (2) of section 2035(d) (relating to exceptions for certain transfers) is amended—

(A) by inserting "of this subsection and paragraph (2) of subsection (b)" after "Paragraph (1)", and

(B) by striking out "2041,".

26 USC 2501 note.

(3) Election to have amendments not apply.—

(A) In the case of any decedent—

(i) who dies before August 13, 1984, and

(ii) who made a gift (before August 13, 1981, and during the 3-year period ending on the date of the decedent's death) on which tax imposed by chapter 12 of the Internal Revenue Code of 1954 has been paid before April 16, 1982,

26 USC 2501 *et seq.*

such decedent's executor may make an election to have subtitle B of such Code (relating to estate and gift taxes) applied with respect to such decedent without regard to any of the amendments made by title IV of the Economic Recovery Tax Act of 1981. 26 USC 2511.

96 STAT. 2384

(B) An election under subparagraph (A) shall be made at such time and in such manner as the Secretary of the Treasury or his delegate shall prescribe.

(C) An election under subparagraph (A), once made, shall be irrevocable.

(e) Amendment Related to Section 426.—Paragraph (3) of section 2518(c) (relating to disclaimers) is amended by striking out "For purposes of subsection (a), a" and inserting in lieu thereof "A". 95 Stat. 318. 26 USC 2518.

SEC. 105. AMENDMENTS RELATED TO TITLE V OF THE ACT.

(a) Amendments Related to Section 501.— 95 Stat. 323.

(1) Loss computed with respect to unrecognized gain.—

(A) In general.—Subparagraph (A) of section 1092(a)(1) (relating to recognition of loss in case of straddles, etc.) is amended by striking out "unrealized gain" and inserting in lieu thereof "unrecognized gain". 26 USC 1092.

(B) Unrecognized gain defined.—So much of paragraph (3) of section 1092(a) as precedes subparagraph (B) thereof is amended to read as follows:

"(3) Unrecognized gain.—For purposes of this subsection—

"(A) In general.—The term 'unrecognized gain' means—

"(i) in the case of any position held by the taxpayer as of the close of the taxable year, the amount of gain which would be taken into account with respect to such position if such position were sold on the last business day of such taxable year at its fair market value, and

"(ii) in the case of any position with respect to which, as of the close of the taxable year, gain has been realized but not recognized, the amount of gain so realized."

(C) Reporting of gain.—Subclauses (I) and (II) of section 1092(a)(3)(B)(i) (relating to reporting of gain) are amended to read as follows:

"(I) each position (whether or not part of a straddle) with respect to which, as of the close of the taxable year, there is unrecognized gain, and

"(II) the amount of such unrecognized gain."

(D) Clerical amendments.—

(i) Section 6653 (relating to failure to pay tax) is amended by redesignating subsection (g) as subsection (f). 26 USC 6653.

(ii) The subsection heading of subsection (f) of section 6653 (as redesignated by clause (i)) is amended by striking out "Unrealized" and inserting in lieu thereof "Unrecognized".

(2) Clarification of general rule limiting recognition of loss.—Subparagraph (A) of section 1092(a)(1) is amended by striking out "which—" and all that follows and inserting in lieu thereof the following: "which were offsetting positions with respect to 1 or more positions from which the loss arose."

(3) Coordination with section 1256.—Paragraph (4) of section 1092(d) (relating to special rule for regulated futures contracts) is amended to read as follows:

"(4) Special rule for regulated futures contracts.—In the case of a straddle at least 1 (but not all) of the positions of which are regulated futures contracts, the provisions of this section shall apply to any regulated futures contract and any other position making up such straddle."

96 STAT. 2385

(4) Clerical amendment.—Subparagraph (C) of section 1092(c)(2) (relating to offsetting positions) is amended by striking out "subsection (a)(3)(B)" and inserting in lieu thereof "subsection (a)(2)(B)". 26 USC 1092.

95 Stat. 327.
26 USC 263.

(b) Amendments Related to Section 502.—

(1) In general.—Clause (ii) of section 263(g)(2)(A) (defining interest and carrying charges) is amended to read as follows:

"(ii) all other amounts (including charges for temporary use of the personal property in a short sale, or to insure, store, or transport the personal property) paid or incurred to carry the personal property, over".

26 USC 263 note.

(2) Effective date.—The amendment made by paragraph (1) shall apply to property acquired, and positions established, by the taxpayer after September 22, 1982, in taxable years ending after such date.

95 Stat. 327.

(c) Amendments Related to Section 503.—

26 USC 1256.

(1) Transfers of rights and obligations.—Subsection (c) of section 1256 (relating to regulated futures contracts marked to market) is amended to read as follows:

"(c) Terminations, Etc.—

"(1) In general.—The rules of paragraphs (1), (2), and (3) of subsection (a) shall also apply to the termination (or transfer) during the taxable year of the taxpayer's obligation (or rights) with respect to a regulated futures contract by offsetting, by taking or making delivery, or otherwise.

"(2) Special rule where taxpayer takes delivery on part of straddle.—If—

"(A) 2 or more regulated futures contracts are part of a straddle (as defined in section 1092(c)), and

"(B) the taxpayer takes delivery under any of such contracts,

then, for purposes of this section, each of the other such contracts shall be treated as terminated on the day on which the taxpayer took delivery.

"(3) Fair market value taken into account.—For purposes of this subsection, fair market value at the time of the termination (or transfer) shall be taken into account."

(2) Identification of mixed straddles.—Subparagraph (B) of section 1256(d)(4) (defining mixed straddles) is amended by striking out "such position" and inserting in lieu thereof "the first regulated futures contract forming part of the straddle".

(3) Active management with respect to syndicates.—Clause (v) of section 1256(e)(3)(C) is amended by inserting "(by regulations or otherwise)" after "determines".

26 USC 1223.

(4) Holding period.—Paragraph (8) of section 1223 (relating to holding period of property) is amended by inserting "(other than a commodity futures contract to which section 1256 applies)" after "commodity futures contract" the first place it appears.

(5) Foreign currency and cash settlement contracts marked to market.—

(A) Cash settlement contracts.—Subsection (b) of section 1256 (defining regulated futures contract) is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

26 USC 1256.

(B) Foreign currency contracts.—Subsection (b) of section 1256 (as amended by subparagraph (A)) is amended by adding at the end thereof the following new sentence: "Such term includes any foreign currency contract."

(C) Foreign currency contract defined.—Section 1256 is amended by adding at the end thereof the following new subsection:

"(g) Foreign Currency Contract Defined.—

"(1) Foreign currency contract.—For purposes of this section, the term 'foreign currency contract' means a contract—

"(A) which requires delivery of a foreign currency which is a currency in which positions are also traded through regulated futures contracts,

"(B) which is traded in the interbank market, and

"(C) which is entered into at arm's length at a price determined by reference to the price in the interbank market.

"(2) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of paragraph (1), including regulations excluding from the application of paragraph (1) any contract (or type of contract) if its application thereto would be inconsistent with such purposes." Regulations.

(D) Effective dates.— 26 USC 1256 note.

(i) In general.—Except as provided in clauses (ii) and (iii), the amendments made by subparagraphs (B) and (C) shall apply only with respect to contracts entered into after May 11, 1982.

(ii) Election by taxpayer of retroactive application.—

(I) Retroactive application.—If the taxpayer so elects, the amendments made by subparagraphs (B) and (C) shall apply as if included within the amendments made by title V of the Economic Recovery Tax Act of 1981. 95 Stat. 323.

(II) Additional choices with respect to 1981.—If the taxpayer held a foreign currency contract after December 31, 1980, and before June 24, 1981, and such taxpayer makes an election under subclause (I), such taxpayer may revoke any election made under section 508(c) or 509(a) of such Act, and may make an election under section 508(c) or 509(a) of such Act.

(III) Additional choices apply to all regulated futures contracts.—Except as provided in subclause (IV), in the case of any taxpayer who makes an election under subclause (I), any election under section 508(c) or 509(a) of such Act or any revocation of such an election shall apply to all regulated futures contracts (including foreign currency contracts).

(IV) Section 509(a) (3) and (4) not to apply to foreign currency contracts.—Paragraphs (3) and (4) of section 509(a) of such Act shall not apply to any foreign currency contract.

(V) Time for making election or revocation.—Any election under subclause (I) and any election or revocation under subclause (II) may be made only within the 90-day period beginning on the date of the enactment of this Act. Any such action, once taken, shall be irrevocable. 96 STAT. 2387

(VI) Definitions.—For purposes of this clause, the terms "regulated futures contract" and "foreign currency contract" have the same respective meanings as when used in section 1256 of the Internal Revenue Code of 1954 (as amended by this Act).

(iii) Election by taxpayer with respect to positions held during taxable years ending after May 11, 1982.—In lieu of the election under clause (ii), a taxpayer may elect to have the amendments made by subparagraphs (B) and (C) applied to all positions held in taxable years ending after May 11, 1982, except that the provisions of section 509(a) (3) and (4) of the Economic Recovery Tax Act of 1981 shall not apply.

(6) Clarification of extension.—Paragraph (3) of section 509(b) of the Economic Recovery Tax Act of 1981 is amended to read as follows: 26 USC 1256 note.

"(3) the fair market value on the last business day of the preceding taxable year for each regulated futures contract described in paragraph (2), and".

26 USC 1212. (7) CLERICAL AMENDMENT.—Subparagraph (A) of section 1212(c)(4) (defining net commodities futures loss) is amended by striking out "and positions to which section 1256 applies".

95 Stat. 332. (d) AMENDMENT RELATED TO SECTION 506.—

26 USC 1236. (1) REQUIREMENT THAT OPTIONS BE DESIGNATED AS HELD FOR INVESTMENT.—Section 1236 (relating to dealers in securities) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULE FOR OPTIONS.—For purposes of subsection (a), any security acquired by a dealer pursuant to an option held by such dealer may be treated as held for investment only if the dealer, before the close of the day on which the option was acquired, clearly identified the option on his records as held for investment. For purposes of the preceding sentence, the term 'option' includes the right to subscribe to or purchase any security."

26 USC 1236 note. (2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to securities acquired after September 22, 1982, in taxable years ending after such date.

95 Stat. 333. 26 USC 1234A. (e) AMENDMENT RELATED TO SECTION 507.—Section 1234A (relating to gains or losses from certain terminations) is amended to read as follows:

"SEC. 1234A. GAINS OR LOSSES FROM CERTAIN TERMINATIONS.

"Gain or loss attributable to the cancellation, lapse, expiration, or other termination of—

"(1) a right or obligation with respect to personal property (as defined in section 1092(d)(1)) which is (or on acquisition would be) a capital asset in the hands of the taxpayer, or

"(2) a regulated futures contract (as defined in section 1256) not described in paragraph (1) which is a capital asset in the hands of the taxpayer,

shall be treated as gain or loss from the sale of a capital asset."

SEC. 106. AMENDMENTS RELATED TO TITLE VI OF THE ACT.

95 Stat. 335. (a) AMENDMENTS RELATED TO SECTION 601.—

26 USC 6429. (1) PRODUCTION FROM TRANSFERRED PROPERTY.—Paragraph (3) of section 6429(d) (relating to production from transferred property) is amended by striking out subparagraph (D).

26 USC 4994. (2) ALLOCATION OF ROYALTY LIMIT.—Subparagraph (B) of section 4994(f)(3) (relating to allocation of royalty limit) is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "paragraph (2)(A)".

26 USC 6429. (3) QUALIFIED FAMILY CORPORATION DEFINED.—Subparagraph (B) of section 6429(d)(4) is amended by striking out "other than royalty interests described in paragraph (2)(A)" and inserting in lieu thereof "other than royalty interests from which there is qualified royalty production determined by treating such corporation as a qualified royalty owner".

(4) CREDIT OR REFUND FOR BENEFICIARIES OF TRUST OWNING ROYALTY INTERESTS.—

(A) IN GENERAL.—Subchapter B of chapter 65 (relating to rules of special application) is amended by adding at the end thereof the following new section:

26 USC 6430. "SEC. 6430. CREDIT OR REFUND OF WINDFALL PROFIT TAXES TO CERTAIN TRUST BENEFICIARIES.

"(a) GENERAL RULE.—That portion of the tax imposed by section 4986 (relating to crude oil windfall profit tax) which is paid by any trust with respect to any qualified beneficiary's allocable trust production shall be treated as an overpayment of such tax by such qualified beneficiary. Any such overpayment shall be credited against the tax imposed by section 4986 or refunded to such qualified beneficiary.

"(b) Coordination With Royalty Exemption.—

"(1) In general.—If the aggregate amount of the allocable trust production of any qualified beneficiary for any calendar year exceeds such beneficiary's unused exempt royalty limit for such calendar year, then the amount treated as an overpayment under subsection (a) with respect to such qualified beneficiary shall be reduced by an amount which bears the same ratio to the amount which (but for this paragraph) would be so treated as—

"(A) the amount of such excess, bears to

"(B) the aggregate amount of such allocable trust production.

"(2) Unused exempt royalty limit.—The unused exempt royalty limit of any qualified beneficiary for any calendar year is the excess of—

"(A) the number of days in such calendar year, multiplied by the limitation in barrels determined under the table contained in section 4994(f)(2)(A)(ii), over

"(B) the amount of exempt royalty oil (within the meaning of section 4994(f))—

"(i) with respect to which such qualified beneficiary is the producer, and

"(ii) which is removed from the premises during such calendar year.

"(3) Allocation.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 6429(c) shall apply to the amount determined under paragraph (2)(A).

"(c) Allocable Trust Production.—For purposes of this section—

"(1) In general.—The term 'allocable trust production' means, with respect to any qualified beneficiary, the qualified royalty production of any trust which— 96 STAT. 2389

"(A) is removed from the premises during the calendar year, and

"(B) is allocated to such qualified beneficiary under paragraph (2).

"(2) Allocation of production.—

"(A) In general.—The qualified royalty production of a trust for any calendar year shall be allocated between the trust and its income beneficiaries as follows:

"(i) there shall be allocated to the trust an amount of production based on the amount of any reserve for depletion for the calendar year with respect to qualified royalty production, and

"(ii) production not allocated under clause (i) shall be allocated between the trust and the income beneficiaries in accordance with their respective shares of the adjusted distributable net income for the calendar year.

"(B) Definition and special rule.—For purposes of this paragraph—

"(i) Adjusted distributable net income.—The term 'adjusted distributable net income' means distributable net income (as defined in section 643) for the calendar year reduced by the excess (if any) of—

"(I) any reserve for depletion for such year with respect to qualified royalty production, over

"(II) the amount allowable as a deduction for depletion to the trust for such year with respect to qualified royalty production.

"(ii) Allocation pro rata from each unit of production.—Allocations under subparagraph (A) shall be treated as made pro rata from each unit of the qualified royalty production.

"(3) Production from transferred property.—

"(A) In general.—The allocable trust production of any qualified beneficiary shall not include any production attributable to an interest in property which has been transferred after June 9, 1981, in a transfer which—

26 USC 613A.

"(i) is described in section 613A(c)(9)(A), and

"(ii) is not described in section 613A(c)(9)(B).

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply in the case of any transfer so long as the transferor and the qualified beneficiary are required by subsection (b)(3) to share the amount determined under subsection (b)(2)(A). The preceding sentence shall apply to the transfer of any property only if the production attributable to the property was allocable trust production or qualified royalty production of the transferor.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED BENEFICIARY.—The term 'qualified beneficiary' means any individual or estate which is a beneficiary of any trust which is a producer.

"(2) QUALIFIED ROYALTY PRODUCTION.—The term 'qualified royalty production' means, with respect to any person, taxable crude oil (within the meaning of section 4991(a)) which is attributable to an economic interest of such person other than an operating mineral interest (within the meaning of section 614(d)). Such term does not include taxable crude oil attributa-

96 STAT. 2390

ble to any overriding royalty interest, production payment, net profits interest, or similar interest of the person which—

"(A) is created after June 9, 1981, out of an operating mineral interest in property which is proven oil or gas property (within the meaning of section 613A(c)(9)(A)) on the date such interest is created, and

"(B) is not created pursuant to a binding contract entered into before June 10, 1981.

"(3) PRODUCER.—The term 'producer' has the meaning given to such term by section 4996(a)(1).

Regulations.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(B) ALLOCATION OF LIMITATION BETWEEN EXEMPT ROYALTY OIL AND ALLOCABLE TRUST PRODUCTION.—Paragraph (2) of section 4994(f) (relating to royalty limit) is amended—

26 USC 4994.

(i) by striking out "A qualified" in subparagraph (A) and inserting in lieu thereof "Except as provided in subparagraph (C), a qualified", and

(ii) by adding at the end thereof the following new subparagraph:

"(C) ELECTION TO INCREASE SECTION 6430 ROYALTY CREDIT BY REDUCING EXEMPTION UNDER THIS SUBSECTION.—Any qualified royalty owner who is a qualified beneficiary (within the meaning of section 6430(d)(1)) for any quarter may elect (at such time and in such manner as the Secretary may prescribe by regulations) to reduce by any amount the qualified royalty owner's royalty limit determined under subparagraph (A) for such quarter (after the application of paragraph (3)(B))."

26 USC 6654.

(C) TECHNICAL AMENDMENT.—Subparagraph (B) of section 6654(g)(3) (relating to estimated tax computed after application of credits against tax) is amended by inserting "or 6430" after "section 6429".

(D) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by adding at the end thereof the following new item:

"Sec. 6430. Credit or refund of windfall profit taxes to certain trust beneficiaries."

26 USC 6430 note.

(E) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by this paragraph shall apply with respect to calendar years beginning after December 31, 1981.

(ii) ESTIMATED TAX.—The amendment made by subparagraph (C) shall take effect on January 1, 1982.

(b) AMENDMENT RELATED TO SECTION 603.—Paragraph (2) of section 4994(g) (relating to limitations for certain transferred properties) is amended by striking out "owned by a person other than an independent producer (within the meaning of section 4992(b)(1))." and inserting in lieu thereof "owned by any person (other than the producer) who during the period of ownership after such date was not an independent producer (within the meaning of section 4992(b)(1)). The preceding sentence shall not apply to property so owned by any person if, at the time of transfer of such property by such person, such property was not a proven property (within the meaning of section 613A(c)(9)(A))."

96 STAT. 2391

SEC. 107. AMENDMENTS RELATED TO TITLE VII OF THE ACT.

(a) AMENDMENTS RELATED TO SECTION 722.— 95 Stat. 341.

(1) AGGREGATION OF PROPERTIES.—Subsection (d) of section 6659 (relating to underpayment must be at least $1,000) is amended by striking out "the valuation overstatement" and inserting in lieu thereof "valuation overstatements". 26 USC 6659.

(2) CLARIFICATION OF DEFINITION OF VALUATION OVERSTATEMENT.—Paragraph (1) of section 6659(c) (defining valuation overstatement) is amended by striking out "exceeds 150 percent of" and inserting in lieu thereof "is 150 percent or more of".

(3) CLARIFICATION OF INCREASE IN NEGLIGENCE PENALTY.—Subparagraph (B) of section 6653(a)(2) (relating to additional amount for portion attributable to negligence, etc.) is amended by inserting "(or, if earlier, the date of the payment of the tax)" after "assessment of the tax". 26 USC 6653.

(b) AMENDMENTS RELATED TO SECTION 724.—Subsection (c) of section 5761 (relating to application of section 6659) is amended— 95 Stat. 344. 26 USC 5761.

(1) by striking out "section 6659(a)" and inserting in lieu thereof "section 6660(a)", and

(2) by striking out "Section 6659" in the heading and inserting in lieu thereof "Section 6660".

(c) AMENDMENT RELATING TO SECTION 725.— 95 Stat. 345.

(1) Paragraph (1) of section 6654(f) (relating to exception to penalty for failure to pay estimated tax where tax is small amount) is amended by striking out "is less than" and inserting in lieu thereof ", reduced by the credit allowable under section 31, is less than". 26 USC 6654.

(2) Subsection (a) of section 6015 (relating to requirement of declaration of estimated income tax by individuals) is amended by striking out "entitled under subsection (b)" each place it appears and inserting in lieu thereof "entitled under subsection (c)". 26 USC 6015.

SEC. 108. AMENDMENTS RELATED TO TITLE VIII OF THE ACT.

(a) AMENDMENT RELATED TO SECTION 802.—Subsection (e) of section 120 (relating to termination of exclusion for amounts received under qualified group legal service plans) is amended by striking out "This section" and inserting in lieu thereof "This section and section 501(c)(20)". 95 Stat. 349. 26 USC 120.

(b) AMENDMENT RELATED TO SECTION 823.—Subparagraph (A) of section 4942(j)(3) is amended by striking out "and" at the end of clause (i) and inserting in lieu thereof "or". 95 Stat. 351. 26 USC 4942.

SEC. 109. EFFECTIVE DATE.

Except as otherwise provided in this title, any amendment made by this title shall take effect as if it had been included in the provision of the Economic Recovery Tax Act of 1981 to which such amendment relates. 26 USC 1 note.

TITLE II—AMENDMENTS RELATED TO CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

26 USC 1 note. **SEC. 201. AMENDMENTS RELATED TO WINDFALL PROFIT TAX.**

26 USC 4988. (a) AMENDMENTS TO SECTION 4988.—

26 USC 4988. 96 STAT. 2392 (1) Paragraph (3) of section 4988(b) (defining taxable income from the property) is amended by striking out "purposes of paragraph (2)" and inserting in lieu thereof "purposes of this subsection".

(2) Clause (ii) of section 4988(b)(3)(C) (relating to taxable income reduced by cost depletion) is amended by striking out "all taxable periods" and inserting in lieu thereof "all taxable years".

26 USC 4989. (b) AMENDMENT TO SECTION 4989.—Paragraph (3) of section 4989(b) (relating to inflation adjustment) is amended—

(1) by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraphs (1)(A) and (2)", and

(2) by adding at the end thereof the following new sentence: "For purposes of applying paragraph (1)(B), the revision of the price deflator which is most consistent with the revision used for purposes of paragraph (1)(A) shall be used."

26 USC 4991. (c) AMENDMENT TO SECTION 4991.—Subparagraph (B) of section 4991(d)(1) (defining tier 2 oil) is amended by striking out "National Petroleum Reserve" and inserting in lieu thereof "Naval Petroleum Reserve".

26 USC 4992. (d) AMENDMENTS TO SECTION 4992.—

(1) Subsection (b) of section 4992 (defining independent producer) is amended to read as follows:

"(b) INDEPENDENT PRODUCER DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'independent producer' means, with respect to any quarter in any calendar year, any person other than a person to whom subsection (c) of section 613A does not apply for such calendar year by reason of paragraph (2) (relating to certain retailers) or paragraph (4) (relating to certain refiners) of section 613A(d).

"(2) RULES FOR APPLYING PARAGRAPHS (2) AND (4) OF SECTION 613A(d).—For purposes of paragraph (1), paragraphs (2) and (4) of section 613A(d) shall be applied by substituting 'calendar year' for 'taxable year' each place it appears in such paragraphs."

(2) Paragraph (2) of section 4992(c) (relating to allocation where production exceeds independent producer amount) is amended—

(A) by striking out "such person's production for such quarter of domestic crude oil" and inserting in lieu thereof "such person's qualified production of oil for such quarter",

(B) by striking out "such person's domestic crude oil" and inserting in lieu thereof "such person's qualified production of oil", and

(C) by striking out the last sentence.

(3) Clause (i) of section 4992(d)(3)(B) (relating to small producer transfer exemption) is amended by striking out "has the property" and inserting in lieu thereof "has the interest".

26 USC 4993. (e) AMENDMENT TO SECTION 4993.—Subparagraph (B) of section 4993(c)(2) (relating to requirements for qualified tertiary recovery project) is amended to read as follows:

"(B) the date on which the injection of liquids, gases, or other matter begins is after May 1979,".

26 USC 4994. (f) AMENDMENTS TO SECTION 4994.—

(1) Subparagraph (A) of section 4994(c)(2) (relating to refunds for tertiary projects of integrated producers) is amended by

96 STAT. 2393

striking out "the taxpayer" each place it appears and inserting in lieu thereof "the producer".

26 USC 4994.

(2)(A) Paragraph (1) of section 4994(e) (defining exempt Alaskan oil) is amended to read as follows:

"(1) from a well located north of the Arctic Circle or from a reservoir from which oil has been produced in commercial quantities through such a well, or".

(B) Paragraph (2) of section 4994(e) is amended by striking out "the divide of the Alaskan-Aleutian range" and inserting in lieu thereof "the divides of the Alaska and Aleutian ranges".

(3)(A) Subparagraph (A) of section 4994(b)(1) (defining qualified charitable interest) is amended—

(i) by striking out "or" at the end of clause (ii),

(ii) by striking out "and" at the end of clause (iii) and inserting in lieu thereof "or", and

(iii) by adding at the end thereof the following new clause:

"(iv) held by an organization described in section 509(a)(3) which is operated exclusively for the benefit of an organization described in—

"(I) clause (ii), or

"(II) section 170(b)(1)(A)(ii) which is also described in section 170(c)(2), and".

(B) Subparagraph (B) of section 4994(b)(1) is amended by striking out "or (ii)" and inserting in lieu thereof ", (ii), or (iv)".

(C) Paragraph (2) of section 4994(b) is amended—

(i) by striking out "clause (ii) or (iii)" and inserting in lieu thereof "clause (ii), (iii), or (iv)",

(ii) by striking out "clause (i) or (ii)" each place it appears and inserting in lieu thereof "clause (i), (ii), or (iv)", and

(iii) by inserting ", whichever is applicable," after "paragraph (1)(A)" each place it appears.

26 USC 4995.

(g) Amendments to Section 4995.—

(1) Subparagraph (A) of section 4995(a)(3) (relating to adjustments for withholding errors) is amended—

(A) by striking out "removed during any calendar year", and

(B) by striking out "removed during the same calendar year".

(2) Paragraph (3) of section 4995(a) is amended by striking out subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(3) Subparagraph (B) of section 4995(a)(4) (relating to time payment deemed made) is amended by striking out "The producer" and inserting in lieu thereof "For purposes of this chapter (and so much of subtitle F as relates to this chapter), the producer".

26 USC 4996.

(h) Amendments to Section 4996.—

(1)(A) Paragraph (1) of section 4996(a) (defining producer) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) Net profits interests.—

"(i) In general.—Except to the extent otherwise provided by regulations, in the case of any property, all cost recovery oil covered by a net profits agreement (within the meaning of subsection (h)) shall be treated as produced by the parties to such agreement in proportion to their respective shares (determined after reduction for such cost recovery oil) of the production of the crude oil covered by such agreement.

96 STAT. 2394

"(ii) Clause (i) not to apply before payout.—In the case of any property, clause (i) shall only apply for—

"(I) the first taxable period in which, under the agreement with respect to such property, one or more persons receives a share described in subsection (h)(1)(B), and

"(II) all subsequent taxable periods to which such agreement applies.".

(B) Subparagraph (A) of such paragraph (1) is amended by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)".

26 USC 4996.

(C) Section 4996 (relating to other definitions and special rules) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Terms Used in Subsection (a)(1)(B).—For purposes of subsection (a)(1)(B) and this subsection—

"(1) Net profits agreement.—The term 'net profits agreement' means an agreement entered into (or renewed) after March 31, 1982, and providing for sharing part or all of the production of crude oil from a property where—

"(A) 1 or more persons are to be reimbursed for qualified costs by the allocation of cost recovery oil, and

"(B) 1 or more persons are to receive a share of any production of crude oil from the property remaining after reduction for the cost recovery oil referred to in subparagraph (A).

"(2) Cost recovery oil defined.—The term 'cost recovery oil' means crude oil produced from the property which is allocated to a person as reimbursement for qualified costs paid or incurred with respect to the property. The Secretary shall by regulation prescribe rules for allocating the cost recovery oil to the oil produced from the property.

"(3) Qualified costs.—The term 'qualified costs' means any amount paid or incurred for exploring for, or developing or producing, 1 or more oil or gas wells on the property.

"(4) Scope of agreement.—A net profits agreement shall be treated as covering only shares of production of crude oil held by persons who hold economic interests in the property (determined without regard to subsection (a)(1)(B))."

26 USC 4988.

(D) Subsection (b) of section 4988 (relating to net income limitation on windfall profit) is amended by adding at the end thereof the following new paragraph:

"(6) Cost recovery oil covered by net profits agreement.—For purposes of paragraph (2), if any person is treated under section 4996(a)(1)(B) as the producer of any portion of the cost recovery oil covered by a net profits agreement (within the meaning of section 4996(h))—

"(A) such person (and only such person) shall include in his gross income from the property the gross income from such portion, and

96 STAT. 2395

"(B) the qualified costs allocable to such portion shall be treated as paid or incurred by such person (and only by such person)."

26 USC 4996 note.

(E) If 90 percent or more of the remaining production referred to in subparagraph (B) of section 4996(h)(1) of the Internal Revenue Code of 1954 is to be received by governmental entities, and organizations described in clause (i), (ii), or (iii) of section 4994(b)(1)(A) of such Code, which do not share in the costs referred to in subparagraph (A) of such section 4996(h)(1), then the requirement of paragraph (1) of section 4996(h) of such Code that the agreement be entered into (or renewed) after March 31, 1982, shall not apply.

26 USC 4996.

(2)(A) Paragraph (1) of section 4996(b) (defining crude oil) is amended by adding at the end thereof the following new sentence: "In the case of crude oil which is condensate recovered off the premises by mechanical separation, such crude oil shall be treated as removed from the premises on the date on which it is so recovered."

(B) Paragraph (3) of section 4996(b) (defining domestic) is amended by striking out "an oil well" and inserting in lieu thereof "a well".

(i) Amendments Related to Section 4997.— 26 USC 4997.

(1) In general.—Subsection (a) of section 4997 (relating to records and information; regulations) is amended by striking out "such information" and inserting in lieu thereof "such statements and other information".

(2) Penalty for failure to make a return.—

(A) Subsection (a) of section 6652 (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "or" at the end of subparagraph (F) of paragraph (1), by adding "or" at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph: 26 USC 6652.

"(3) to make a return required by section 4997(a) (relating to information with respect to windfall profit tax on crude oil),"

(B) Subsection (a) of section 6652 is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (2) or (3)".

(3) Penalty for failure to furnish certain statements.—Paragraph (3) of section 6678 (relating to failure to furnish certain statements) is amended by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively, and by inserting before subparagraph (B) (as so redesignated) the following: 26 USC 6678.

"(A) section 4997(a) (relating to statements with respect to windfall profit tax on crude oil),".

(j) Amendments to Estimated Tax Provisions.—

(1) Paragraph (3) of section 6015(d) (defining estimated tax in the case of an individual) is amended to read as follows: 26 USC 6015.

"(3) the amount which the individual estimates as the sum of—

"(A) any credits against tax provided by part IV of subchapter A of chapter 1, and 26 USC 141.

"(B) to the extent allowed under regulations prescribed by the Secretary, any overpayment of the tax imposed by section 4986."

96 STAT. 2396

(2) Paragraph (2) of section 6154(c) (defining estimated tax in the case of a corporation) is amended to read as follows: 26 USC 6154.

"(2) the amount which the corporation estimates as the sum of—

"(A) any credits against tax provided by part IV of subchapter A of chapter 1, and 26 USC 141.

"(B) to the extent allowed under regulations prescribed by the Secretary, any overpayment of the tax imposed by section 4986."

(3) Subparagraph (B) of section 6654(g)(3) (defining tax) is amended to read as follows: 26 USC 6654.

"(B) to the extent allowed under regulations prescribed by the Secretary, any overpayment of the tax imposed by section 4986 (determined without regard to section 4995(a)(4)(B))."

(4) Subparagraph (B) of section 6655(e)(2) (defining tax) is amended to read as follows: 26 USC 6655.

"(B) to the extent allowed under regulations prescribed by the Secretary, any overpayment of the tax imposed by section 4986 (determined without regard to section 4995(a)(4)(B))."

SEC. 202. MISCELLANEOUS PROVISIONS.

(a) Amendment to Section 44D.—Subsection (f) of section 44D (relating to application of section) is amended by striking out "December 3, 1979" each place it appears and inserting in lieu thereof "December 31, 1979". 26 USC 44D.

(b) Amendment to Section 193.—Paragraph (1) of section 193(b) (defining qualified tertiary injectant expenses) is amended by striking out "during the taxable year". 26 USC 193.

26 USC 48.

(c) AMENDMENT TO SECTION 223 OF THE ACT.—Paragraph (1) of section 223(a) of the Crude Oil Windfall Profit Tax Act of 1980 (relating to boilers fueled by petroleum coke or petroleum pitch) is amended by striking out "Paragraph (10)" and inserting in lieu thereof "Subparagraph (A) of paragraph (10)".

26 USC 613A.

(d) AMENDMENTS TO SECTION 613A.—

(1) Subparagraph (E) of section 613A(c)(10) is amended by inserting "and, in the case of any property, also includes necessary production equipment for such property which is in place when the property is transferred" before the period at the end thereof.

(2) Paragraph (2) of section 613A(d) (relating to exclusion of retailers) is amended by inserting "(excluding bulk sales of aviation fuels to the Department of Defense)" after "any product derived from oil or natural gas" the first place it appears.

26 USC 44E note.

(e) AMENDMENT TO SECTION 232 OF THE ACT.—Subsection (h) of section 232 of the Crude Oil Windfall Profit Tax Act of 1980 (relating to effective dates) is amended by adding at the end thereof the following new paragraph:

"(4) ADDITION OF DENATURANTS.—Notwithstanding paragraph (1), the provisions of section 44E(d)(4)(B) of such Code, as added by this section, shall take effect on April 2, 1980."

26 USC 46.

(f) CERTAIN LONG-TERM PROJECTS.—Subclause (I) of section 46(a)(2)(C)(iii) is amended to read as follows:

"(I) before January 1, 1983, all engineering studies in connection with the commencement of the construction of the project have been completed and all environmental and construction permits required under Federal, State, or local law in connection with the commencement of the construction of the project have been applied for, and".

96 STAT. 2397

SEC. 203. EFFECTIVE DATES.

26 USC 4988 note.

(a) GENERAL RULE.—Except as provided in subsection (b), any amendment made by this title shall take effect as if it had been included in the provision of the Crude Oil Windfall Profit Tax Act of 1980 to which such amendment relates.

26 USC 1 note.
26 USC 4988 note.

(b) EXCEPTIONS.—

(1) DEFINITION OF INDEPENDENT PRODUCER.—The amendment made by section 201(d)(1) shall take effect on January 1, 1983.

(2) PENALTY PROVISION.—The amendments made by section 201(i) shall apply with respect to returns and statements the due dates for which (without regard to extensions) are after the date of the enactment of this Act.

26 USC 613A.

(3) AMENDMENTS TO SECTION 613A.—

(A) The amendment made by section 202(d)(1) shall apply to transfers in taxable years ending after December 31, 1974, but only for purposes of applying section 613A of the Internal Revenue Code of 1954 to periods after December 31, 1979.

(B) The amendment made by section 202(d)(2) shall apply to bulk sales after September 18, 1982.

(4) NO WITHHOLDING BY REASON OF CONDENSATE PROVISION.—No withholding of tax shall be required under section 4995 of the Internal Revenue Code of 1954 by reason of the amendment made by section 201(h)(2)(A) of this Act before the date on which regulations with respect to such amendment are published in the Federal Register.

26 USC 4996 note.

(c) NO INTEREST FOR PAST PERIODS RESULTING FROM AMENDMENTS RELATING TO COST RECOVERY OIL.—No interest shall be paid or credited with respect to the credit or refund of any overpayment of tax imposed by the Internal Revenue Code of 1954, and no interest shall be assessed or collected with respect to any underpayment of tax imposed by such Code, for any period before the date which is 60 days after the date of the enactment of this Act, to the extent that such overpayment or underpayment is attributable to the amendments made by section 201(h)(1).

TITLE III—AMENDMENTS RELATED TO INSTALLMENT SALES REVISION ACT OF 1980, ETC.

SEC. 301. CLARIFICATION OF ATTRIBUTION RULES IN SECTION 1239.

(a) Definition of Related Persons.—Subsection (b) of section 1239 (defining related persons) is amended to read as follows: 26 USC 1239.

"(b) Related Persons.—For purposes of subsection (a), the term 'related persons' means—

"(1) a husband and wife, and

"(2) a person and all entities which are 80-percent owned entities with respect to such person." 96 STAT. 2398

(b) 80-Percent Owned Entity Defined.—Subsection (c) of section 1239 (defining 80-percent owned entity) is amended to read as follows: 26 USC 1239.

"(c) 80-Percent Owned Entity Defined.—

"(1) General rule.—For purposes of this section, the term '80-percent owned entity' means, with respect to any person—

"(A) a corporation 80 percent or more in value of the outstanding stock of which is owned (directly or indirectly) by or for such person, and

"(B) a partnership 80 percent or more of the capital interest or profits interest in which is owned (directly or indirectly) by or for such person.

"(2) Constructive ownership.—For purposes of subparagraphs (A) and (B) of paragraph (1), the principles of section 318 shall apply, except that—

"(A) the members of an individual's family shall consist only of such individual and such individual's spouse,

"(B) paragraph (2)(C) of section 318(a) shall be applied without regard to the 50-percent limitation contained therein, and

"(C) paragraph (3) of section 318(a) shall not apply."

SEC. 302. CORRECTION OF CLERICAL ERROR IN SECTION 453B(d)(2).

Paragraph (2) of section 453B(d) (relating to liquidations to which section 337 applies) is amended by striking out "to the extent that under paragraph (1)" and inserting in lieu thereof "to the extent that under subsection (a)". 26 USC 453B.

SEC. 303. CLARIFICATION OF INSTALLMENT SALE RULES WITH RESPECT TO LIKE-KIND EXCHANGES.

Subparagraph (C) of section 453(f)(6) (relating to like-kind exchanges) is amended by inserting ", when used in any provision of this section other than subsection (b)(1)," after "the term 'payment' ". 26 USC 453.

SEC. 304. TECHNICAL CORRECTIONS TO BANKRUPTCY TAX ACT OF 1980.

(a) Correction of Clerical Error Relating to Cross Reference.—The last sentence of subsection (e) of section 443 (relating to returns for a period of less than 12 months) is amended by striking out "section 1398(d)(3)(E)" and inserting in lieu thereof "section 1398(d)(2)(E)". 26 USC 443.

(b) Clarification of Certain Transfers of Assets in Subparagraph (G) Reorganizations.—The last sentence of subparagraph (C) of section 368(a)(2) (relating to special rules relating to definition of reorganization) is amended by striking out "or stock". 26 USC 368.

(c) Transfer of Assets in a Title 11 or Similar Case.—Clause (i) of section 368(a)(3)(B) (relating to transfer of assets in a title 11 or similar case) is amended by striking out "such corporation" and inserting in lieu thereof "any party to the reorganization".

26 USC 108.

(d) Recapture of Gain on Subsequent Sale of Stock.—Subparagraph (A) of section 108(e)(7) (relating to recapture of gain on subsequent sale of stock) is amended—

(1) by striking out "and" at the end of clause (i),

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof ", and", and

96 STAT. 2399

(3) by inserting after clause (ii) the following new clause:

"(iii) an exchange of such stock qualifying under section 354(a), 355(a), or 356(a) shall be treated as an exchange to which section 1245(b)(3) applies."

SEC. 305. MISCELLANEOUS AMENDMENTS.

26 USC 404A note.

(a) Effective Date of Section 404A.—Subparagraph (E) of section 2(e)(2) of Public Law 96-603 is amended by striking out "was barred" and inserting in lieu thereof "was not barred".

(b) Redesignation of Section 194.—

26 USC 194, 194A.

(1) The section 194 which relates to contributions to employer liability trusts is hereby redesignated as section 194A.

(2) The table of sections for part VI of subchapter B of chapter 1 is amended by striking out the item relating to the section 194 which relates to contributions to employer liability trusts and inserting in lieu thereof the following:

"Sec. 194A. Contributions to employer liability trusts."

26 USC 55.

Ante, p. 324.

(c) Amendment Related to Section 421 of the Revenue Act of 1978.—The last sentence of section 55(b)(1), as in effect on the day before the date of the enactment of the Tax Equity and Fiscal Responsibility Act of 1982, is amended by striking out "subparagraph (A)" and inserting in lieu thereof "subparagraph (A) (and in determining the sum of itemized deductions for purposes of subparagraph (C)(i))".

(d) Amendments Related to Subchapter S Revision Act of 1982.—

Ante, p. 1697.

(1)(A) Section 6 of the Subchapter S Revision Act of 1982 is amended by adding at the end thereof the following new subsection:

"(f) Taxable Year of S Corporations.—Section 1378 of the Internal Revenue Code of 1954 (as added by this Act) shall take effect on the day after the date of the enactment of this Act. For purposes of applying such section, the reference in subsection (a)(2) of such section to an election under section 1362(a) shall include a reference to an election under section 1372(a) of such Code as in effect on the day before the date of the enactment of this Act."

(B) If—

(i) after September 30, 1982, and on or before the date of the enactment of this Act, stock or securities were transferred to a small business corporation (as defined in section 1361(b) of the Internal Revenue Code of 1954 as amended by the Subchapter S Revision Act of 1982) in a transaction to which section 351 of such Code applies, and

(ii) such corporation is liquidated under section 333 of such Code before March 1, 1983,

then such stock or securities shall not be taken into account under section 333(e)(2) of such Code.

Ante, p. 1680.

(2) Subsection (e) of section 1368 (relating to distributions) is amended by adding at the end thereof the following new paragraph:

"(3) Election to distribute earnings first.—

"(A) In general.—An S corporation may, with the consent of all of its affected shareholders, elect to have paragraph (1) of subsection (c) not apply to all distributions made during the taxable year for which the election is made.

96 STAT. 2400

"(B) Affected shareholder.—For purposes of subparagraph (A), the term 'affected shareholder' means any shareholder to whom a distribution is made by the S corporation during the taxable year."

(3) Subsection (d) of section 1374 (relating to determination of taxable income) is amended by striking out "subsections (a)(2) and (b)(2)" and inserting in lieu thereof "this section". 26 USC 1374.

(4) Subparagraph (B) of section 221(b)(1) is amended by striking out "(9),". 26 USC 221.

(5) The last sentence of section 4975(d) is amended by striking out "section 1379" and inserting in lieu thereof "section 1379, as in effect on the day before the date of the enactment of the Subchapter S Revision Act of 1982". 26 USC 4975.

(e) AMENDMENT RELATED TO MISCELLANEOUS REVENUE ACT OF 1982.—Subsection (c) of section 105 of the Miscellaneous Revenue Act of 1982 is amended by striking out "the amendment made by subsection (a)" and inserting in lieu thereof "the amendment made by subsection (b)".

SEC. 306. TECHNICAL AMENDMENTS TO THE REVENUE PROVISIONS OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982.

(a) AMENDMENTS RELATED TO TITLE II.—

(1) AMENDMENTS RELATED TO SECTION 201.— *Ante*, p. 411.

(A) Section 201 of the Tax Equity and Fiscal Responsibility Act of 1982 is amended—

(i) by redesignating the second subsection (c) as subsection (d), and

(ii) by striking out "subsection (c)(1)" in subsection (e)(2) and inserting in lieu thereof "subsection (d)(1)". 26 USC 56 note.

(B) Clause (ii) of section 55(e)(5)(B) (defining qualified investment income) is amended by striking out "net capital gain" and inserting in lieu thereof "capital gain net income". 26 USC 55.

(C) Subparagraph (B) of section 55(d)(2) (relating to adjustments to net operating loss computation) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(2) AMENDMENT RELATED TO SECTION 204.—Paragraph (1) of section 291(a) (relating to 15-percent reduction for certain preference items) is amended by adding at the end thereof the following new sentence: "Under regulations prescribed by the Secretary, the provisions of this paragraph shall not apply to the disposition of any property to the extent section 1250(a) does not apply to such disposition by reason of section 1250(d)." *Ante*, p. 423. 26 USC 291.

(3) AMENDMENT RELATED TO SECTION 205.—Paragraph (3) of section 48(q) (relating to basis adjustment to section 38 property) is amended by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraphs (1) and (2) of this subsection and paragraph (5) of subsection (d)". *Ante*, p. 427. 26 USC 48.

(4) AMENDMENTS RELATED TO SECTION 208.— *Ante*, p. 432.

(A) Subsection (d) of section 208 of such Act is amended—

(i) by striking out "described in section 1381(a)" in paragraph (3)(E)(i) and inserting in lieu thereof "engaged in the furnishing of electric energy to persons in rural areas", and 26 USC 168 note.

96 STAT. 2401

(ii) by inserting ", or section 168(f)(8)(J) of such Code, as added by subsection (b)(4)" after "as added by subsection (a)(1)" in paragraph (5) thereof. 26 USC 168 note.

(B) Subsection (d) of section 208 of such Act (relating to effective dates) is amended by adding at the end thereof the following new paragraph: 26 USC 168 note.

"(7) COORDINATION WITH AT RISK RULES.—Subparagraph (J) of section 168(f)(8) of the Internal Revenue Code of 1954 (as added by subsection (b)(4)) shall take effect as provided in such subparagraph (J)."

(C) Subparagraph (C) of section 208(d)(3) of such Act (defining transitional safe harbor lease property) is amended to read as follows: 26 USC 168 note.

"(C) AUTOMOTIVE MANUFACTURING PROPERTY.—

"(i) IN GENERAL.—Property is described in this subparagraph if—

"(I) such property is used principally by the taxpayer directly in connection with the trade or business of the taxpayer of the manufacture of automobiles or light-duty trucks,

"(II) such property is automotive manufacturing property, and

"(III) such property would be described in subparagraph (A) if 'October 1' were substituted for 'January 1'.

"(ii) LIGHT-DUTY TRUCK.—For purposes of this subparagraph, the term 'light-duty truck' means any truck with a gross vehicle weight of 13,000 pounds or less. Such term shall not include any truck tractor.

"(iii) AUTOMOTIVE MANUFACTURING PROPERTY.—For purposes of this subparagraph, the term 'automotive manufacturing property' means machinery, equipment, and special tools of the type included in the former asset depreciation range guideline classes 37.11 and 37.12.

"(iv) SPECIAL TOOLS USED BY CERTAIN VENDORS.—For purposes of this subparagraph, any special tools owned by a taxpayer described in subclause (I) of clause (i) which are used by a vendor solely for the production of component parts for sale to the taxpayer shall be treated as automotive manufacturing property used directly by such taxpayer."

Ante, p. 448.
26 USC 907 note.

(5) AMENDMENT RELATED TO SECTION 211.—Paragraph (2) of section 211(e) of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to effective date for foreign tax credit for taxes on oil and gas income) is amended to read as follows:

"(2) Retention of old sections 907(b) and 904(f)(4) where taxpayer had separate basket foreign loss.—

"(A) IN GENERAL.—If, after applying old sections 907(b) and 904(f)(4) to a taxable year beginning before January 1, 1983, the taxpayer had a separate basket foreign loss, such loss shall not be recaptured from income of a kind not taken into account in computing the amount of such separate basket foreign loss more rapidly than ratably over the 8-year period beginning with the first taxable year beginning after December 31, 1982.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) The term 'separate basket foreign loss' means any foreign loss attributable to activities taken into account (or not taken into account) in determining foreign oil related income (as defined in old section 907(c)(2)).

"(ii) An 'old' section is such section as in effect on the day before the date of the enactment of this Act."

Ante, p. 478.
26 USC 302 note.

(6) AMENDMENTS RELATED TO SECTION 222.—

(A) The last sentence of paragraph (2) of section 222(f) of such Act is amended by inserting ", except that in applying such section both direct and indirect ownership of stock shall be taken into account" before the period at the end thereof.

26 USC 312.

(B)(i) Paragraph (3) of section 312(j) (relating to earnings and profits of foreign investment companies) is amended by striking out "in partial liquidation or".

(ii) The heading for paragraph (3) of section 312(j) is amended to read as follows:

"(3) REDEMPTIONS.—".

Ante, p. 483.
26 USC 311 note.

(7) AMENDMENT RELATED TO SECTION 223.—Subparagraph (B) of section 223(b)(2) of such Act (relating to effective date for changes in tax treatment of distributions of appreciated property in redemption of stock) is amended to read as follows:

"(B) either before October 21, 1982, or within 90 days after the date of such ruling."

(8) AMENDMENTS RELATED TO SECTION 224.—

(A)(i) Subsection (h) of section 338 (relating to definitions and special rules) is amended by adding at the end thereof the following new paragraphs:

"(8) TARGET NOT TREATED AS MEMBER OF AFFILIATED GROUP.—Except as otherwise provided in paragraph (9) or in regulations prescribed under this paragraph, the target corporation shall not be treated as a member of an affiliated group with respect to the sale described in subsection (a)(1).

Ante, p. 485.

"(9) ELECTIVE RECOGNITION OF GAIN OR LOSS BY TARGET CORPORATION, TOGETHER WITH NONRECOGNITION OF GAIN OR LOSS ON STOCK SOLD BY SELLING CONSOLIDATED GROUP.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, an election may be made under which if—

"(i) the target corporation was, before the transaction, a member of the selling consolidated group, and

"(ii) the target corporation recognizes gain or loss with respect to the transaction as if it sold all of its assets in a single transaction,

then the target corporation shall be treated as a member of the selling consolidated group with respect to such sale, and (to the extent provided in regulations) no gain or loss will be recognized on stock sold or exchanged in the transaction by members of the selling consolidated group.

"(B) SELLING CONSOLIDATED GROUP.—For purposes of subparagraph (A), the term 'selling consolidated group' means any group of corporations which (for the taxable period which includes the transaction)—

"(i) includes the target corporation, and

"(ii) files a consolidated return."

(ii) If—

26 USC 338 note.

96 STAT. 2403

(I) any portion of a qualified stock purchase is pursuant to a binding contract entered into on or after the date of the enactment of the Tax Equity and Fiscal Responsibility Act of 1982, and on or before the date of the enactment of this Act, and

Ante, p. 324.

(II) the purchasing corporation establishes by clear and convincing evidence that such contract was negotiated on the contemplation that, with respect to the deemed sale under section 338 of the Internal Revenue Code of 1954, the target corporation would be treated as a member of the affiliated group which includes the selling corporation,

then the amendment made by clause (i) shall not apply to such qualified stock purchase.

(B)(i) Subsection (d) of section 224 of such Act is amended by adding at the end thereof the following new paragraphs:

Ante, p. 485.
26 USC 338 note.

"(4) EXTENSION OF TIME FOR MAKING ELECTIONS; REVOCATION OF ELECTIONS.—

"(A) EXTENSION.—The time for making an election under section 338 of such Code shall not expire before the close of February 28, 1983.

"(B) REVOCATION.—Any election made under section 338 of such Code may be revoked by the purchasing corporation if revoked before March 1, 1983.

"(5) RULES FOR ACQUISITIONS DESCRIBED IN PARAGRAPH (2).—

"(A) IN GENERAL.—For purposes of applying section 338 of such Code with respect to any acquisition described in paragraph (2)—

"(i) the date selected under subparagraph (B) of this paragraph shall be treated as the acquisition date,

"(ii) a rule similar to the last sentence of section 334(b)(2) of such Code (as in effect on August 31, 1982) shall apply, and "(iii) subsections (e), (f), and (i) of such section 338, and paragraphs (4), (6), (8), and (9) of subsection (h) of such section 338, shall not apply.

"(B) SELECTION OF ACQUISITION DATE BY PURCHASING CORPORATION.—The purchasing corporation may select any date for purposes of subparagraph (A)(i) if such date—

"(i) is after the later of June 30, 1982, or the acquisition date (within the meaning of section 338 of such Code without regard to this paragraph), and

"(ii) is on or before the date on which the election described in paragraph (2)(C) is made."

26 USC 338 note.

(ii) Subparagraph (A) of section 224(d)(2) of such Act is amended by striking out "under paragraph (1)" and inserting in lieu thereof "(within the meaning of section 338 of such Code without regard to paragraph (5) of this subsection)".

(9) AMENDMENTS RELATED TO SECTION 231.—

26 USC 263.

(A) Clause (ii) of section 263(g)(2)(B) (defining interest and carrying charges) is amended by striking out "section 1232(a)(4)(A)" and inserting in lieu thereof "section 1232(a)(3)(A)".

26 USC 1232.

(B) Section 1232 (relating to bonds and other evidences of indebtedness) is amended by redesignating subsection (d) as subsection (c).

96 STAT. 2404

26 USC 1232.

(C)(i) The next to the last sentence of section 1232(b)(2) (defining issue price) is amended by striking out "(other than a bond or other evidence of indebtedness or an investment unit issued pursuant to a plan of reorganization within the meaning of section 368(a)(1) or an insolvency reorganization within the meaning of section 371 or 374)".

(ii) Subsection (b) of section 1232 is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL RULE FOR EXCHANGE OF BONDS IN REORGANIZATIONS.—

"(A) IN GENERAL.—If—

"(i) any bond is issued pursuant to a plan of reorganization within the meaning of section 368(a)(1) for another bond (hereinafter in this paragraph referred to as the 'old bond'), and

"(ii) the fair market value of the old bond is less than its adjusted issue price,

then, for purposes of the next to the last sentence of paragraph (2), the fair market value of the old bond shall be treated as equal to its adjusted issue price.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) BOND.—The term 'bond' includes any other evidence of indebtedness and an investment unit.

"(ii) ADJUSTED ISSUE PRICE.—

"(I) IN GENERAL.—The adjusted issue price of the old bond is its issue price, increased by the portion of any original issue discount previously includible in the gross income of any holder (without regard to subsection (a)(6) or (b)(4) of section 1232A (or the corresponding provisions of prior law)).

"(II) SPECIAL RULE FOR APPLYING SECTION 163(e).—For purposes of section 163(e), the adjusted issue price of the old bond is its issue price, increased by any original issue discount previously allowed as a deduction."

26 USC 1232 note.

(iii) For purposes of paragraph (4) of section 1232(b) of the Internal Revenue Code of 1954 (as added by clause (ii)), any insolvency reorganization within the meaning of section 371 or 374 of such Code shall be treated as a reorganization within the meaning of section 368(a)(1) of such Code.

26 USC 1232 note.

(iv) The amendments made by this subparagraph shall apply to evidences of indebtedness issued after December 13, 1982; except that such amendments shall not apply to any evidence of indebtedness issued after such date pursuant to a written commitment which was binding on such date and at all times thereafter.

(10) Amendment related to section 235.—Section 235(g)(5) of such Act is amended by striking out "section 253" and inserting in lieu thereof "section 242".

Ante, p. 505.
26 USC 415 note.

(11) Amendment related to section 236.—Subsection (c) of section 236 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to effective date) is amended by adding at the end thereof the following new paragraph:

Ante, p. 509.
26 USC 72 note.

"(3) Treatment of certain renegotiations.—If—

"(A) the taxpayer after August 13, 1982, and before September 4, 1982, borrows money from a government plan (as defined in section 219(e)(4) of the Internal Revenue Code of 1954),

96 STAT. 2405

"(B) under the applicable State law, such loan requires the renegotiation of all outstanding prior loans made to the taxpayer under such plan, and

"(C) the renegotiation described in subparagraph (B) does not change the interest rate on, or extend the duration of, any such outstanding prior loan,

then the renegotiation described in subparagraph (B) shall not be treated as a renegotiation, extension, renewal, or revision for purposes of paragraph (1). If the renegotiation described in subparagraph (B) does not meet the requirements of subparagraph (C) solely because it extends the duration of any such outstanding prior loan, the requirements of subparagraph (C) shall be treated as met with respect to such renegotiation if, before April 1, 1983, such extension is eliminated."

(12) Amendment related to section 237.—Paragraph (2) of section 401(d) (as redesignated by section 237 of the Tax Equity and Fiscal Responsibility Act of 1982) is amended by striking out "paragraph (9)(B)" and inserting in lieu thereof "paragraph (1)(B)".

Ante, p. 511.
26 USC 401.

(13) Amendment related to section 266.—Section 266(c)(3) of such Act is amended by striking out "section 103(f)(2)(C)" and inserting in lieu thereof "section 101(f)(2)(C)".

Ante, p. 547.
26 USC 101 note.

(14) Amendment related to section 283.—Section 283(b)(2)(B) of such Act (relating to liability for tax and method of payment) is amended by striking out "January 18" and inserting in lieu thereof "February 17".

Ante, p. 568.
26 USC 5701 note.

(b) Amendments Related to Title III.—

(1) Amendments related to section 302.—

Ante, p. 585.
26 USC 31.

(A) Subsection (d) of section 31 (relating to year for which credit allowed) is amended to read as follows:

"(d) Year for Which Credit Allowed.—

"(1) Wages.—Any credit allowed—

"(A) by subsection (a) shall be allowed for the taxable year beginning in the calendar year in which the amount is withheld, or

"(B) by subsection (c) shall be allowed for the taxable year beginning in the calendar year in which the wages are received.

For purposes of this paragraph, if more than 1 taxable year begins in a calendar year, such amount shall be allowed as a credit for the last taxable year so beginning.

"(2) Interest, dividends, and patronage dividends.—Any credit allowed by subsection (b) shall be allowed for the taxable year of the recipient of the income in which the amount is received."

(B) Paragraph (4) of section 3(i) of the Subchapter S Revision Act of 1982 is hereby repealed.

Ante, p. 1687.
26 USC 31.

(2) Amendment related to section 310.—Subsection (d) of section 310 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to effective date for requirement that obligations

Ante, p. 595.
26 USC 103 note.

be registered) is amended by adding at the end thereof the following new paragraph:

"(4) EFFECTIVE DATE FOR TAX-EXEMPT OBLIGATIONS.—In the

96 STAT. 2406

case of obligations the interest on which is exempt from tax (determined without regard to the amendments made by this section)—

"(A) under section 103 of the Internal Revenue Code of 1954, or

"(B) under any other provision of law (without regard to the identity of the holder),

the amendments made by this section shall apply only to obligations issued after June 30, 1983. The preceding sentence shall not apply in the case of any obligation which under the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of the Tax Equity and Fiscal Responsibility Act of 1982) was required to be in registered form."

Ante, p. 628.
26 USC 7701.

(3) AMENDMENT RELATED TO SECTION 336.—Section 7701(a) (relating to definitions) is amended by redesignating paragraph (38) (as added by section 336(a) of the Tax Equity and Fiscal Responsibility Act of 1982) as paragraph (39).

Ante, p. 631.
26 USC 6038A.

(4) AMENDMENT RELATED TO SECTION 339.—Subparagraph (B) of section 6038A(c)(2) (defining controlled group) is amended by inserting ", (b)(2)(C)," after "(a)(4)".

Ante, p. 640.
26 USC 501.

(5) AMENDMENT RELATED TO SECTION 354.—Paragraph (23) of section 501(c) (relating to exempt organizations) is amended by striking out "25 percent" and inserting in lieu thereof "75 percent".

(c) AMENDMENTS RELATED TO TITLE IV.—

Ante, p. 648.

(1) AMENDMENTS RELATED TO SECTION 402.—

26 USC 6226.

(A) The second sentence of section 6226(g) (relating to determination of court reviewable) is amended by striking out "Only" and inserting in lieu thereof "With respect to the partnership, only".

26 USC 6228.

(B) The second sentence of section 6228(a)(6) (relating to determination of court reviewable) is amended by striking out "Only" and inserting in lieu thereof "With respect to the partnership, only".

Ante, p. 669.

(2) AMENDMENTS RELATED TO SECTION 405.—

26 USC 6679.

(A) Subsection (b) of section 405 of the Tax Equity and Fiscal Responsibility Act of 1982 is amended to read as follows:

"(b) PENALTY.—Subsection (a) of section 6679 (relating to failure to file returns as to organization or reorganization of foreign corporations and acquisition of their stock), as amended by section 340(b)(1), is amended by striking out 'section 6035 or 6046' and inserting in lieu thereof 'section 6035, 6046, or 6046A'."

(B) Paragraphs (2) and (3) of section 405(c) of such Act are amended to read as follows:

"(2) The section heading of section 6679, as amended by section 340(b)(2), is amended to read as follows:

" 'SEC. 6679. FAILURE TO FILE RETURNS, ETC., WITH RESPECT TO FOREIGN CORPORATIONS OR FOREIGN PARTNERSHIPS.'

"(3) The table of sections for subchapter B of chapter 68 is amended by striking out the item relating to section 6679 and inserting in lieu thereof the following:

" 'Sec. 6679. Failure to file returns, etc., with respect to foreign corporations or foreign partnerships.' "

96 STAT. 2407

SEC. 307. EXTENSION OF CERTAIN PROVISIONS RELATING TO MEMBERS OF THE ARMED FORCES MISSING IN ACTION.

26 USC 2.

(a) SURVIVING SPOUSE.—Clause (i) of section 2(a)(3)(B) (relating to special rule where deceased spouse was in missing status) is amended by striking out "January 2, 1978" and inserting in lieu thereof "December 31, 1982".

(b) INCOME TAXES ON MEMBERS OF ARMED FORCES ON DEATH.—Paragraph (1) of section 692(b) (relating to income taxes of members of the Armed Forces on death while in a missing status) is amended by striking out "January 2, 1978" and inserting in lieu thereof "December 31, 1982". 26 USC 692.

(c) JOINT RETURNS BY HUSBAND AND WIFE.—The last sentence of section 6013(f)(1) (relating to joint return where individual is in missing status) is amended by striking out "January 2, 1978" and inserting in lieu thereof "December 31, 1982". 26 USC 6013.

(d) TIME FOR PERFORMING CERTAIN ACTS POSTPONED.—Paragraph (1) of section 7508(b) (relating to the application to spouse of provisions relating to the time for performing certain acts postponed by reason of service in combat zone) is amended by striking out "January 2, 1978" and inserting in lieu thereof "December 31, 1982". 26 USC 7508.

SEC. 308. EXTENSION OF TIME FOR PAYMENT OF CIGARETTE TAX.

(a) IN GENERAL.—Subsection (b) of section 5703 (relating to method of payment of tax) is amended to read as follows: 26 USC 5703.

"(b) METHOD OF PAYMENT OF TAX.—

"(1) IN GENERAL.—The taxes imposed by section 5701 shall be determined at the time of removal of the tobacco products and cigarette papers and tubes. Such taxes shall be paid on the basis of return. The Secretary shall, by regulations, prescribe the period or the event for which such return shall be made and the information to be furnished on such return. Any postponement under this subsection of the payment of taxes determined at the time of removal shall be conditioned upon the filing of such additional bonds, and upon compliance with such requirements, as the Secretary may prescribe for the protection of the revenue. The Secretary may, by regulations, require payment of tax on the basis of a return prior to removal of the tobacco products and cigarette papers and tubes where a person defaults in the postponed payment of tax on the basis of a return under this subsection or regulations prescribed thereunder. All administrative and penalty provisions of this title, insofar as applicable, shall apply to any tax imposed by section 5701.

"(2) TIME FOR MAKING OF RETURN AND PAYMENT OF TAXES.—In the case of tobacco products and cigarette papers and tubes removed after December 31, 1982, under bond for deferred payment of tax, the last day for filing a return and paying any tax due for each return period shall be the last day of the first succeeding return period plus 10 days."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to tobacco products and cigarette papers and tubes removed after December 31, 1982. 26 USC 5703 note.

96 STAT. 2408

SEC. 309. TECHNICAL CORRECTIONS RELATING TO SPENDING REDUCTION PROVISIONS OF TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982.

Ante, p. 324.

(a)(1) Section 101(b)(2)(B) of the Tax Equity and Fiscal Responsibility Act of 1982 is amended by striking out "title 5" and inserting in lieu thereof "title 44". 42 USC 1395ww note.

(2) Section 104(b) of such Act is amended by striking out "made by this section". 42 USC 1395u note.

(3) Section 108 of such Act is amended by redesignating subsection (c) as subsection (b). 42 USC 1395xx note.

(4) Section 109(b)(2) of such Act is amended by striking out "section 108(b)(2)" and inserting in lieu thereof "section 108(a)(2)". 42 USC 1395x.

(5) Section 122(g)(5) of such Act is amended by striking out "1866(b)(2)(A)" and inserting in lieu thereof "1866(a)(2)(A)". 42 USC 1395cc.

(6) Section 122 of such Act is amended by redesignating the last three subsections as subsections (i), (j), and (k). 42 USC 1395b-1 note, 1395f note.

(7) Section 122(k) of such Act (as redesignated by paragraph (6)) is amended by striking out "1861(dd)(2)(A)(iv)" and inserting in lieu thereof "1861(dd)(2)(A)(iii)". 42 USC 1395f note.

42 USC 1396a, 1396o.

(8) Section 131 of such Act is amended by redesignating the last two subsections thereof as subsections (c) and (d).

42 USC 1320c note.

(9)(A) The second sentence of section 150(a) of such Act and the first sentence of section 150(b) of such Act are each amended by striking out "contract" and inserting in lieu thereof "agreement".

(B) The first sentence of section 150(b) of such Act is amended by striking out "contracts" and inserting in lieu thereof "agreements".

42 USC 426 note.

(10) Section 278(c)(2)(A) of such Act is amended by striking out "paragraph (3) of that subsection" and inserting in lieu thereof "paragraph (2) of that subsection".

(11) Section 278(d) of such Act is amended—

(A) by amending paragraph (1) to read as follows:

"(1) In general.—For purposes of sections 226, 226A, and 1811 of the Social Security Act, in the case of any individual who performs service both during January 1983, and before January 1, 1983, which constitutes medicare qualified Federal employment (as defined in section 210(p) of such Act), the individual's medicare qualified Federal employment (as so defined) performed before January 1, 1983, for which remuneration was paid before such date, shall be considered to be 'employment' (as defined for purposes of title II of such Act), but only for the purpose of providing the individual (or another person) with entitlement to hospital insurance benefits under part A of title XVIII of such Act.";

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2) and striking out "or (2)" in subparagraph (A) thereof.

42 USC 426-1.

(b)(1) Section 226A(a)(1)(B)(iii) of the Social Security Act is amended by striking out "210(p)) after December 31, 1982," and inserting in lieu thereof "section 210(p))".

Ante, p. 282.
42 USC 1320c-2.

(2) Section 1153(d) of such Act is amended—

(A) in paragraph (1), by striking out "(c)(5)(B)" and inserting in lieu thereof "(c)(6)(B)"; and

(B) in paragraph (2), by striking out "(c)(5)(C)" and inserting in lieu thereof "(c)(6)(B)".

42 USC 1320c-3.

(3) Section 1154(a)(1)(A) of such Act is amended by striking out "or otherwise allowable under section 1862(a)(1)" and inserting in lieu

96 STAT. 2409

thereof "and whether such services and items are not allowable under subsection (a)(1) or (a)(9) of section 1862".

42 USC 1320c-3.

(4) Section 1154(a)(2)(B) of such Act is amended by striking out "posthospital".

42 USC 1395d.

(5) Section 1812(d)(2)(A) of such Act is amended by striking out "or to other than services" and inserting in lieu thereof "or to services".

(6) The heading of subsection (i) of section 1814 of such Act is amended to read as follows:

"Payment for Hospice Care".

42 USC 1395f.

(7) Section 1814(i)(1) of such Act is amended by inserting "made" before "for bereavement counseling".

42 USC 1395r.

(8) Section 1839(d) of such Act is amended by striking out "subsection (b) or (c)" and inserting in lieu thereof "subsection (b), (c), or (g)".

(9) The heading of subsection (dd) of section 1861 of such Act is amended to read as follows:

"Hospice Care; Hospice Program".

42 USC 1395y.

(10) Section 1862(b)(3)(A)(i) of such Act is amended—

(A) by inserting "in any month" after "service furnished"; and

(B) by inserting "during any part of such month" after "70 years of age" each place it appears.

42 USC 1395cc.

(11) Section 1866(a)(2)(A) of such Act is amended by inserting a comma after "1813(a)(1)".

(12) Section 1876(g)(1) of such Act is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "subsection (b)". 42 USC 1395mm.

(13) Section 1886(a)(4) of such Act is amended by striking out "and such costs are determined" and inserting in lieu thereof "as such costs are determined". 42 USC 1395ww.

(14) Section 1886(b)(1) of such Act is amended by striking out "sections 1814(b)" and inserting in lieu thereof "section 1814(b),".

(15) Section 1886(b)(6)(C) of such Act is amended by striking out "under this subsection" in the matter before clause (i) and inserting in lieu thereof "under this title (taking into account any limitation under subsection (a))".

(16) Section 1903(t)(3) of such Act is amended to read as follows: 42 USC 1396b.

"(3) Only for the purposes of computing under this subsection the Federal share of expenditures for a State for fiscal years 1982, 1983, and 1984 (in the case of the payment which may be made for the first quarter of fiscal years 1983, 1984, and 1985, respectively), the Federal medical assistance percentage for fiscal years 1982, 1983, and 1984 shall be the lower of the Federal medical assistance percentage for the State in effect for fiscal year 1981, or the Federal medical assistance percentage for the State in effect for fiscal year 1982.".

(17) Section 1915(c)(2)(B) of such Act is amended by striking out "need for such services" in the matter following clause (iii) and inserting in lieu thereof "need for such skilled nursing facility or intermediate care facility services". 42 USC 1396n.

(18) Section 1916(c) of such Act is amended by striking out "this subparagraph" and inserting in lieu thereof "this subsection". 42 USC 1396o.

96 STAT. 2410

(19) Section 1916(d) of such Act is amended by striking out "unless authorized under this section" and inserting in lieu thereof ", except as provided in subsections (a)(3) and (b)(3)". 42 USC 1396o.

(20) Section 1916(d)(5) of such Act is amended by striking out "in which participation is voluntary, or in which provision is made" and inserting in lieu thereof "is voluntary, or makes provision".

(21) Section 1917(b)(2)(B) of such Act is amended by striking out "and has lawfully resided" and inserting in lieu thereof "who has lawfully resided". 42 USC 1396p.

(22) Section 1917(c)(2)(B)(iii) of such Act is amended—

(A) in subclause (I), by striking out "cannot" and inserting in lieu thereof "can"; and

(B) in subclause (IV), by striking out "if".

(23) Subsection (p) of section 210 of such Act (as added by section 269(b) of the Tax Equity and Fiscal Responsibility Act of 1982, relating to treatment of real estate agents) is redesignated as subsection (q). *Ante*, p. 551. 42 USC 410.

(c)(1) Any amendment to the Tax Equity and Fiscal Responsibility Act of 1982 made by this section shall be effective as if it had been originally included in the provision of such Act to which such amendment relates. 42 USC 426 note.

(2) Any amendment to the Social Security Act made by this section shall be effective as if it had been originally included as a part of that provision of the Social Security Act to which it relates, as such provision of such Act was amended or added by the Tax Equity and Fiscal Responsibility Act of 1982. 42 USC 426-1 note.

(d) In order to avoid unfairly discriminating against professional standards review organizations whose performance was evaluated during the first and second calendar quarters of 1982, the Secretary of Health and Human Services shall disregard the results of such evaluations and shall carry out such new evaluations of such organizations as may be necessary to select utilization and quality control peer review organizations in accordance with subtitle C of title I of the Tax Equity and Fiscal Responsibility Act of 1982 and part B of title XI of the Social Security Act as amended by such subtitle. 42 USC 1320c note.

(e) Section 122(i) of the Tax Equity and Fiscal Responsibility Act of 1982 (as redesignated by subsection (a)(6) of this section) is amended by adding at the end thereof the following new paragraph: 42 USC 1395b-1 note.

"(3)(A) Notwithstanding the provisions of paragraph (1), the Secretary of Health and Human Services, upon request of the hospice involved, shall permit continuation of a hospice demonstration project described in paragraph (1) until September 30, 1986, if the hospice involved in such demonstration project does not provide hospice care directly but acts as a channeling agency for the provision of hospice care.

"(B) During the period after the date on which a hospice demonstration project described in subparagraph (A) would otherwise have terminated under the provisions of paragraph (1), and prior to September 30, 1986, any such hospice demonstration project shall be subject to the same requirements as are imposed under the hospice program provided for under the amendments made by this section with respect to reimbursement and benefits, other than the requirement that certain benefits be provided directly by the hospice involved.".

96 STAT. 2411

SEC. 310. TECHNICAL CORRECTION RELATING TO FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION PROGRAM.

26 USC 3304 note.

(a) Section 602(d) of the Tax Equity and Fiscal Responsibility Act of 1982 is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the maximum amount of Federal supplemental compensation payable to any individual for whom an account is established under subsection (e) shall not exceed the lesser of (A) the amount established in such account for such individual, or (B) in the case of an individual filing a claim under the interstate benefit payment plan for Federal supplemental compensation, an amount equal to his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year, multiplied by the number '6', '8', or '10', whichever is applicable under subsection (e)(2)(A)(ii) in the State in which such individual is filing such interstate claim under the interstate benefit payment plan for the week in which he is filing such claim.".

Effective date.
26 USC 3304 note.
Ante, p. 702.

(b) The amendment made by subsection (a) shall be effective as if it had been originally included in section 602 of the Tax Equity and Fiscal Responsibility Act of 1982.

SEC. 311. EFFECTIVE DATES.

26 USC 453 note.

(a) FOR SECTIONS 301, 302, AND 303.—The amendments made by sections 301, 302, and 303 shall apply to dispositions made after October 19, 1980, in taxable years ending after such date.

(b) FOR SECTION 304.—

26 USC 443 note.
94 Stat. 3397.

(1) The amendment made by subsection (a) of section 304 shall take effect as if included in the amendments made by section 3 of the Bankruptcy Tax Act of 1980.

26 USC 368 note.
94 Stat. 3401.

(2) The amendment made by subsection (b) of section 304 shall take effect as if included in the amendments made by section 4 of such Act.

(c) FOR SECTION 305.—

26 USC 404A note.

(1) The amendment made by subsection (a) of section 305 shall take effect on December 28, 1980.

26 USC 194A note.

(2) The amendments made by subsection (b) of section 305 shall take effect on October 14, 1980.

26 USC 55 note.

(3) The amendment made by subsection (c) of section 305 shall take effect as if included in the amendments made by section 421 of the Revenue Act of 1978.

26 USC 221 note.

(4) The amendments made by subsection (d) of section 305 shall take effect on the date of the enactment of the Subchapter S Revision Act of 1982.

(5) The amendment made by subsection (e) of section 305 shall take effect on the date of the enactment of the Miscellaneous Revenue Act of 1982.

26 USC 7448 note.

Ante, p. 1726.

(d) FOR SECTION 306.—The amendments made by section 306 shall take effect as if included in the provisions of the Tax Equity and Fiscal Responsibility Act of 1982 to which such amendments relate.

26 USC 31 note.

Ante, p. 324

96 STAT. 2412

Approved January 12, 1983.

LEGISLATIVE HISTORY—H.R. 6056:

HOUSE REPORTS: No. 97-794 (Comm. on Ways and Means) and No. 97-986 (Comm. of Conference).
SENATE REPORT No. 97-592 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Sept. 14, considered and passed House.
  Sept. 30, considered and passed Senate, amended.
  Dec. 13, House concurred in certain Senate amendments in others with amendments.
  Dec. 21, House agreed to conference report.
  Dec. 22, Senate agreed to conference report.

SCIENCE ACTS

Public Law 97-324
97th Congress

An Act

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

Oct. 15, 1982
[H.R. 5890]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Aeronautics and Space Administration Authoriation Act, 1983.

TITLE I

Sec. 101. There is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1982:

(a) For "Research and development", for the following programs:

(1) Space Shuttle, $1,798,000,000;
(2) Space flight operations, $1,699,000,000;
(3) Expendable launch vehicles, $42,800,000;
(4) Physics and astronomy, $473,700,000;
(5) Planetary exploration, $177,600,000;
(6) Life sciences, $55,700,000;
(7) Space applications, $336,300,000;
(8) Technology utilization, $9,000,000;
(9) Aeronautical research and technology, $280,000,000;
(10) Space research and technology, $128,000,000; and
(11) Tracking and data acquisition, $503,900,000.

Facilities construction.

(b) For "Construction of facilities", including land acquisition, as follows:

(1) Construction of data analysis facility, Hugh L. Dryden Flight Research Facility, $4,500,000;

(2) Rehabilitation and modification of utility systems, Goddard Space Flight Center, $2,840,000;

(3) Modifications to the 4- by 7-meter low speed tunnel, Langley Research Center, $7,200,000;

(4) Modifications to upgrade the transonic dynamics tunnel, Langley Research Center, $9,000,000;

(5) Modification of rocket engine test facility for altitude testing, Lewis Research Center, $995,000;

(6) Modification to 450 PSI air system in engine research building, Lewis Research Center, $2,920,000;

(7) Rehabilitation of airfield, Wallops Flight Center, $2,150,000;

(8) Space Shuttle facilities at various locations as follows:

(A) Modifications to solid rocket booster refurbishment and subassembly facilities, John F. Kennedy Space Center, $1,700,000;

(B) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $17,845,000;

(C) Minor Shuttle-unique projects, various locations, $1,860,000;

96 STAT. 1598

(9) Space Shuttle payload facility: Rehabilitation and modification for payload ground support operations, John F. Kennedy Space Center, $1,740,000;

(10) Repair of facilities at various locations, not in excess of $500,000 per project, $15,000,000;

(11) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $20,000,000;

(12) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,000,000; and

(13) Facility planning and design not otherwise provided for, $8,250,000.

Research and program management.

(c) For "Research and program management", $1,168,900,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Research and development.

(d) Notwithstanding the provisions of subsection (g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Scientific consultations or extraordinary expenses.

(f) Appropriations made pursuant to subsection (c) may be used, but not to exceed $25,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections (a) and (c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to

96 STAT. 1599

existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection (a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (12), inclusive, of section 101(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

Report to congressional committees.

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and

Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Transfer of funds.

SEC. 103. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 101(a) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to section 101(b) hereof (other than funds appropriated pursuant to paragraph (13) of such section) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in section 101(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action. In calculating the thirty-day period referred to in the preceding sentence, any days on which either House is not in session because of an adjournment sine die or an adjournment of more than 5 days to a day certain shall be excluded, but in no event shall the total period extend beyond 45 days.

Report to congressional committees.

SEC. 104. Notwithstanding any other provision of this Act— 96 STAT. 1600

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 101(a) and 101(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

Notification to congressional committees.

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action. In calculating the thirty-day period referred to in the preceding sentence, any days on which either House is not in session because of an adjournment sine die or an adjournment of more than five days to a day certain shall be excluded, but in no event shall the total period extend beyond forty-five days.

Federal research funds, geographical distribution. 42 USC 2459 note.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

42 USC 2464.

SEC. 106. (a) Notwithstanding any other provision of law, or any interagency agreement, the Administrator of the National Aeronautics and Space Administration shall charge such prices as necessary to recover the fair value of placing Department of Defense payloads into orbit by means of the Space Shuttle.

42 USC 2464 note.

(b) This section shall apply to any Department of Defense payloads placed into orbit by means of the Space Shuttle on or after October 1, 1983.

SEC. 107. (a) The Director of the Federal Emergency Management Agency shall ensure that all obligations and responsibilities imposed by the Federal Fire Prevention and Control Act of 1974 are performed during fiscal year 1983, including activities of the United States Fire Administration and the United States Fire Academy.

15 USC 2201 note.

(b) The Director shall reserve such funds as are appropriated to carry out the functions of the Federal Emergency Management Agency as designated in Reorganization Plan Numbered 3 of 1978 to conduct the operations of the United States Fire Administration, the United States Fire Academy, and such other functions and responsibilities as are vested in the Director pursuant to the Federal Fire Prevention and Control Act of 1974.

5 USC app.

Short title.

SEC. 108. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1983".

96 STAT. 1601

TITLE II

Civil land remote sensing satellite systems. 15 USC 1517 note.

SEC. 201. (a) The Secretary of Commerce is hereby authorized to plan and provide for the management and operation of a civil land remote sensing satellite system, including the LANDSAT D and D' satellites and associated ground system equipment transferred from the National Aeronautics and Space Administration; to provide for user fees; and to plan for the transfer of the ownership and operation of civil operational land remote sensing satellite systems by the private sector when in the national interest. The provisions of this subsection expire September 30, 1984.

Expiration.

(b)(1) As part of his planning for the transfer of the ownership and operation of civil operational land remote sensing satellite systems to the private sector the Secretary shall—

Study.

(A) Conduct a study to define the current, projected, and potential needs of the government for land remote sensing data.

(B) Determine and describe the equipment, software, and data inventory that could be transferred to the private sector.

(C) Compare various feasible financial and organizational approaches for such a transfer. Criteria for the comparison should include considerations such as: maintenance of data continuity; maintenance of United States leadership; national security; international obligations; potential for market growth; marketing ability; sunk and projected cost to the Government; independence of subsidy or financial guarantee from the Government; potential of financial return to the Government; and price of data to users. The following institutional alternatives should be compared: (i) wholly private ownership and operation of the system by an entity competitively selected; (ii) phased-in Government/private ownership and operation; (iii) a legislatively chartered privately owned corporation; and (iv) continued ownership and operation by the Federal Government.

The Secretary shall complete these studies and report on them to the Congress by February 1, 1983.

Report to Congress.

(2) In addition to the studies and comparisons called for in section 201(b)(1) the Secretary shall fund at least two parallel studies outside the government independently to assess the alternatives called for in section 201(b)(1)(C). These studies should be submitted to the Congress by April 1, 1983.

Parallel studies, submittal to Congress.

(c) There is authorized to be appropriated $14,955,000 for the fiscal year 1983, for the purpose of carrying out the provisions of this title.

(d) No moneys authorized by this title shall be used to transfer to the private sector the ownership or management of any civil land remote sensing space satellite system and associated ground system equipment unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives, the President of the Senate, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation, of a message from the Secretary of Commerce or his designee containing a full and complete plan for the action proposed to be taken together with the reasons therefor and expected funding impacts, or (B) each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

96 STAT. 1602

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 5890 (S. 2604):

HOUSE REPORTS: No. 97-502 (Comm. on Science and Technology) and No. 97-897 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 128 (1982):
- May 13, considered and passed House.
- June 9, S. 2604 considered and passed Senate; proceedings vitiated and H.R. 5890, amended, passed in lieu.
- Sept. 30, Senate agreed to conference report.
- Oct. 1, House agreed to conference report.

Public Law 97-415
97th Congress

96 STAT. 2067

An Act

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

Jan. 4, 1983
[H.R. 2330]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nuclear Regulatory Commission. Appropriations authorization.

AUTHORIZATION OF APPROPRIATIONS

SECTION 1. (a) There are hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) and section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), for the fiscal years 1982 and 1983 to remain available until expended, $485,200,000 for fiscal year 1982 and $513,100,000 for fiscal year 1983 to be allocated as follows:

(1) Not more than $80,700,000 for fiscal year 1982 and $77,000,000 for fiscal year 1983 may be used for "Nuclear Reactor Regulation", of which an amount not to exceed $1,000,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor preapplication review, and an amount not to exceed $6,000,000 is authorized each such fiscal year to be used for licensing review work for a fast

breeder reactor plant project. In the event of a termination of such breeder reactor project, any unused amount appropriated pursuant to this paragraph for licensing review work for such project may be used only for safety technology activities.

(2) Not more than $62,900,000 for fiscal year 1982 and $69,850,000 for fiscal year 1983 may be used for "Inspection and Enforcement".

(3) Not more than $42,000,000 for fiscal year 1982 and $47,059,600 for fiscal year 1983 may be used for "Nuclear Material Safety and Safeguards".

(4) Not more than $240,300,000 for fiscal year 1982 and $257,195,600 for fiscal year 1983 may be used for "Nuclear Regulatory Research", of which—

(A) an amount not to exceed $3,500,000 for fiscal year 1982 and $4,500,000 for fiscal year 1983 is authorized to be used to accelerate the effort in gas-cooled thermal reactor safety research;

(B) an amount not to exceed $18,000,000 is authorized each such fiscal year to be used for fast breeder reactor safety research; and

(C) an amount not to exceed $57,000,000 is authorized for such two fiscal year period to be used for the Loss-of-Fluid Test Facility research program.

96 STAT. 2068

In the event of a termination of the fast breeder reactor plant project, any unused amount appropriated pursuant to this paragraph for fast breeder reactor safety research may be used generally for "Nuclear Regulatory Research".

(5) Not more than $21,900,000 for fiscal year 1982 and $20,197,800 for fiscal year 1983 may be used for "Program Technical Support".

(6) Not more than $37,400,000 for fiscal year 1982 and $41,797,000 for fiscal year 1983 may be used for "Program Direction and Administration".

Grants and cooperative agreements.

(b) The Nuclear Regulatory Commission may use not more than 1 percent of the amounts authorized to be appropriated under subsection (a)(4) to exercise its authority under section 31 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) to enter into grants and cooperative agreements with universities pursuant to such section. Grants made by the Commission shall be made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) and other applicable law. In making such grants and entering into such cooperative agreements, the Commission shall endeavor to provide appropriate opportunities for universities in which the student body has historically been predominately comprised of minority groups.

Reallocated funds.

(c) Any amount appropriated for a fiscal year to the Nuclear Regulatory Commission pursuant to any paragraph of subsection (a) for purposes of the program office referred to in such paragraph, or any activity that is within such program office and is specified in such paragraph, may be reallocated by the Commission for use in a program office referred to in any other paragraph of such subsection, or for use in any other activity within a program office, except that the amount available from appropriations for such fiscal year for use in any program office or specified activity may not, as a result of reallocations made under this subsection, be increased or reduced by more than $500,000 unless—

Notification of congressional committees.

(1) a period of 30 calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and com-

plete statement of the reallocation proposed to be made and the facts and circumstances relied upon in support of such proposed reallocation; or

(2) each such committee, before the expiration of such period, transmits to the Commission a written notification that such committee does not object to such proposed reallocation.

AUTHORITY TO RETAIN CERTAIN AMOUNTS RECEIVED

SEC. 2. Moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research program and the material access authorization program may be retained and used for salaries and expenses associated with such programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

Ante, p. 877.

AUTHORITY TO TRANSFER CERTAIN AMOUNTS TO OTHER AGENCIES

SEC. 3. From amounts appropriated to the Nuclear Regulatory Commission pursuant to section 1(a), the Commission may transfer to other agencies of the Federal Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Commission are made. Any sums so transferred may be merged with the appropriation of the agency to which such sums are transferred.

LIMITATION ON SPENDING AUTHORITY

SEC. 4. Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

AUTHORITY TO ISSUE LICENSES IN ABSENCE OF EMERGENCY PREPAREDNESS PLANS

SEC. 5. Of the amounts authorized to be appropriated under section 1, the Nuclear Regulatory Commission may use such sums as may be necessary, in the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, to issue an operating license (including a temporary operating license under section 192 of the Atomic Energy Act of 1954, as amended by section 11 of this Act) for a nuclear power reactor, if it determines that there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

Post, p. 2071.

NUCLEAR SAFETY GOALS

SEC. 6. Funds authorized to be appropriated under this Act shall be used by the Nuclear Regulatory Commission to expedite the establishment of safety goals for nuclear reactor regulation. The development of such safety goals, and any accompanying methodologies for the application of such safety goals, should be expedited to the maximum extent practicable to permit establishment of a safety goal by the Commission not later than December 31, 1982.

LOSS-OF-FLUID TEST FACILITY

SEC. 7. Of the amounts authorized to be used for the Loss-of-Fluid Test Facility in accordance with section 1(a)(4) for fiscal years 1982 and 1983, the Commission shall provide funding through contract with the organization responsible for the Loss-of-Fluid Test operations for a detailed technical review and analysis of research results obtained from the Loss-of-Fluid Test Facility research program. The contract shall provide funding for not more than twenty man-years in each of fiscal years 1982 and 1983 to conduct the technical review and analysis.

NUCLEAR DATA LINK

SEC. 8. (a) Of the amounts authorized to be appropriated under this Act for the fiscal years 1982 and 1983, not more than $200,000 is authorized to be used by the Nuclear Regulatory Commission for—

96 STAT. 2070

(1) the acquisition (by purchase, lease, or otherwise) and installation of equipment to be used for the "small test prototype nuclear data link" program or for any other program for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors; and

Study and analysis.

(2) the conduct of a full and complete study and analysis of—

(A) the appropriate role of the Commission during abnormal conditions at a nuclear reactor licensed by the Commission;

(B) the information which should be available to the Commission to enable the Commission to fulfill such role and to carry out other related functions;

(C) various alternative means of assuring that such information is available to the Commission in a timely manner; and

(D) any changes in existing Commission authority necessary to enhance the Commission response to abnormal conditions at a nuclear reactor licensed by the Commission.

The small test prototype referred to in paragraph (1) may be used by the Commission in carrying out the study and analysis under paragraph (2). Such analysis shall include a cost-benefit analysis of each alternative examined under subparagraph (C).

Report to Congress.

(b)(1) Upon completion of the study and analysis required under subsection (a)(2), the Commission shall submit to Congress a detailed report setting forth the results of such study and analysis.

Commission action; notification of congressional committees.

(2) The Commission may not take any action with respect to any alternative described in subsection (a)(2)(C), unless a period of 60 calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

INTERIM CONSOLIDATION OF OFFICES

SEC. 9. (a) Of the amounts authorized to be appropriated pursuant to paragraph 6 of section 1(a), such sums as may be necessary shall be available for interim consolidation of Nuclear Regulatory Commission headquarters staff offices.

(b) No amount authorized to be appropriated under this Act may be used, in connection with the interim consolidation of Nuclear Regulatory Commission offices, to relocate the offices of members of the Commission outside the District of Columbia.

THREE MILE ISLAND

SEC. 10. (a) No part of the funds authorized to be appropriated under this Act may be used to provide assistance to the General Public Utilities Corporation for purposes of the decontamination, cleanup, repair, or rehabilitation of facilities at Three Mile Island Unit 2.

96 STAT. 2071

(b) The prohibition contained in subsection (a) shall not relate to the responsibilities of the Nuclear Regulatory Commission for monitoring or inspection of the decontamination, cleanup, repair, or rehabilitation activities at Three Mile Island and such prohibition shall not apply to the use of funds by the Nuclear Regulatory Commission to carry out regulatory functions of the Commission

42 USC 2011 note.

under the Atomic Energy Act of 1954 with respect to the facilities at Three Mile Island.

42 USC 5877 note.

(c) The Nuclear Regulatory Commission shall include in its annual report to the Congress under section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877(c)) as a separate chapter a description of the collaborative efforts undertaken, or proposed to be undertaken, by the Commission and the Department of Energy with respect to the decontamination, cleanup, repair, or rehabilitation of facilities at Three Mile Island Unit 2.

(d) No funds authorized to be appropriated under this Act may be used by the Commission to approve any willful release of "accident-generated water", as defined by the Commission in NUREG–0683 ("Final Programmatic Environmental Impact Statement" p. 1-23), from Three Mile Island Unit 2 into the Susquehanna River or its watershed.

TEMPORARY OPERATING LICENSES

SEC. 11. Section 192 of the Atomic Energy Act of 1954 (42 U.S.C. 2242) is amended to read as follows:

"SEC. 192. TEMPORARY OPERATING LICENSE.—

42 USC 2133, 2134. *Post*, p. 2073.

"a. In any proceeding upon an application for an operating license for a utilization facility required to be licensed under section 103 or 104 b. of this Act, in which a hearing is otherwise required pursuant to section 189 a., the applicant may petition the Commission for a temporary operating license for such facility authorizing fuel loading, testing, and operation at a specific power level to be determined by the Commission, pending final action by the Commission on the application. The initial petition for a temporary operating license for each such facility, and any temporary operating license issued for such facility based upon the initial petition, shall be limited to power levels not to exceed 5 percent of rated full thermal power. Following issuance by the Commission of the temporary operating license for each such facility, the licensee may file petitions with the Commission to amend the license to allow facility operation in staged increases at specific power levels, to be determined by the Commission, exceeding 5 percent of rated full thermal power. The initial petition for a temporary operating license for each such facility may be filed at any time after the filing of: (1) the report of the Advisory Committee on Reactor Safeguards required by section 182 b.; (2) the filing of the initial Safety Evaluation Report by the Nuclear Regulatory Commission staff and the Nuclear Regulatory Commission staff's first supplement to the report prepared in response to the report of the Advisory Committee on Reactor Safeguards for the facility; (3) the Nuclear Regulatory Commission staff's final detailed statement on the environmental impact of the facility prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and (4) a State, local, or utility emergency preparedness plan for the facility. Petitions for the issuance of a temporary operating license, or for an amendment to such a license allowing operation at a specific power level greater than that authorized in the initial temporary operating license, shall be accompanied by an affidavit or affidavits setting forth the specific facts upon which the petitioner relies to justify issuance of the temporary operating license or the amendment thereto. The Commission shall publish notice of each such petition in the Federal Register and in such trade or news publications as the Commission deems appropriate to give reasonable notice to persons who might have a potential interest in the grant of such temporary operating license or amendment thereto. Any person may file affidavits or statements in support of, or in opposition to, the petition within thirty days after the publication of such notice in the Federal Register.

Initial petition.

Affidavits.

96 STAT. 2072

Publication in Federal Register.

"b. With respect to any petition filed pursuant to subsection a. of this section, the Commission may issue a temporary operating license, or amend the license to authorize temporary operation at each specific power level greater than that authorized in the initial temporary operating license, as determined by the Commission, upon finding that—

"(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met;

"(2) in accordance with such requirements, there is reasonable assurance that operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection to the public health and safety and the environment during the period of temporary operation; and

"(3) denial of such temporary operating license will result in delay between the date on which construction of the facility is sufficiently completed, in the judgment of the Commission, to permit issuance of the temporary operating license, and the date when such facility would otherwise receive a final operating license pursuant to this Act.

Final order, transmittal to congressional committees.

Judicial review.

28 USC 2341 *et seq.*

Post, p. 2073.

The temporary operating license shall become effective upon issuance and shall contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for the extension thereof. Any final order authorizing the issuance or amendment of any temporary operating license pursuant to this section shall recite with specificity the facts and reasons justifying the findings under this subsection, and shall be transmitted upon such issuance to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate. The final order of the Commission with respect to the issuance or amendment of a temporary operating license shall be subject to judicial review pursuant to chapter 158 of title 28, United States Code. The requirements of section 189 a. of this Act with respect to the issuance or amendment of facility licenses shall not apply to the issuance or amendment of a temporary operating license under this section.

Hearing.

96 STAT. 2073

Infra.

"c. Any hearing on the application for the final operating license for a facility required pursuant to section 189 a. shall be concluded as promptly as practicable. The Commission shall suspend the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence. Issuance of a temporary operating license under subsection b. of this section shall be without prejudice to the right of any party to raise any issue in a hearing required pursuant to section 189 a.; and failure to assert any ground for denial or limitation of a temporary operating license shall not bar the assertion of such ground in connection with the issuance of a subsequent final operating license. Any party to a hearing required pursuant to section 189 a. on the final operating license for a facility for which a temporary operating license has been issued under subsection b., and any member of the Atomic Safety and Licensing Board conducting such hearing, shall promptly notify the Commission of any information indicating that the terms and conditions of the temporary operating license are not being met, or that such terms and conditions are not sufficient to comply with the provisions of paragraph (2) of subsection b.

"d. The Commission is authorized and directed to adopt such administrative remedies as the Commission deems appropriate to minimize the need for issuance of temporary operating licenses pursuant to this section.

Expiration date.

"e. The authority to issue new temporary operating licenses under this section shall expire on December 31, 1983.".

OPERATING LICENSE AMENDMENT HEARINGS

SEC. 12. (a) Section 189 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) The Commission may issue and make immediately effective any amendment to an operating license, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person. Such amendment may be issued and made immediately effective in advance of the holding and completion of any required hearing. In determining under this section whether such amendment involves no significant hazards consideration, the Commission shall consult with the State in which the facility involved is located. In all other respects such amendment shall meet the requirements of this Act.

Notice publication.

"(B) The Commission shall periodically (but not less frequently than once every thirty days) publish notice of any amendments issued, or proposed to be issued, as provided in subparagraph (A). Each such notice shall include all amendments issued, or proposed to be issued, since the date of publication of the last such periodic notice. Such notice shall, with respect to each amendment or proposed amendment (i) identify the facility involved; and (ii) provide a brief description of such amendment. Nothing in this subsection shall be construed to delay the effective date of any amendment.

Regulations establishing standards, criteria, and procedures.

"(C) The Commission shall, during the ninety-day period following the effective date of this paragraph, promulgate regulations establishing (i) standards for determining whether any amendment to an operating license involves no significant hazards consideration; (ii) criteria for providing or, in emergency situations, dispensing with prior notice and reasonable opportunity for public comment on any such determination, which criteria shall take into account the exigency of the need for the amendment involved; and (iii) procedures for consultation on any such determination with the State in which the facility involved is located.".

42 USC 2239 note.

(b) The authority of the Nuclear Regulatory Commission, under the provisions of the amendment made by subsection (a), to issue and to make immediately effective any amendment to an operating license shall take effect upon the promulgation by the Commission of the regulations required in such provisions.

96 STAT. 2074

QUALITY ASSURANCE

Resident inspector program. 42 USC 5841 note.

SEC. 13. (a) The Nuclear Regulatory Commission is authorized and directed to implement and accelerate the resident inspector program so as to assure the assignment of at least one resident inspector by the end of fiscal year 1982 at each site at which a commercial nuclear powerplant is under construction and construction is more than 15 percent complete. At each such site at which construction is not more than 15 percent complete, the Commission shall provide that such inspection personnel as the Commission deems appropriate shall be physically present at the site at such times following issuance of the construction permit as may be necessary in the judgment of the Commission.

Commercial nuclear powerplant construction, study.

(b) The Commission shall conduct a study of existing and alternative programs for improving quality assurance and quality control in the construction of commercial nuclear powerplants. In conducting the study, the Commission shall obtain the comments of the public, licensees of nuclear powerplants, the Advisory Committee on Reactor Safeguards, and organizations comprised of professionals having expertise in appropriate fields. The study shall include an analysis of the following:

(1) providing a basis for quality assurance and quality control, inspection, and enforcement actions through the adoption of an approach which is more prescriptive than that currently in practice for defining principal architectural and engineering criteria for the construction of commercial nuclear powerplants;

(2) conditioning the issuance of construction permits for commercial nuclear powerplants on a demonstration by the licensee that the licensee is capable of independently managing the effective performance of all quality assurance and quality control responsibilities for the powerplant;

(3) evaluations, inspections, or audits of commercial nuclear powerplant construction by organizations comprised of professionals having expertise in appropriate fields which evaluations, inspections, or audits are more effective than those under current practice;

(4) improvement of the Commission's organization, methods, and programs for quality assurance development, review, and inspection; and

(5) conditioning the issuance of construction permits for commercial nuclear powerplants on the permittee entering into contracts or other arrangements with an independent inspector to audit the quality assurance program to verify quality assurance performance.

"Independent inspector."

For purposes of paragraph (5), the term "independent inspector" means a person or other entity having no responsibility for the design or construction of the plant involved. The study shall also include an analysis of quality assurance and quality control programs at representative sites at which such programs are operating satisfactorily and an assessment of the reasons therefor.

(c) For purposes of—

96 STAT. 2075

(1) determining the best means of assuring that commercial nuclear powerplants are constructed in accordance with the applicable safety requirements in effect pursuant to the Atomic Energy Act of 1954; and

42 USC 2011 note.

(2) assessing the feasibility and benefits of the various means listed in subsection (b);

Pilot program.

the Commission shall undertake a pilot program to review and evaluate programs that include one or more of the alternative concepts identified in subsection (b) for the purposes of assessing the feasibility and benefits of their implementation. The pilot program shall include programs that use independent inspectors for auditing quality assurance responsibilities of the licensee for the construction of commercial nuclear powerplants, as described in paragraph (5) of subsection (b). The pilot program shall include at least three sites at which commercial nuclear powerplants are under construction. The Commission shall select at least one site at which quality assurance and quality control programs have operated satisfactorily, and at least two sites with remedial programs underway at which major construction, quality assurance, or quality control deficiencies (or any combination thereof) have been identified in the past. The Commission may require any changes in existing quality assurance and quality control organizations and relationships that may be necessary at the selected sites to implement the pilot program.

Study results, submittal to Congress.

(d) Not later than fifteen months after the date of the enactment of this Act, the Commission shall complete the study required under subsection (b) and submit to the United States Senate and House of Representatives a report setting forth the results of the study. The report shall include a brief summary of the information received from the public and from other persons referred to in subsection (b) and a statement of the Commission's response to the significant comments received. The report shall also set forth an analysis of the results of the pilot program required under subsection (c). The report shall be accompanied by the recommendations of the Commission, including any legislative recommendations, and a description of any administrative actions that the Commission has undertaken or intends to undertake, for improving quality assurance and quality control programs that are applicable during the construction of nuclear powerplants.

LIMITATION ON USE OF SPECIAL NUCLEAR MATERIAL

SEC. 14. Section 57 of the Atomic Energy Act of 1954 (42 U.S.C. 2077) is amended by adding at the end thereof the following new subsection:

42 USC 2014.
42 USC 2133, 2134.

"e. Special nuclear material, as defined in section 11, produced in facilities licensed under section 103 or 104 may not be transferred, reprocessed, used, or otherwise made available by any instrumentality of the United States or any other person for nuclear explosive purposes.".

RESIDENT INSPECTORS

SEC. 15. Of the amounts authorized to be appropriated under section 1, the Nuclear Regulatory Commission shall use such sums as may be necessary to conduct a study of the financial hardships incurred by resident inspectors as a result of (1) regulations of the Commission requiring resident inspectors to relocate periodically from one duty station to another; and (2) the requirements of the Commission respecting the domicile of resident inspectors and respecting travel between their domicile and duty station in such manner as to avoid the appearance of a conflict of interest. Not later than 90 days after the date of the enactment of this Act, the Commission shall submit to the Congress a report setting forth the findings of the Commission as a result of such study, together with a legislative proposal (including any supporting data or information) relating to any assistance for resident inspectors determined by the Commission to be appropriate.

96 STAT. 2076

Report to Congress.

SABOTAGE OF NUCLEAR FACILITIES OR FUEL

SEC. 16. Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284) is amended to read as follows:

"SEC. 236. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—

"a. Any person who intentionally and willfully destroys or causes physical damage to, or who intentionally and willfully attempts to destroy or cause physical damage to—

"(1) any production facility or utilization facility licensed under this Act;

"(2) any nuclear waste storage facility licensed under this Act; or

"(3) any nuclear fuel for such a utilization facility, or any spent nuclear fuel from such a facility;

shall be fined not more than $10,000 or imprisoned for not more than ten years, or both.

"b. Any person who intentionally and willfully causes or attempts to cause an interruption of normal operation of any such facility through the unauthorized use of or tampering with the machinery, components, or controls of any such facility, shall be fined not more than $10,000 or imprisoned for not more than ten years, or both.".

Penalties.

DEPARTMENT OF ENERGY INFORMATION

SEC. 17. (a) Section 148 a. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2168(a)(1)) is amended by inserting after " 'Secretary')" the following: ", with respect to atomic energy defense programs,".

95 Stat. 1169.

(b) Section 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) is amended by adding at the end thereof the following new subsections:

"d. Any determination by the Secretary concerning the applicability of this section shall be subject to judicial review pursuant to section 552(a)(4)(B) of title 5, United States Code.

Judicial review.

"e. The Secretary shall prepare on a quarterly basis a report to be made available upon the request of any interested person, detailing the Secretary's application during that period of each regulation or order prescribed or issued under this section. In particular, such report shall—

Quarterly report.

"(1) identify any information protected from disclosure pursuant to such regulation or order;

"(2) specifically state the Secretary's justification for determining that unauthorized dissemination of the information protected from disclosure under such regulation or order could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of illegal production of nuclear weapons, or theft, diversion, or sabotage of nuclear materials, equipment, or facilities, as specified under subsection a.; and

96 STAT. 2077

"(3) provide justification that the Secretary has applied such regulation or order so as to protect from disclosure only the minimum amount of information necessary to protect the health and safety of the public or the common defense and security.".

STANDARDS AND REQUIREMENTS UNDER SECTION 275

42 USC 2022.

SEC. 18. (a) Section 275 of the Atomic Energy Act of 1954 is amended—

(1) by striking in subsection a. "one year after the date of enactment of this section" and substituting "October 1, 1982" and by adding the following at the end thereof: "After October 1, 1982, if the Administrator has not promulgated standards in final form under this subsection, any action of the Secretary of Energy under title I of the Uranium Mill Tailings Radiation Control Act of 1978 which is required to comply with, or be taken in accordance with, standards of the Administrator shall comply with, or be taken in accordance with, the standards proposed by the Administrator under this subsection until such time as the Administrator promulgates such standards in final form.";

42 USC 7911.

(2) by striking in subsection b. (1) "eighteen months after the enactment of this section, the Administrator shall, by rule, promulgate" and inserting in lieu thereof the following: "October 31, 1982, the Administrator shall, by rule, propose, and within 11 months thereafter promulgate in final form,";

Promulgation authority.

(3) by adding the following at the end of subsection b. (1): "If the Administrator fails to promulgate standards in final form under this subsection by October 1, 1983, the authority of the Administrator to promulgate such standards shall terminate, and the Commission may take actions under this Act without regard to any provision of this Act requiring such actions to comply with, or be taken in accordance with, standards promulgated by the Administrator. In any such case, the Commission shall promulgate, and from time to time revise, any such standards of general application which the Commission deems necessary to carry out its responsibilities in the conduct of its licensing activities under this Act. Requirements established by the Commission under this Act with respect to byproduct material as defined in section 11 e. (2) shall conform to such standards. Any requirements adopted by the Commission respecting such byproduct material before promulgation by the Commission of such standards shall be amended as the Commission deems necessary to conform to such standards in the same manner as provided in subsection f. (3). Nothing in this subsection shall be construed to prohibit or suspend the implementation or enforcement by the Commission of any requirement of the Commission respecting byproduct material as defined in section 11 e. (2) pending promulgation by the Commission of any such standard of general application.";

42 USC 2014.

Uranium mill licensing requirement regulations.

(4) by adding the following new subsection at the end thereof:

"f. (1) Prior to January 1, 1983, the Commission shall not implement or enforce the provisions of the Uranium Mill Licensing Requirements published as final rules at 45 Federal Register 65521 to 65538 on October 3, 1980 (hereinafter in this subsection referred to as the 'October 3 regulations'). After December 31, 1982, the Commission is authorized to implement and enforce the provisions of such October 3 regulations (and any subsequent modifications or additions to such regulations which may be adopted by the Commission), except as otherwise provided in paragraphs (2) and (3) of this subsection.

96 STAT. 2078

Implementation and enforcement.

Review, public comment, and suspension.

"(2) Following the proposal by the Administrator of standards under subsection b., the Commission shall review the October 3 regulations, and, not later than 90 days after the date of such proposal, suspend implementation and enforcement of any provision of such regulations which the Commission determines after notice and opportunity for public comment to require a major action or major commitment by licensees which would be unnecessary if—

"(A) the standards proposed by the Administrator are promulgated in final form without modification, and

"(B) the Commission's requirements are modified to conform to such standards.

Such suspension shall terminate on the earlier of April 1, 1984 or the date on which the Commission amends the October 3 regulations to conform to final standards promulgated by the Administrator under subsection b. During the period of such suspension, the Commission shall continue to regulate byproduct material (as defined in section 11 e. (2)) under this Act on a licensee-by-licensee basis as the Commission deems necessary to protect public health, safety, and the environment.

"(3) Not later than 6 months after the date on which the Administrator promulgates final standards pursuant to subsection b. of this section, the Commission shall, after notice and opportunity for public comment, amend the October 3 regulations, and adopt such modifications, as the Commission deems necessary to conform to such final standards of the Administrator.

42 USC 2114.

"(4) Nothing in this subsection may be construed as affecting the authority or responsibility of the Commission under section 84 to promulgate regulations to protect the public health and safety and the environment.".

Remedial action.
42 USC 7918.

(b)(1) Section 108(a) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding the following new paragraph at the end thereof:

Ante, p. 2077; *post*, p. 2080.

"(3) Notwithstanding paragraphs (1) and (2) of this subsection, after October 31, 1982, if the Administrator has not promulgated standards under section 275 a. of the Atomic Energy Act of 1954 in final form by such date, remedial action taken by the Secretary under this title shall comply with the standards proposed by the Administrator under such section 275 a. until such time as the Administrator promulgates the standards in final form.".

(2) The second sentence of section 108(a)(2) of the Uranium Mill Tailings Radiation Control Act of 1978 is repealed.

AGREEMENT STATES

42 USC 2021.
42 USC 2014.

96 STAT. 2079

42 USC 2022.

SEC. 19. (a) Section 274 o. of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof: "In adopting requirements pursuant to paragraph (2) of this subsection with respect to sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11 e. (2), the State may adopt alternatives (including, where appropriate, site-specific alternatives) to the requirements adopted and enforced by the Commission for the same purpose if, after notice and opportunity for public hearing, the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275. Such alternative State requirements may take into account local or regional conditions, including geology, topography, hydrology and meteorology.".

42 USC 2021 note. (b) Section 204(h)(3) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by inserting the following before the period at the end thereof: ": *Provided, however,* That, in the case of a State which has exercised any authority under State law pursuant to an agreement entered into under section 274 of the Atomic Energy Act of 1954, the State authority over such byproduct material may be terminated, and the Commission authority over such material may be exercised, only after compliance by the Commission with the same procedures as are applicable in the case of termination of agreements under section 274 j. of the Atomic Energy Act of 1954.". 42 USC 2021.

AMENDMENT TO SECTION 84

Alternative proposals by licensees. 42 USC 2114. SEC. 20. Section 84 of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof:

"c. In the case of sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11 e. (2), a licensee may propose alternatives to specific requirements adopted and enforced by the Commission under this Act. Such alternative proposals may take into account local or regional conditions, including geology, topography, hydrology and meteorology. The Commission may treat such alternatives as satisfying Commission requirements if the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275.". 42 USC 2014. 42 USC 2022.

EDGEMONT

SEC. 21. Section 102(e) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding the following at the end thereof: 42 USC 7912.

"(3) The Secretary shall designate as a processing site within the meaning of section 101(6) any real property, or improvements thereon, in Edgemont, South Dakota, that— 42 USC 7911.

"(A) is in the vicinity of the Tennessee Valley Authority uranium mill site at Edgemont (but not including such site), and

"(B) is determined by the Secretary to be contaminated with residual radioactive materials.

In making the designation under this paragraph, the Secretary shall consult with the Administrator, the Commission and the State of South Dakota. The provisions of this title shall apply to the site so designated in the same manner and to the same extent as to the sites designated under subsection (a) except that, in applying such provisions to such site, any reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of the enactment of this paragraph and in determining the State share under section 107 of the costs of remedial action, there shall be credited to the State, expenditures made by the State prior to the date of the enactment of this paragraph which the Secretary determines would have been made by the State or the United States in carrying out the requirements of this title.". 42 USC 7917.

ADDITIONAL AMENDMENTS TO SECTIONS 84 AND 275

42 USC 2114. SEC. 22. (a) Section 84 a. (1) of the Atomic Energy Act of 1954 is amended by inserting before the comma at the end thereof the following: ", taking into account the risk to the public health, safety, and the environment, with due consideration of the economic costs and such other factors as the Commission determines to be appropriate,".

(b) Section 275 of the Atomic Energy Act of 1954 is amended—

Ante, p. 2077.

(1) in subsection a., by inserting after the second sentence thereof the following new sentence: "In establishing such standards, the Administrator shall consider the risk to the public health, safety, and the environment, the environmental and economic costs of applying such standards, and such other factors as the Administrator determines to be appropriate."; and

(2) by adding at the end of subsection b. (1) the following new sentence: "In establishing such standards, the Administrator shall consider the risk to the public health, safety, and the environment, the environmental and economic costs of applying such standards, and such other factors as the Administrator determines to be appropriate.".

URANIUM SUPPLY

Comprehensive industry review, submittal to Congress.
42 USC 2210b note.

Sec. 23. (a)(1) Not later than 12 months after the date of enactment of this section, the President shall prepare and submit to the Congress a comprehensive review of the status of the domestic uranium mining and milling industry. This review shall be made available to the appropriate committees of the United States Senate and the House of Representatives.

(2) The Comprehensive review prepared for submission under paragraph (1) shall include—

(A) projections of uranium requirements and inventories of domestic utilities;

(B) present and future projected uranium production by the domestic mining and milling industry;

(C) the present and future probable penetration of the domestic market by foreign imports;

96 STAT. 2081

(D) the size of domestic and foreign ore reserves;

(E) present and projected domestic uranium exploration expenditures and plans;

(F) present and projected employment and capital investment in the uranium industry;

(G) an estimate of the level of domestic uranium production necessary to ensure the viable existence of a domestic uranium industry and protection of national security interests;

(H) an estimate of the percentage of domestic uranium demand which must be met by domestic uranium production through the year 2000 in order to ensure the level of domestic production estimated to be necessary under subparagraph (G);

(I) a projection of domestic uranium production and uranium price levels which will be in effect both under current policy and in the event that foreign import restrictions were enacted by Congress in order to guarantee domestic production at the level estimated to be necessary under subparagraph (G);

(J) the anticipated effect of spent nuclear fuel reprocessing on the demand for uranium; and

(K) other information relevant to the consideration of restrictions on the importation of source material and special nuclear material from foreign sources.

(b)(1) Chapter 14 of the Atomic Energy Act of 1954 is amended by adding the following new section at the end thereof:

"Sec. 170B. Uranium Supply.—

Report to Congress and President.
42 USC 2210b.

"a. The Secretary of Energy shall monitor and for the years 1983 to 1992 report annually to the Congress and to the President a determination of the viability of the domestic uranium mining and milling industry and shall establish by rule, after public notice and in accordance with the requirements of section 181 of this Act, within 9 months of enactment of this section, specific criteria which shall be assessed in the annual reports on the domestic uranium industry's viability. The Secretary of Energy is authorized to issue regulations providing for the collection of such information as the Secretary of Energy deems necessary to carry out the monitoring and reporting requirements of this section.

42 USC 2231.

Regulations.

Proprietary information, disclosure.

"b. Upon a satisfactory showing to the Secretary of Energy by any person that any information, or portion thereof obtained under this section, would, if made public, divulge proprietary information of such person, the Secretary shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18, United States Code.

Criteria.

"c. The criteria referred to in subsection a. shall also include, but not be limited to—

"(1) an assessment of whether executed contracts or options for source material or special nuclear material will result in greater than 37½ percent of actual or projected domestic uranium requirements for any two-consecutive-year period being supplied by source material or special nuclear material from foreign sources;

"(2) projections of uranium requirements and inventories of domestic utilities for a 10 year period;

"(3) present and probable future use of the domestic market by foreign imports;

"(4) whether domestic economic reserves can supply all future needs for a future 10 year period;

96 STAT. 2082

"(5) present and projected domestic uranium exploration expenditures and plans;

"(6) present and projected employment and capital investment in the uranium industry;

"(7) the level of domestic uranium production capacity sufficient to meet projected domestic nuclear power needs for a 10 year period; and

"(8) a projection of domestic uranium production and uranium price levels which will be in effect under various assumptions with respect to imports.

Imported material, impact on domestic industry and national security.

"d. The Secretary or Energy, at any time, may determine on the basis of the monitoring and annual reports required under this section that source material or special nuclear material from foreign sources is being imported in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the United States uranium mining and milling industry. Based on that determination, the United States Trade Representative shall request that the United States International Trade Commission initiate an investigation under section 201 of the Trade Act of 1974 (19 U.S.C. 2251).

"e. (1) If, during the period 1982 to 1992, the Secretary of Energy determines that executed contracts or options for source material or special nuclear material from foreign sources for use in utilization facilities within or under the jurisdiction of the United States represent greater than 37½ percent of actual or projected domestic uranium requirements for any two-consecutive-year period, or if the Secretary of Energy determines the level of contracts or options involving source material and special nuclear material from foreign sources may threaten to impair the national security, the Secretary of Energy shall request the Secretary of Commerce to initiate under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) an investigation to determine the effects on the national security of imports of source material and special nuclear material. The Secretary of Energy shall cooperate fully with the Secretary of Commerce in carrying out such an investigation and shall make available to the Secretary of Commerce the findings that lead to this request and such other information that will assist the Secretary of Commerce in the conduct of the investigation.

Investigations.

"(2) The Secretary of Commerce shall, in the conduct of any investigation requested by the Secretary of Energy pursuant to this section, take into account any information made available by the Secretary of Energy, including information regarding the impact on national security of projected or executed contracts or options for source material or special nuclear material from foreign sources or whether domestic production capacity is sufficient to supply projected national security requirements.

96 STAT. 2083

"(3) No sooner than 3 years following completion of any investigation by the Secretary of Commerce under paragraph (1), if no recommendation has been made pursuant to such study for trade adjustments to assist or protect domestic uranium production, the Secretary of Energy may initiate a request for another such investigation by the Secretary of Commerce.".

Approved January 4, 1983.

LEGISLATIVE HISTORY—H.R. 2330 (S. 1207):

HOUSE REPORTS: No. 97-22, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Energy and Commerce), No. 97-884 (Comm. of Conference).
SENATE REPORT No. 97-113 accompanying S. 1207 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Nov. 5, considered and passed House.
Vol. 128 (1982): Mar. 22, 30, S. 1207 considered in Senate.
Mar. 30, H.R. 2330 considered and passed Senate, amended.
Oct. 1, Senate agreed to conference report.
Dec. 2, House rejected conference report; receded and concurred in Senate amendment with an amendment.
Dec. 16, Senate agreed to House amendment.

Public Law 97-425
97th Congress

96 STAT. 2201

An Act

To provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel, to establish a program of research, development, and demonstration regarding the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes.

Jan. 7, 1983
[H.R. 3809]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nuclear Waste Policy Act of 1982.
42 USC 10101 note.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Nuclear Waste Policy Act of 1982".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Separability.
Sec. 4. Territories and possessions.
Sec. 5. Ocean disposal.
Sec. 6. Limitation on spending authority.
Sec. 7. Protection of classified national security information.
Sec. 8. Applicability.
Sec. 9. Applicability.

TITLE I—DISPOSAL AND STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE, SPENT NUCLEAR FUEL, AND LOW-LEVEL RADIOACTIVE WASTE

Sec. 101. State and affected Indian tribe participation in development of proposed repositories for defense waste.

SUBTITLE A—REPOSITORIES FOR DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

Sec. 111. Findings and purposes.
Sec. 112. Recommendation of candidate sites for site characterization.
Sec. 113. Site characterization.
Sec. 114. Site approval and construction authorization.
Sec. 115. Review of repository site selection.
Sec. 116. Participation of States.
Sec. 117. Consultation with States and Indian tribes.
Sec. 118. Participation of Indian tribes.
Sec. 119. Judicial review of agency actions.

Sec. 120. Expedited authorizations.
Sec. 121. Certain standards and criteria.
Sec. 122. Disposal of spent nuclear fuel.
Sec. 123. Title to material.
Sec. 124. Consideration of effect of acquisition of water rights.
Sec. 125. Termination of certain provisions.

SUBTITLE B—INTERIM STORAGE PROGRAM

Sec. 131. Findings and purposes.
Sec. 132. Available capacity for interim storage of spent nuclear fuel.
Sec. 133. Interim at-reactor storage.
Sec. 134. Licensing of facility expansions and transshipments.
Sec. 135. Storage of spent nuclear fuel.
Sec. 136. Interim Storage Fund.
96 STAT. 2202 Sec. 137. Transportation.

SUBTITLE C—MONITORED RETRIEVABLE STORAGE

Sec. 141. Monitored retrievable storage.

SUBTITLE D—LOW-LEVEL RADIOACTIVE WASTE

Sec. 151. Financial arrangements for site closure.

TITLE II—RESEARCH, DEVELOPMENT, AND DEMONSTRATION REGARDING DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

Sec. 211. Purpose.
Sec. 212. Applicability.
Sec. 213. Identification of sites.
Sec. 214. Siting research and related activities.
Sec. 215. Test and evaluation facility siting review and reports.
Sec. 216. Federal agency actions.
Sec. 217. Research and development on disposal of high-level radioactive waste.
Sec. 218. Research and development on spent nuclear fuel.
Sec. 219. Payments to States and affected Indian tribes.
Sec. 220. Study of research and development needs for monitored retrievable storage proposal.
Sec. 221. Judicial review.
Sec. 222. Research on alternatives for the permanent disposal of high-level radioactive waste.
Sec. 223. Technical assistance to non-nuclear weapon states in the field of spent fuel storage and disposal.

TITLE III—OTHER PROVISIONS RELATING TO RADIOACTIVE WASTE

Sec. 301. Mission plan.
Sec. 302. Nuclear Waste Fund.
Sec. 303. Alternate means of financing.
Sec. 304. Office of Civilian Radioactive Waste Management.
Sec. 305. Location of test and evaluation facility.
Sec. 306. Nuclear Regulatory Commission training authorization.

LEGISLATIVE HISTORY—H.R. 3809:

HOUSE REPORT No. 97-491 pt.1 (Comm. on Interior and Insular Affairs) and pt. 2 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  Sept. 30, Nov. 29, 30, Dec. 2, considered and passed House.
  Dec. 20, considered and passed Senate, amended; House agreed to Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 1 (1983):
  Jan. 7, Presidential statement.

Public Law 97-451
97th Congress

96 STAT. 2447

An Act

Jan. 12, 1983
[H.R. 5121]

To ensure that all oil and gas originated on the public lands and on the Outer Continental Shelf are properly accounted for under the direction of the Secretary of the Interior, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Oil and Gas Royalty Management Act of 1982.

SHORT TITLE AND TABLE OF CONTENTS

30 USC 1701 note.

Section 1. This Act may be cited as the "Federal Oil and Gas Royalty Management Act of 1982".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—FEDERAL ROYALTY MANAGEMENT AND ENFORCEMENT

Sec. 101. Duties of the Secretary.
Sec. 102. Duties of lessees, operators, and motor vehicle transporters.
Sec. 103. Required recordkeeping.
Sec. 104. Prompt disbursement of royalties.
Sec. 105. Explanation of payments.
Sec. 106. Liabilities and bonding.
Sec. 107. Hearings and investigations.
Sec. 108. Inspections.
Sec. 109. Civil penalties.
Sec. 110. Criminal penalties.
Sec. 111. Royalty interest, penalties and payments.
Sec. 112. Injunction and specific enforcement authority.
Sec. 113. Rewards.
Sec. 114. Noncompetitive oil and gas lease royalty rates.

TITLE II—STATES AND INDIAN TRIBES

Sec. 201. Application of title.
Sec. 202. Cooperative agreements.
Sec. 203. Information.
Sec. 204. State suits under Federal law.
Sec. 205. Delegation to States.
Sec. 206. Shared civil penalties.

TITLE III—GENERAL PROVISIONS

Sec. 301. Secretarial authority.
Sec. 302. Reports.
Sec. 303. Study of other minerals.
Sec. 304. Relation to other laws.
Sec. 305. Effective date.
Sec. 306. Funding.
Sec. 307. Statute of limitations.
Sec. 308. Expanded royalty obligations.
Sec. 309. Severability.

TITLE IV—REINSTATEMENT OF LEASES AND CONVERSION OF UNPATENTED OIL PLACER CLAIMS

Sec. 401. Amendment of Mineral Lands Leasing Act of 1920.

96 STAT. 2448

FINDINGS AND PURPOSES

30 USC 1701.

Sec. 2. (a) Congress finds that—

(1) the Secretary of the Interior should enforce effectively and uniformly existing regulations under the mineral leasing laws providing for the inspection of production activities on lease sites on Federal and Indian lands;

(2) the system of accounting with respect to royalties and other payments due and owing on oil and gas produced from such lease sites is archaic and inadequate;

(3) it is essential that the Secretary initiate procedures to improve methods of accounting for such royalties and payments and to provide for routine inspection of activities related to the production of oil and gas on such lease sites; and

(4) the Secretary should aggressively carry out his trust responsibility in the administration of Indian oil and gas.

(b) It is the purpose of this Act—

(1) to clarify, reaffirm, expand, and define the responsibilities and obligations of lessees, operators, and other persons involved in transportation or sale of oil and gas from the Federal and Indian lands and the Outer Continental Shelf;

(2) to clarify, reaffirm, expand and define the authorities and responsibilities of the Secretary of the Interior to implement and maintain a royalty management system for oil and gas leases on Federal lands, Indian lands, and the Outer Continental Shelf;

(3) to require the development of enforcement practices that ensure the prompt and proper collection and disbursement of oil and gas revenues owed to the United States and Indian lessors and those inuring to the benefit of States;

(4) to fulfill the trust responsibility of the United States for the administration of Indian oil and gas resources; and

(5) to effectively utilize the capabilities of the States and Indian tribes in developing and maintaining an efficient and effective Federal royalty management system.

LEGISLATIVE HISTORY—H.R. 5121 (S. 2305):

HOUSE REPORT No. 97-859 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-512 accompanying S. 2305 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 29, considered and passed House.
Dec. 6, considered and passed Senate, amended, in lieu of S. 2305.
Dec. 13, House concurred in Senate amendments with an amendment.
Dec. 16, Senate concurred in House amendment with an amendment.
Dec. 18, House concurred in Senate amendment with an amendment.
Dec. 21, Senate disagreed to House amendment; House receded from its amendment and concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 2 (1983):
Jan. 12, Presidential statement.

TRANSPORTATION ACTS

Public Law 97-261
97th Congress

96 STAT. 1102

An Act

To amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers.

Sept. 20, 1982
[H.R. 3663]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bus Regulatory Reform Act of 1982".

Bus Regulatory Reform Act of 1982.

PURPOSE OF THE ACT

49 USC 10101 note.

SEC. 2. This Act is part of the continuing effort by Congress to reduce unnecessary and burdensome Government regulation.

49 USC 10101 note.

CONGRESSIONAL FINDINGS

49 USC 10101 note.

SEC. 3. The Congress hereby finds that a safe, sound, competitive, and fuel-efficient motor bus system contributes to the maintenance of a strong national economy and a strong national defense and is vital to the transportation needs of the elderly, handicapped, and the poor; that the statutes governing Federal regulation of the motor bus industry are outdated and must be revised to reflect the future transportation needs and realities; that historically the existing Federal and State regulatory structure has tended in certain circumstances to inhibit market entry, carrier growth, maximum utilization of equipment and energy resources, and opportunities for minorities and others to enter the motor bus industry; that State regulation of the motor bus industry has, in certain circumstances, unreasonably burdened interstate commerce; that overly protective regulation has resulted in operating inefficiencies and diminished price and service competition in the motor bus industry; that the objectives contained in the national transportation policy can best be achieved through greater competition and reduced regulation; that in order to reduce the uncertainty felt by the Nation's motor bus industry and those persons and communities that rely on its services, the Interstate Commerce Commission should be given explicit direction for reduced regulation of the motor bus industry and should do everything within its power to promote competition in the motor bus industry; and that legislative and resulting changes should be implemented without unnecessary disruption to the transportation system consistent with the scope of the reforms enacted.

CONGRESSIONAL OVERSIGHT

Hearings.
49 USC 10101 note.

SEC. 4. The appropriate authorizing committees of Congress shall conduct periodic oversight hearings on the effects of this legislation, not less than annually until July 1, 1985, to ensure that this Act is being implemented according to congressional intent and purpose.

96 STAT. 1103

NATIONAL TRANSPORTATION POLICY

SEC. 5. Subsection (a) of section 10101 of title 49, United States Code, is amended by striking out "and in regulating those modes" and all that follows through the period at the end of such subsection and inserting in lieu thereof the following: "and—

"(1) in regulating those modes—

"(A) to recognize and preserve the inherent advantage of each mode of transportation;

"(B) to promote safe, adequate, economical, and efficient transportation;

"(C) to encourage sound economic conditions in transportation, including sound economic conditions among carriers;

"(D) to encourage the establishment and maintenance of reasonable rates for transportation, without unreasonable discrimination or unfair or destructive competitive practices;

"(E) to cooperate with each State and the officials of each State on transportation matters; and

"(F) to encourage fair wages and working conditions in the transportation industry;

"(2) in regulating transportation by motor carrier, to promote competitive and efficient transportation services in order to (A) meet the needs of shippers, receivers, passengers, and consumers; (B) allow a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping and traveling public; (C) allow the most productive use of equipment and energy resources; (D) enable efficient and well-managed carriers to earn adequate profits, attract capital, and maintain fair wages and working conditions; (E) provide and maintain service to small communities and small shippers and intrastate bus services; (F) provide and maintain commuter bus operations; (G) improve and maintain a sound, safe, and competitive privately owned motor carrier system; (H) promote greater participation by minorities in the motor carrier system; and (I) promote intermodal transportation; and

"(3) in regulating transportation by motor carrier of passengers (A) to cooperate with the States on transportation matters for the purpose of encouraging the States to exercise intrastate regulatory jurisdiction in accordance with the objectives of this subtitle; (B) to provide Federal procedures which ensure that intrastate regulation is exercised in accordance with this subtitle; and (C) to ensure that Federal reform initiatives enacted by the Bus Regulatory Reform Act of 1982 are not nullified by State regulatory actions.".

MOTOR CARRIER OF PASSENGERS ENTRY POLICY

SEC. 6. (a) Subsection (a) of section 10922 of title 49, United States Code, is amended (1) by striking out "II or", and (2) by striking out "motor common carrier of passengers or water common carrier, respectively," and inserting in lieu thereof "water common carrier".

(b) Section 10922 of title 49, United States Code, is amended by redesignating subsections (c), (d), (e), (f), (g), (h), (i), and (j) (and any references thereto) as subsections (d), (e), (f), (g), (h), (i), (j), and (k), respectively, and by inserting after subsection (b) the following new subsection: 96 STAT. 1104

"(c)(1) Except as provided in this section—

"(A) The Commission shall issue a certificate to a person authorizing that person to provide regular-route transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers and shall issue a certificate to a recipient of governmental financial assistance for the purchase or operation of buses, or to an operator for such a

49 USC 10521.

recipient, authorizing that person to provide transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers, if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized is not consistent with the public interest.

"(B) For any application for authority as a motor common carrier of passengers, except an application to which subparagraph (A) of this paragraph applies, the Commission shall issue a certificate to a person authorizing that person to provide transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission.

"(2)(A) The Commission shall issue a certificate to a person authorizing that person to provide regular-route transportation entirely in one State as a motor common carrier of passengers if such intrastate transportation is to be provided on a route over which the carrier has authority on the effective date of this subsection to provide interstate transportation of passengers if the Commission finds that the person is fit, willing, and able to provide the intrastate transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized would directly compete with a commuter bus operation and it would have a significant adverse effect on commuter bus service in the area in which the competing service will be performed.

"(B) The Commission shall issue a certificate to a person authorizing that person to provide regular-route transportation entirely in one State as a motor common carrier of passengers if such intrastate transportation is to be provided on a route over which the carrier has been granted authority, or will be granted authority, after the effective date of this section to provide interstate transportation of passengers if the Commission finds that the person is fit, willing, and able to provide the intrastate transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized is not consistent with the public interest.

"(C) No State or political subdivision thereof and no interstate agency or other political agency of two or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law relating to the provision of pickup and delivery of express packages, newspapers, or mail in a commercial zone if the shipment has had or will have a prior or subsequent movement by bus in intrastate commerce and if a city within the commercial zone, as defined in section 10526(b)(1) of this title, is served by a motor common carrier of passengers providing regular-route transportation of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title.

96 STAT. 1105

49 USC 10526.

49 USC 10521.

"(D) Subject to subparagraph (F) of this paragraph, any intrastate transportation authorized by issuance of a certificate under this paragraph shall be deemed to be transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this subtitle. Upon issuance of such certificate, the carrier shall establish initial rates, rules, and practices applicable to such transportation to the same extent and in the same manner as a motor common carrier of passengers providing transportation subject to the jurisdiction of the Commission under such subchapter establishes rates, rules, and practices applicable to such interstate transportation. Any such rate, rule, or practice (including changes thereto) shall be subject to the provisions of chapter 107 of this subtitle as if such rate, rule, or practice were related to interstate transportation.

49 USC 10701 *et seq.*

"(E) Not later than 30 days after the date on which a motor common carrier of passengers first begins providing transportation entirely in one State pursuant to a certificate issued under this paragraph, the carrier shall take all action necessary to establish under the laws of such State rates, rules, and practices applicable to such transportation.

"(F) Transportation entirely in one State authorized by issuance of a certificate under this paragraph shall remain subject to the jurisdiction of the Commission, and rates, rules, and practices applicable to such transportation established under subparagraph (D) of this paragraph shall remain in effect, until permanent rates, rules, and practices applicable to such transportation are established under the laws of such State.

"(G) The Commission shall take final action upon an application filed under subparagraph (A) of this paragraph for authority to provide transportation entirely in one State not later than 90 days after the date the application is filed with the Commission.

"(H) This paragraph shall not apply to any regular-route transportation of passengers provided entirely in one State which is in the nature of a special operation.

"(I) Notwithstanding subparagraph (F) of this paragraph, intrastate transportation authorized under this paragraph may be suspended or revoked by the Commission under section 10925 of this title.

49 USC 10925.

"(3) In making any findings relating to public interest under paragraphs (1)(A) and (2)(B) of this subsection, the Commission shall consider, to the extent applicable—

Ante, p. 1103.

"(A) the transportation policy of section 10101(a) of this title;

"(B) the value of competition to the traveling and shipping public;

"(C) the effect of issuance of the certificate on motor carrier of passenger service to small communities; and

"(D) whether issuance of the certificate would impair the

96 STAT. 1106

ability of any other motor common carrier of passengers to provide a substantial portion of the regular-route passenger service which such carrier provides over its entire regular-route system; except that diversion of revenue or traffic from a motor common carrier of passengers in and of itself shall not be sufficient to support a finding that issuance of the certificate would impair the ability of the carrier to provide a substantial portion of the regular-route passenger service which the carrier provides over its entire regular-route system.

"(4) The provisions of paragraph (1) of this subsection relating to the Commission finding that transportation to be authorized by issuance of a certificate is not consistent with the public interest shall not apply to any application under this subsection for authority to provide—

"(A) interstate transportation service to any community not regularly served by a motor common carrier of passengers under this section;

"(B) interstate transportation service which will be a substitute for discontinued rail or commercial-air passenger service to a community if such discontinuance results in such community not having any rail and commercial-air passenger service and if such application is filed within 180 days after such discontinuance becomes effective; and

"(C) interstate transportation service to any community with respect to which the only motor common carrier of passengers providing interstate transportation service to such community applies for authority to discontinue providing such interstate service under section 10925(b) of this subchapter or applies for permission to discontinue or reduce its level of intrastate service to such community under section 10935 of this subchapter.

49 USC 10925.

Post, p. 1115.

"(5) The Commission may not make any finding under paragraphs (1) and (2) of this subsection which is based upon general findings developed in rulemaking proceedings.

"(6) The requirement that persons issued certificates under this subsection be fit, willing, and able means safety fitness and proof of minimum financial responsibility under section 18 of the Bus Regulatory Reform Act of 1982.

Post, p. 1120.

"(7) No motor common carrier of passengers may protest an application to provide transportation filed under this subsection or a request to remove an operating restriction under section 10922(i)(4) of this title unless—

Post, p. 1108.

"(A)(i) it possesses authority to handle, in whole or in part, the traffic for which authority is applied;

"(ii) it is willing and able to provide service that meets the reasonable needs of the traveling public; and

"(iii) it has performed service within the scope of the application during the previous 12-month period or has, actively in good faith, solicited service within the scope of the application during such period;

"(B) it has pending before the Commission an application filed prior in time to the application being considered for substantially the same traffic; or

"(C) the Commission grants leave to intervene upon a showing of other interests that are not contrary to the transportation policy set forth in section 10101(a) of this title.

Ante, p. 1103.

"(8) No motor contract carrier of passengers may protest an application to provide transportation filed under this subsection.

96 STAT. 1107

"(9) For purposes of this section, authority under this subsection to provide special or charter transportation of passengers by motor vehicle includes authority to provide such transportation as round-trip service and as one-way service if such one-way service may be provided as part of a round-trip movement involving the same passengers and air, rail, or water transportation or any combination of air, rail, or water transportation.".

(c) Paragraph (4) of subsection (e) of section 10922 of title 49, United States Code, as redesignated by subsection (b) of this section, is amended to read as follows:

"(4) A certificate of a motor common carrier to transport passengers shall be deemed to include permissive authority to transport newspapers, baggage of passengers, express packages, or mail in the same motor vehicle with the passengers, or baggage of passengers in a separate motor vehicle.".

(d)(1) Section 10102 of title 49, United States Code, is amended by redesignating paragraphs (5) through (29), and any references thereto, as paragraphs (6) through (30), respectively, and by inserting after paragraph (4) the following new paragraph:

"Commuter bus operations."

"(5) 'commuter bus operations' means short-haul regularly scheduled passenger service provided by motor vehicle in metropolitan and suburban areas, whether within or across the geographical boundaries of a State, and utilized primarily by passengers using reduced-fare, multiple-ride, or commutation tickets during morning and evening peak period operations.".

49 USC 11711.

(2) Section 11711(f) of such title is amended by striking out "10102(10)(A)" and inserting in lieu thereof "10102(11)(A)".

26 USC 250.

(3) Section 250(a)(1) of the Internal Revenue Code of 1954 is amended by striking out "10102(18)" and inserting in lieu thereof "10102(19)".

(4)(A) Section 5201(5) of title 39, United States Code, is amended by striking out "10102(12)" and inserting in lieu thereof "10102(13)".

(B) Section 5201(6) of title 39, United States Code, is amended by striking out "10102(7)" and inserting in lieu thereof "10102(8) of title 49".

(e) Section 10322(a) of title 49, United States Code, is amended—

(1) by inserting "10708(f)," immediately after "10708(b),";

49 USC 10922; *Post*, p. 1108.

(2) by striking out "10922(h)(2)" and inserting in lieu thereof "10922(i)(2), 10922(i)(4)"; and

Ante, p. 1103.

(3) by adding at the end thereof the following new sentence: "In addition, the deadlines set forth in this section do not apply to any application filed under section 10922(c)(2)(A) of this subtitle for authority to provide regular-route transportation entirely in one State as a motor common carrier of passengers.".

(f) Section 10521(b) of title 49, United States Code, is amended—

Ante, p. 1103, 1115, *post*, p. 1117.

(1) in clause (1) by inserting "except as provided in sections 10922(c)(2), 10935, and 11501(e) of this title," immediately before "affect";

(2) in clause (2) by inserting "except as provided in sections 10922(c)(2) and 11501(e)," immediately before "authorize"; and

(3) in clause (3) by inserting "except as provided in section 10922(c)(2) of this title," immediately before "allow".

(g) Section 10922 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

96 STAT. 1108

"(l)(1) Except as provided in paragraph (2) of this subsection, the Commission, notwithstanding any other provision of law (other than such paragraph (2)), shall not issue any certificate to any motor common carrier, or any permit to any motor contract carrier, domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country in the two-year period beginning on the effective date of this subsection. The President of the United States may extend, beyond such two-year period, such moratorium with respect to any contiguous foreign country or political subdivision thereof which substantially prohibits grants of authority to persons from the United States to provide transportation by motor vehicle for compensation in such foreign country or political subdivision.

"(2) The President of the United States may remove or modify, in whole or in part, any moratorium imposed under paragraph (1) of this subsection on the issuance of certificates or permits if the President determines that such removal or modification is in the national interest and notifies, in writing, the Congress of such removal or modification before the date on which such removal or modification is to take effect. In any case in which such moratorium applies to a contiguous foreign country or political subdivision thereof which substantially prohibits grants of authority to persons from the United States to provide transportation by motor vehicle for compensation in such foreign country or political subdivision, such removal or modification shall not take effect before the 60th day following the date on which the Congress is notified of such removal or modification.".

RESTRICTION REMOVAL

SEC. 7. Section 10922(i) of title 49, United States Code, as redesignated by section 6(b) of this Act, is amended by adding at the end thereof the following new paragraphs:

"(3) On the effective date of this paragraph, a certificate to provide interstate transportation of passengers issued under this section shall be deemed to authorize (but not require)—

"(A) round-trip operations where only one-way authority exists; and

"(B) special and charter transportation from all points in a political subdivision of a State in any case in which special and charter transportation authority is limited to one or more points of origin in such political subdivision.

"(4) Upon request of any person issued a certificate to provide interstate transportation of passengers under this section, the Commission shall within 90 days remove any operating restriction imposed on the certificate in order to authorize interstate transportation to intermediate points on any route covered by the certificate unless the Commission finds, on the basis of evidence presented by a person objecting to the removal of such an operating restriction, that the resulting interstate transportation directly competes with a commuter bus operation and will have a significant adverse effect on commuter bus service in the area in which the competing service will be provided.".

MIXING OF REGULAR AND CHARTER PASSENGERS

SEC. 8. Subsection (j) of section 10922 of title 49, United States Code, as redesignated by section 6(b) of this Act, is amended by redesignating clauses (1) and (2) as clauses (A) and (B), respectively, by inserting "(1)" before "A person holding", and by adding at the end of such subsection the following new paragraphs:

"(2)(A) Subject to the provisions of this paragraph, a motor common carrier of passengers who has authority under this section to provide special or charter transportation of passengers and to provide regular-route transportation of passengers may transport the special or charter passengers in the same motor vehicle with regular-route passengers.

"(B) Subparagraph (A) of this paragraph shall only apply to transportation of passengers entirely in a State if the motor common carrier of passengers has authority under the laws of such State to provide within such State special or charter transportation of passengers and regular-route transportation of passengers and if the laws of such State and the certificate, permit, or other authority under which such carrier provides intrastate transportation in such State authorizes such carrier to transport special or charter passengers in the same motor vehicle with regular-route passengers.

"(C) Special or charter transportation of passengers may only be provided under subparagraph (A) of this paragraph in the same motor vehicle as regular-route transportation of passengers if the mixing of such passengers does not interfere with the obligation of the carrier to comply with section 11101 of this subtitle.

49 USC 11101.

"(3) Subject to such regulations as the Commission may issue, a person who has authority under this section to provide charter transportation of passengers may transport groups of charter passengers in the same motor vehicle at the same time.".

RULE OF RATEMAKING

SEC. 9. (a) Section 10701(e) of title 49, United States Code, is amended by striking out "of property" each place it appears.

(b) Section 10704(b)(2)(B) of title 49, United States Code, is amended by striking out "of property".

RATE BUREAUS

SEC. 10. (a) Paragraphs (1) and (2) of section 10706(b) of title 49, United States Code, are amended by striking out "of property" each place it appears.

(b)(1) Section 10706(b)(3)(B)(i) of title 49, United States Code, is amended by striking out "and (D)" and inserting in lieu thereof ", (D), (E), and (F)".

(2) Section 10706(b)(3)(B)(iii) of title 49, United States Code, is amended by striking out "of property".

(3) Section 10706(b)(3)(D) of title 49, United States Code, is amended by inserting after the first sentence the following new sentence: "This subparagraph shall not apply to any single-line rate proposed by a motor common carrier of passengers.".

(4) Section 10706(b)(3) of title 49, United States Code, is amended by redesignating subparagraphs (E) and (F), and any references thereto, as subparagraphs (G) and (H), respectively, and by inserting after subparagraph (D) the following new subparagraphs:

96 STAT. 1110

"(E) On and after January 1, 1983, no agreement approved under this subsection may provide for discussion of or voting upon any single-line rate proposed by a motor common carrier of passengers. On and after January 1, 1984, no agreement approved under this subsection may provide for discussion of or voting upon any joint rate proposed by one or more motor common carriers of passengers. This subparagraph shall not apply to any rate applicable to special or charter transportation. This subparagraph and subparagraph (B)(i)(II) of this paragraph shall not apply to the following:

"(i) any general rate increase or decrease, broad change in tariff structure, or promotional or innovative fare change, as defined by the Commission and subject to such notice requirements as the Commission may specify by regulation, if discussion of such general increase or decrease is limited to industry average carrier costs and intermodal competitive factors and does not include discussion of individual markets or particular single-line rates or joint rates; and

"(ii) publishing of tariffs, filing of independent actions for individual member carriers, providing of support services for members, and changes in rules or regulations which are of at least substantially general application throughout the area in which such changes will apply.

"(F) After the effective date of this subparagraph, no agreement approved under this subsection may provide for discussion of or voting upon any rate applicable to special or charter transportation proposed by a motor common carrier of passengers. This subparagraph shall not apply to publication of any such rate.".

(c) Subsection (b) of section 10706 of title 49, United States Code, is amended by adding at the end thereof the following new paragraph:

Regulations, effective date.

"(5) Notwithstanding any other provision of this subtitle (other than paragraph (3)(F) of this subsection, relating to special and charter transportation of passengers), before January 1, 1983, the Commission may not take any action which would, on the basis of the type of carrier service involved (including service by carriers singly or in combination with other carriers), result in the exclusion of one or more motor common carriers of passengers from discussion or voting under agreements authorized by this subsection on matters concerning rates, allowances, or divisions, except that before January 1, 1983, the Commission may issue regulations which take effect on or after January 1, 1983, to carry out the provisions of paragraph (3)(E) of this subsection.".

(d) The first sentence of section 10706(c) of title 49, United States Code, is amended by striking out "of property".

49 USC 10706 note.

(e)(1) Paragraph (2) of section 14(b) of the Motor Carrier Act of 1980 (Public Law 96-296; 94 Stat. 806) is amended to read as follows:

Collective ratemaking process; investigation and study.

"(2)(A) The Study Commission shall make (i) a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers of property and upon the need or lack of need for continued antitrust immunity therefor, and (ii) a full and complete investigation and study of the collective ratemaking process for general rate changes, innovative fare changes, and broad changes in tariff structure of motor common carriers of passengers and upon the need or lack of need for antitrust immunity therefor. The Study Commission may study the collective ratemaking process for single-line or joint-line rates of motor common carriers of passengers. Each such study shall estimate the impact of the elimination of such immunity upon rate levels and rate structures and describe the impact of the elimination of such immunity upon the Interstate Commerce Commission and its staff. Each such study shall give special consideration to the effect of the elimination of such immunity upon rural areas and small communities.

96 STAT. 1111

Persons over 60, investigation and study.

Notice and hearing.

"(B) The Study Commission shall make a full and complete investigation and study of the impact of implementation of the Bus Regulatory Reform Act of 1982 on persons over the age of 60, including those who reside in rural areas and small communities. In particular, the Study Commission shall investigate and study the effect on such persons of the potential termination of routes as a result of implementation of the Bus Regulatory Reform Act of 1982. In making the study required by this subparagraph, the Study Commission shall provide for notice and the opportunity for interested parties to comment, but need not provide for oral evidentiary hearings. In addition, the Study Commission shall consider the impact of both statutory and administrative regulatory reforms on the continuation and development of high quality intrastate motor bus services. Such study shall focus on the impact on existing firms currently providing service, some or all of which is conducted between points wholly within a single State. The Study Commission shall present its conclusions in its final report. Prior to such final report, if the Study Commission finds the existence of conditions that jeopardize the viability of continued intrastate services, it shall immediately notify the Congress and the Interstate Commerce Commission of its findings. If such notice is presented to the Interstate Commerce Commission, it shall give expedited treatment to whatever recommendations are made. The mandate to study the impact on intrastate bus transportation shall be an on-going one throughout the duration of the Study Commission's existence.".

49 USC 10706 note.

(2) Paragraph (3) of section 14(b) of the Motor Carrier Act of 1980 (Public Law 96-296; 94 Stat. 806) is amended—

(A) by striking out "ten members" and inserting in lieu thereof "fourteen members";

(B) by striking out "and" at the end of clause (B); and

(C) by striking out the period at the end of such paragraph and inserting in lieu thereof "; and"; and

(D) by adding at the end of such paragraph the following:

"(D) four members of the public appointed by the President, one who is a motor common carrier of passengers receiving $3,000,000 or more per year in revenues from motor common carrier of passengers operations, one who is a motor common carrier of passengers receiving less than $3,000,000 per year in revenues from motor common carrier of passengers operations, and two who are not affiliated with the motor common carrier industry.

No member of the Study Commission who is appointed under clause (C) of this paragraph shall vote on any matter before the Study Commission related to motor common carriers of passengers, and no member of the Study Commission who is appointed under clause (D) of this paragraph shall vote on any matter before the Study Commission related to motor common carriers of property.".

49 USC 10706 note.

(3) Paragraph (4) of section 14(b) of the Motor Carrier Act of 1980 (Public Law 96-296; 94 Stat. 806) is amended by striking out the first 2 sentences and inserting in lieu thereof the following:

Reports to President and Congress.

96 STAT. 1112

Reports.

Termination.

"(4) The Study Commission shall submit to the President and the Congress its final report on the collective ratemaking process applicable to motor common carriers of property not later than January 1, 1983, and its final report on the collective ratemaking process applicable to motor common carriers of passengers not later than January 1, 1984. The Study Commission shall, not later than January 1, 1984, submit to the President and the Congress the report required by paragraph (2)(B) of this subsection. Such reports shall include, but not be limited to, the findings and recommendations of the Study Commission. The Study Commission shall cease to exist 6 months after submission of the last of such reports.".

49 USC 10706 note.

(4) Paragraph (12) of section 14(b) of the Motor Carrier Act of 1980 (Public Law 96-296; 94 Stat. 808) is amended by striking "$3,000,000" and inserting in lieu thereof "$4,000,000".

49 USC 10706 note.

(f) Any organization established pursuant to an agreement entered into by motor common carriers of passengers and approved by the Commission prior to the effective date of this subsection under section 10706(c) of title 49, United States Code, may continue to function pursuant to such agreement until a new or amended agreement is finally disposed of by the Commission under section 10706 of title 49, United States Code, as amended by this section, so long as (1) such new or amended agreement is submitted to the Commission for approval within 120 days of such effective date, and (2) such organization complies with this section (including amendments made by this section and regulations issued under such amendments) during the period such new or amended agreement is being prepared, submitted to, and considered by the Commission.

ZONE OF RATE FREEDOM

SEC. 11. (a) Subsection (d) of section 10708 of title 49, United States Code, is amended by redesignating paragraph (4) of such subsection, and any references thereto, as paragraph (6) and inserting after paragraph (3) the following new paragraphs:

"(4) Notwithstanding any other provision of this title, the Commission may not investigate, suspend, revise, or revoke any single-line rate proposed by a motor common carrier of passengers, or joint rate proposed by one or more such carriers, applicable to any transportation (other than special or charter transportation) on the grounds that such rate is unreasonable on the basis that it is too high or too low if—

"(A) the carrier or carriers notify the Commission that they wish to have the rate considered pursuant to this subsection; and

"(B) the aggregate of increases and decreases in any such rate is not more than 10 percent above the rate in effect one year prior to the effective date of the proposed rate, nor more than 20 percent below the lesser of the rate in effect on the effective date of this paragraph (or, in case of any rate which the carrier or carriers first establish after such date for a service not provided by the carrier or carriers on such date, such rate on the date such rate first becomes effective), or the rate in effect one year prior to the effective date of the proposed rate.

"(5) One year after the effective date of this paragraph, the first and second percentages specified in paragraph (4)(B) of this subsection shall change to 15 percent and 25 percent, respectively. Two years after the effective date, the first and second percentages specified in paragraph (4)(B) of this subsection shall change to 20 percent and 30 percent, respectively.".

(b) Paragraph (6) of section 10708(d) of title 49, United States Code, as redesignated by subsection (a) of this section, is amended by inserting after the first sentence the following new sentence: "Evidence that any motor common carrier of passengers established pursuant to this subsection a joint or single-line rate applicable to transportation over any route which is the same as or similar to a joint rate applicable to transportation over such route which such carrier together with one or more other motor common carriers of passengers established pursuant to this subsection shall not be in and of itself sufficient to establish a violation of any such antitrust law.".

96 STAT. 1113

(c) Section 10708 of title 49, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) Notwithstanding any other provision of this title, 3 years after the effective date of this subsection, the Commission may not investigate, suspend, revise, or revoke any rate proposed by a motor common carrier of passengers on the grounds that such rate is unreasonable on the basis that it is too high or too low, unless the proposed rate is established collectively in accordance with the procedures of an agreement approved by the Commission under section 10706(b) of this title. In publishing and filing a tariff under section 10762 of this title, the carrier shall disclose whether such rate is the result of collective ratemaking procedures pursuant to an

49 USC 10706.
49 USC 10762.

agreement approved by the Commission under section 10706(b) of this title.

49 USC 10701.

"(f) Notwithstanding any other provision of this title, an interested party may file a complaint under section 11701 of this title challenging the reasonableness of a rate filed under this section by a motor carrier of passengers. Any such complaint proceeding shall be finally determined by the Commission no later than 90 days after the filing of the complaint.".

RATES FOR SPECIAL AND CHARTER TRANSPORTATION

SEC. 12. (a) Section 10708 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this title, the Commission may not investigate, suspend, revise, or revoke any rate proposed by a motor common carrier of passengers applicable to special or charter transportation. Nothing in this subsection shall limit the Commission's authority to suspend and investigate proposed rates on the basis that such rates constitute predatory practices in contravention of the transportation policy set forth in section 10101(a) of this title.".

Ante, p. 1103.

(b) Section 10762(c)(3) of title 49, United States Code, is amended—

(1) in the second sentence by inserting "and motor common carrier of passengers with respect to special or charter transportation" immediately after "a rail carrier"; and

(2) by adding at the end thereof the following new sentence: "In the case of a motor common carrier of passengers, a proposed rate change resulting in an increased rate or a new rate applicable to special or charter transportation shall not become effective for 30 days after the notice is published, and a proposed rate change resulting in a reduced rate applicable to special or charter transportation shall not become effective for 10 days after the notice is published.".

96 STAT. 1114

MOTOR CONTRACT CARRIERS

SEC. 13. (a) Section 10923(b)(2) of title 49, United States Code, is amended to read as follows:

"(2) The provisions of paragraph (2) of subsection (a) of this section shall not apply to applications under this section for authority to provide transportation as a motor contract carrier of passengers. The requirement that persons issued permits under this section as motor contract carriers of passengers be fit, willing, and able means safety fitness and proof of minimum financial responsibility under section 18 of the Bus Regulatory Reform Act of 1982.".

Post, p. 1120.

(b) Subsection (e) of section 10925 of title 49, United States Code, is amended—

(1) by striking out "of property" each place it appears;

(2) by striking out "section 10922(b)" each place it appears and inserting in lieu thereof "section 10922"; and

(3) in paragraph (2)—

(A) by striking out "transportation"; and

(B) by striking out "of the same property" and inserting in lieu thereof "the same type of transportation".

BROKERS

SEC. 14. (a) Subsection (a) of section 10924 of title 49, United States Code, is amended by striking out "passengers or".

(b) Subsection (e) of section 10924 of title 49, United States Code, is amended by striking out "of travelers and".

(c) Section 10924 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

Bonds or insurance, requirements.

"(f) The Commission may impose on brokers for motor carriers of passengers such requirements for bonds or insurance or both as the

Commission determines are needed to protect passengers and carriers dealing with such brokers.".

(d) Section 10526(a) of title 49, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(14) brokers for motor carriers of passengers, except as provided in section 10924(f) of this title.".

TEMPORARY AND EMERGENCY TEMPORARY AUTHORITY

SEC. 15. Section 10928 of title 49, United States Code, is amended—

(1) in subsection (a) by striking out "motor carrier of passengers or" each place it appears;

(2) in subsection (b)(1) by striking out "of property" each place it appears; and

(3) in subsection (c)(1) by striking out "of property" each place it appears and by inserting immediately after "not more than 90 days" the following: "and, in addition, in the case of a motor carrier of passengers, the Commission may extend such authority for a period of more than 90 days but not more than 180 days if no other motor carrier of passengers is providing transportation to the place or in the area".

96 STAT. 1115

EXIT POLICY

SEC. 16. (a) Subchapter II of chapter 109 of title 49, United States Code, is amended by adding at the end thereof the following new section:

49 USC 10935.

"§ 10935. Discontinuing bus transportation in one State

49 USC 10922.

"(a) When a motor common carrier of passengers having intrastate authority under the laws of a State, and interstate authority under a certificate issued under section 10922 of this subchapter, to provide transportation over any route to any point in such State has proposed to discontinue providing transportation over such route to such point or to reduce its level of service over such route to such point to a level which is less than one trip per day (excluding Saturdays and Sundays) and the carrier has requested the department, agency, or instrumentality of such State having jurisdiction over granting such discontinuance or reduction for permission to discontinue such intrastate transportation or to reduce its level of service to a level which is less than one trip per day (excluding Saturdays and Sundays) and the request has been denied (in whole or in part) or such department, agency, or instrumentality has not acted finally (in whole or in part) on the request by the 120th day after the carrier made the request, the carrier may petition the Commission for such permission.

"(b) When a petition is filed under subsection (a) of this section, the carrier shall certify that he has notified (1) the Governor of the State in which such transportation is provided, (2) the State authority having jurisdiction over granting discontinuances of transportation by motor common carriers of passengers and reductions in levels of service by such carriers, (3) local governments having jurisdiction over areas which would be affected if such petition is granted, and (4) such other interested persons as the Commission may specify by regulation.

Discontinuance of service, objection.

"(c) Any person (including a department, agency, or instrumentality of a State or local government) may object to the Commission to the granting of permission to any motor common carrier of passengers to discontinue or reduce transportation under this section.

"(d) If no person objects under subsection (c) of this section to the granting of permission to discontinue or reduce transportation under this section within 20 days after the carrier files with the

Commission the petition for such discontinuance or reduction, the Commission shall grant such permission at the end of such 20-day period.

"(e)(1)(A) Subject to paragraph (3) of this subsection, if, within 20 days after a carrier files a petition for permission to discontinue providing intrastate transportation over any route to any point or to reduce its level of service over such route to such point to a level which is less than one trip per day (excluding Saturdays and Sundays), any person objects under subsection (c) of this section to the Commission to the granting of such permission, the Commission shall grant such permission unless the Commission finds, on the basis of evidence presented by the person objecting to the granting of such permission, that such discontinuance or reduction is not consistent with the public interest or that continuing the transportation, without the proposed discontinuance or reduction, will not constitute an unreasonable burden on interstate commerce.

"(B) This paragraph shall apply to intrastate transportation of passengers which is being provided by a motor common carrier of passengers on a route over which such carrier was granted, on or before August 1, 1982, authority to provide interstate transportation of passengers.

"(2)(A) Subject to paragraph (3) of this subsection, if, within 20 days after a carrier files a petition for permission to discontinue providing intrastate transportation over any route to any point or to reduce its level of service over such route to such point to a level which is less than one trip per day (excluding Saturdays and Sundays), any person objects under subsection (c) of this section to the Commission to the granting of such permission, the Commission shall grant such permission unless the Commission finds, on the basis of evidence presented by the person objecting to the granting of such permission, that continuing the transportation, without the proposed discontinuance or reduction, will not constitute an unreasonable burden on interstate commerce. For the purposes of this paragraph, continuance of the transportation would not constitute an unreasonable burden on interstate commerce only if discontinuance or reduction of such transportation is not consistent with the public interest and the interstate and intrastate revenues from such service under reasonable pricing practices are not less than the variable costs of providing the transportation proposed to be discontinued or reduced.

"(B) This paragraph shall apply to intrastate transportation of passengers which is being provided by a motor common carrier of passengers on a route over which such carrier was granted after August 1, 1982, and before the effective date of this section, or is granted on or after such effective date, authority to provide interstate transportation of passengers.

"(3) The Commission shall only grant permission to a carrier to discontinue intrastate transportation over any route to any point under this subsection if such carrier has applied for authority to discontinue its interstate transportation over such route to such point under section 10925(b) of this subchapter and the Commission has granted or will grant such authority.

49 USC 10925.

Petition for discontinuance or reduction.

"(4) If any person objects under subsection (c) of this section to the granting of permission to discontinue or reduce transportation under this section within 20 days after the carrier files with the Commission the petition for such discontinuance or reduction, the carrier, within 15 days after the filing of such objection with the Commission, shall furnish to the Commission and to objecting persons—

"(A) an estimate of the annual subsidy required, if any, to continue the service;

"(B) traffic, revenue, and other data necessary to determine the amount of annual financial assistance, if any, which would be required to continue the service; and

"(C) such other information as the Commission may require by regulation.

The Commission shall take final action upon such petition not later than 90 days after the date the carrier files such petition.

"(f) Before a discontinuance or reduction in level of service proposed in a petition filed by a carrier under subsection (a) of this section has become effective, the Commission may order the carrier

96 STAT. 1117

to continue any part of the intrastate transportation in not to exceed the 165-day period beginning on the date the carrier files such petition with the Commission.

"(g)(1) In making a finding under subsection (e)(1) of this section, the Commission shall accord great weight to the extent to which interstate and intrastate revenues received for providing the transportation proposed to be discontinued or reduced are less than the variable costs of providing such transportation, including depreciation for revenue equipment. For purposes of the preceding sentence, the carrier filing a petition for permission to discontinue or reduce service shall have the burden of proving the amount of the interstate and intrastate revenues received for providing the transportation and the variable costs of providing the transportation.

"(2) In making a finding under subsection (e)(1) or (e)(2) of this section, the Commission shall consider, to the extent applicable, at least—

49 USC 10101.

"(A) the national transportation policy of section 10101 of this title;

"(B) whether the motor common carrier of passengers has received an offer of, or is receiving, financial assistance to provide the transportation to be discontinued or reduced from a financially responsible person (including a governmental authority); and

"(C) in the case of a petition to discontinue transportation to any point, whether the transportation is the last motor carrier of passenger service to such point and whether a reasonable alternative to such service is available.

49 USC 10521.
Ante, p. 1106.

"(h) No State or political subdivision thereof and no interstate agency or other agency of two or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to discontinuance or reduction in the level of intrastate service by a motor common carrier of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title corresponding to an interstate service initiated pursuant to the provisions of section 10922(c)(4) of this title, except to the extent that notice of discontinuance or reduction in service, not in excess of 30 days, may be required.

"(i) This section shall not apply to any carrier owned or controlled by a State or local government.".

(b) The analysis for subchapter II of chapter 109 of title 49, United States Code, is amended by inserting

"10935. Discontinuing bus transportation in one State."

after

"10934. Household goods agents.".

(c) Section 10322(a) of title 49, United States Code, is amended by inserting "10935," after "10934(c),".

DISCRIMINATORY STATE REGULATION OF RATES AND PRACTICES

SEC. 17. (a)(1) Section 11501 of title 49, United States Code, is amended by redesignating subsection (e), and any references thereto, as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e)(1) The Commission shall prescribe any rate, rule, or practice applicable to transportation provided entirely in one State by a

96 STAT. 1118

49 USC 10521.

motor common carrier of passengers providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(A) if the carrier has requested the department, agency, or instrumentality of such State having jurisdiction over such rate, rule, or practice for permission to establish such rate, rule, or practice and the request has been denied (in whole or in part) or the State authority has not acted finally (in whole or in part) on the request by the 120th day after the carrier made the request; and

"(B) if the Commission finds that the rate, rule, or practice in effect and applicable to such intrastate transportation causes unreasonable discrimination against or imposes an unreasonable burden on interstate or foreign commerce.

Rebuttable presumption.

"(2) For purposes of paragraph (1)(B) of this subsection, there shall be a rebuttable presumption that—

"(A) any rate, rule, or practice applicable to transportation provided by a motor common carrier of passengers entirely in one State imposes an unreasonable burden on interstate commerce if the Commission finds—

"(i) that such rate, rule, or practice results in the carrier charging a rate for such transportation which is lower than the rate such carrier charges for comparable interstate transportation of passengers;

"(ii) on the basis of evidence presented by the carrier, that as a result of such rate, rule, or practice such carrier does not receive revenues from such transportation which exceed the variable costs of providing such transportation; or

"(iii) that the department, agency, or instrumentality of such State having jurisdiction over such rate, rule, or practice failed to act finally (in whole or in part) on the request of the carrier to establish such rate, rule, or practice by the 120th day after the date the carrier made the request; and

"(B) any rate applicable to transportation entirely in one State imposes an unreasonable burden on interstate commerce if the Commission finds that the most recent general rate increase applicable to transportation provided by motor common carriers of passengers in such State is less than the most recent general rate increase applicable to interstate transportation provided by motor common carriers of passengers under this subtitle.

Application, filing.

"(3)(A) A motor common carrier of passengers must file an application with the Commission for prescription under this subsection of a rate, rule, or practice applicable to transportation provided entirely in one State by such carrier. When such application is filed with the Commission, the carrier shall certify that he has notified (i) the Governor of such State, (ii) the department, agency, or instrumentality of such State which denied, or failed to take action on, the request of such carrier related to such rate, rule, or practice, and (iii) such other interested persons as the Commission may specify by regulation. The Commission shall take final action on any such application not later than 60 days after such application is filed with the Commission.

"(B) The Commission shall establish, by regulation, procedures for processing applications under this subsection.

"(4) This subsection shall not apply to any carrier owned or controlled by a State or local government.

"(5) No State or political subdivision thereof and no interstate agency or other political agency of two or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to scheduling of interstate or intrastate transportation provided by motor common carrier of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title on an authorized interstate route or relating to the implementation of any reduction in the rates for such transportation except to the extent that notice, not in excess of 30 days, of changes in schedules may be required. This paragraph shall not apply to intrastate commuter bus operations.

49 USC 10521.

"(6)(A) No motor common carrier of passengers providing transportation subject to the jurisdiction of the Commission may charge or collect a rate for intrastate service provided on an authorized interstate route which constitutes a predatory practice in contravention of the transportation policy set forth in section 10101(a) of this title.

Ante, p. 1103.

"(B) When the Commission decides, upon complaint by any person, that a reduction in a rate charged or collected by such a motor common carrier of passengers for intrastate service provided on an authorized interstate route constitutes a predatory practice in contravention of the transportation policy set forth in section 10101(a) of this title, the Commission shall prescribe the rate applicable to such service.".

(2) Subsection (f) of section 11501 of title 49, United States Code, as redesignated by paragraph (1) of this subsection, is amended by inserting "(1)" immediately after "take action" and by inserting ", or (2) with respect to a rate, rule, or practice of a motor common carrier of passengers, in accordance with the procedures established by the Commission under subsection (e)(3)(B) of this section" immediately after "a full hearing".

(b) Section 10322(a) of title 49, United States Code, is amended by inserting "or 11501(e)" immediately after "section 10934".

49 USC 10501 note.

(c) The Interstate Commerce Commission, in consultation with each national association representing State departments, agencies, and instrumentalities having jurisdiction over motor common carrier transportation of passengers, shall cooperate with each such department, agency, or instrumentality of a State for the purpose of establishing standards and procedures (including timing requirements) for rates, rules, and practices applicable to intrastate transportation provided by motor common carriers of passengers who provide transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of subtitle IV of title 49, United States Code, which are—

49 USC 10521.

(1) to the extent feasible, uniform among the States; and

(2) consistent with the standards and procedures established by the Interstate Commerce Commission under such subtitle for regulation of interstate transportation provided by motor common carriers of passengers.

State standards and procedures, revision.
49 USC 11501 note.

(d) It is the sense of Congress that each State should revise its standards and procedures (including timing requirements) for rates, rules, and practices applicable to intrastate transportation provided by motor common carriers of passengers to conform such standards and procedures to the standards and procedures for rates, rules, and practices applicable to interstate transportation provided by motor carriers of passengers not later than 2 years after the effective date of this section.

Report to Congress.
49 USC 11501 note.

96 STAT. 1120

(e) Not later than 30 months after the effective date of this section, the Interstate Commerce Commission shall report to the Congress on the results of its efforts to establish uniform standards and procedures applicable to motor common carrier of passengers rates, rules, and practices.

FINANCIAL RESPONSIBILITY

Regulations.
49 USC 10927 note.

SEC. 18. (a) The Secretary of Transportation shall establish regulations to require minimal levels of financial responsibility sufficient to satisfy liability amounts to be determined by the Secretary covering public liability and property damage for the transportation of passengers for hire by motor vehicle in the United States from a place in a State to a place in another State, from a place in a State to another place in such State through a place outside of such State, and between a place in a State and a place outside of the United States.

(b) The minimal level of financial responsibility established by the Secretary under subsection (a) of this section—

(1) for any vehicle with a seating capacity of 16 passengers or more shall not be less than $5,000,000, except that the Secretary, by regulation, may reduce such amount (but not to an

amount less than $2,500,000) for any class of such vehicles or operations for the 2-year period beginning on the effective date of the regulations issued under such subsection or any part of such period if the Secretary finds that such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service; and

(2) for any vehicle with a seating capacity of 15 passengers or less shall not be less than $1,500,000, except that the Secretary, by regulation, may reduce such amount (but not to an amount less than $750,000) for any class of such vehicles or operations for the 2-year period beginning on the effective date of the regulations issued under such subsection or any part of such period if the Secretary finds that such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service.

(c)(1) If, at the end of the one-year period beginning on the effective date of this section, the Secretary has not established regulations to require minimal levels of financial responsibility as required by subsection (a) of this section for any class of transportation of passengers, the levels of financial responsibility for such class of transportation shall be the $5,000,000 amount set forth in subsection (b)(1) of this section in the case of motor vehicles with a seating capacity of 16 passengers or more and the $1,500,000 amount set forth in subsection (b)(2) of this section in the case of motor vehicles having a seating capacity of 15 passengers or less, until such time as the Secretary, by regulation, changes such amount under this section.

(2) Notwithstanding the provisions of subsection (b) of this section, the Secretary may only make reductions in the $5,000,000 and $1,500,000 amounts set forth in such subsection for the two-year period beginning on the 366th day following the effective date of this section or any part of such period.

(d) Financial responsibility may be established under this section by any one or combination of the following methods acceptable to the Secretary: evidence of insurance, including high self-retention, guarantee, or surety bond. Any bond filed shall be issued by a bonding company authorized to do business in the United States. The Secretary shall establish, by regulation, methods and procedures to assure compliance with this section.

Violation; penalty.

(e)(1) Any person (except an employee who acts without knowledge) who is determined by the Secretary, after notice and opportunity for a hearing, to have knowingly violated this section or a regulation issued under this section shall be liable to the United States for a civil penalty of not more than $10,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense. The amount of any such penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

(2) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, prior to referral to the Attorney General, such civil penalty may be compromised by the Secretary. The amount of such penalty, when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the United States to the person charged. All penalties collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

(f) This section shall not apply—

(1) to a motor vehicle transporting only school children and teachers to or from school;

(2) to a motor vehicle providing taxicab service and having a seating capacity of less than 7 passengers and not operated on a regular route or between specified points; and

(3) to a motor vehicle carrying less than 16 individuals in a single, daily round trip to commute to and from work.

Definitions.

(g) For purposes of this section, the term—

(1) "Secretary" means the Secretary of Transportation; and

(2) "State" means a State of the United States and the District of Columbia.

(h) Section 10927(a)(1) of title 49, United States Code, is amended by inserting immediately after "Motor Carrier Act of 1980" the following: ", in the case of a motor carrier of property, or section 18 of the Bus Regulatory Reform Act of 1982, in the case of a motor carrier of passengers".

Ante, p. 1120.

SECURITIES

Repeal.

SEC. 19. (a) Section 11302 of title 49, United States Code, and the item relating to such section in the analysis for chapter 113 of such title, are repealed.

(b) Section 11348 of title 49, United States Code, is amended by striking out "11302," each place it appears.

(c) Section 11911(a) of title 49, United States Code, is amended by striking out "or of a person to which that section is made applicable by section 11302(a) of this title".

(d) Section 3(a)(6) of the Securities Act of 1933 (15 U.S.C. 77c(a)(6)) is amended by striking out "Any security issued by a motor carrier the issuance of which is subject to the provisions of section 214 of the Interstate Commerce Act, or any" and by inserting in lieu thereof "Any".

96 STAT. 1122

TAX DISCRIMINATION

SEC. 20. (a) Section 11503a(a)(3) of title 49, United States Code, is amended by striking out "of property".

(b) Section 11503a(c)(1) of title 49, United States Code, is amended by striking out "other commercial and industrial property" and inserting in lieu thereof "such other property".

MERGER PROCEDURE

SEC. 21. (a)(1) Section 11341(a) of title 49, United States Code, is amended by inserting "or exempted by" immediately after "approved by".

(2) The third sentence of section 11341(a) of title 49, United States Code, is amended by inserting "approved or exempted" immediately after "participating in that".

(b) Section 11343 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) Notwithstanding any provisions of this title, the Interstate Commerce Commission, in a matter related to a motor carrier of property providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, may exempt a person, class of persons, transaction, or class of transactions from the merger, consolidation, and acquisition of control provisions of this subchapter if the Commission finds that—

49 USC 10521.

"(A) the application of such provisions is not necessary to carry out the transportation policy of section 10101 of this title; and

49 USC 10101.

"(B) either (i) the transaction is of limited scope, or (ii) the application of such provisions is not needed to protect shippers from the abuse of market power.

Notices.

"(2) At least 60 days before any transaction exempt under this subsection from the merger, consolidation, and acquisition of control provisions of this subchapter may take effect, each carrier intending to participate in such transaction shall file with the Commission a notice of its intention to participate in such transaction and shall give public notice of such intention. The Commission shall prescribe the information to be contained in such notices, including the nature and scope of the transaction.

"(3) The Commission, on its own initiative or on complaint, may revoke an exemption granted under this subsection, to the extent it specifies, when it finds that application of the provisions of this section to the person, class of persons, or transportation is necessary to carry out the transportation policy of section 10101 of this title.

"(4) If the Commission, on its own initiative, finds that employees of any carrier intending to participate in a transaction exempt under this subsection from the merger, consolidation, and acquisition of control provisions of this subchapter are or will be adversely affected by such transaction or if employees of such carrier adversely affected by such transaction file a complaint concerning such transaction with the Commission, the Commission shall revoke such exemption to the extent the Commission deems necessary to review and address the adverse effects on such employees.".

96 STAT. 1123

(c) The heading of section 11345a of title 49, United States Code, is amended to read as follows:

"§ 11345a. Consolidation, merger, and acquisition of control: motor carrier procedure".

(d) Subsection (a) of such section is amended by striking out "of property".

(e) The item relating to section 11345a in the analysis for subchapter III of chapter 113 of title 49, United States Code, is amended to read as follows:

"11345a. Consolidation, merger, and acquisition of control: motor carrier procedure."

(f) Section 11344(b) of title 49, United States Code, is amended by redesignating paragraphs (1), (2), (3), (4), and (5) (and any references thereto) as subparagraphs (A), (B), (C), (D), and (E), respectively, by inserting "(1)" immediately before "In a proceeding", and by adding at the end thereof the following new paragraph:

"(2) In a proceeding under this section which involves only carriers of passengers providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, the Commission shall consider at least the following:

49 USC 10521.

"(A) the effect of the proposed transaction on the adequacy of transportation to the public.

"(B) the effect on the public interest of including, or failing to include, other rail carriers in the area involved in the proposed transaction.

"(C) the total fixed charges that result from the proposed transaction.

"(D) the interest of carrier employees affected by the proposed transaction.".

(g) Section 11344(d) of title 49, United States Code, is amended by adding at the end thereof the following new sentence: "The provisions of this subsection do not apply to any proceeding under this section which involves only carriers of passengers providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title.".

SAFETY ENFORCEMENT

SEC. 22. (a) Section 10925(d) of title 49, United States Code, is amended by redesignating paragraph (2) (and any references thereto) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Without regard to subchapter II of chapter 103 of this title and subchapter II of chapter 5 of title 5, upon petition by the Secretary of Transportation, the Commission may suspend a certifi-

49 USC 10321.
5 USC 551.

cate or permit of a motor carrier of passengers if the Commission finds that such carrier has been conducting unsafe operations which are an imminent hazard to public health or property.".

(b) Paragraph (3) of section 10925(d) of title 49, United States Code, as redesignated by subsection (a) of this section, is amended by inserting immediately before the period at the end thereof the following: "or, in the case of a suspension under paragraph (2) of this subsection, until the Commission revokes such suspension".

96 STAT. 1124

ILLEGAL OPERATIONS

49 USC 10921.

SEC. 23. Section 11901(g) of title 49, United States Code, is amended by inserting immediately before the period at the end of the first sentence the following: "; except that, in the case of a person who does not have authority under this subtitle to provide transportation of passengers, or an officer, agent, or employee of such person, that does not comply with section 10921 of this title with respect to providing transportation of passengers, the amount of the civil penalty shall not be more than $1,000 for each violation and $500 for each additional day the violation continues".

ADMINISTRATIVE ASSISTANCE

49 USC 10101.

Ante, pp. 1103, 1115, 1117.

SEC. 24. Section 10321(b) of title 49, United States Code, is amended—

(1) by striking out "and" at the end of clause (2);

(2) by striking out the period at the end of such section and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause: "(4) consistent with the transportation policy of section 10101 of this title, provide administrative assistance to small motor common carriers of passengers and local governments in preparing for proceedings under sections 10922(c)(2), 10935, and 11501(e) of this title.".

STUDY OF CITIZEN BAND RADIOS ON BUSES

49 USC 11111 note.

49 USC 10521.

SEC. 25. (a) The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the use of citizen band radios on motor vehicles providing transportation of passengers subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of title 49, United States Code, by the operators of such vehicles. Such study shall determine, at a minimum, the following:

(1) the effect on safety if such operators are authorized to use such radios; and

(2) the effect on safety, health, and convenience of the passengers of such vehicles if such operators are authorized to use such radios.

Report to Secretary and Congress.
49 USC 11111 note.

(b) The Secretary of Transportation shall request the National Academy of Sciences to submit to the Secretary and the Congress, within one year after entering into arrangements with the National Academy of Sciences for conducting the study under subsection (a) of this section, a report on the results of such study along with its recommendations concerning whether operators of motor vehicles providing transportation of passengers should be allowed to use citizen band radios. The Secretary shall furnish to such Academy, at its request, any information which such Academy deems necessary for the purpose of conducting such study.

Rulemaking procedure.
49 USC 11111 note.

(c) Not later than 60 days after the National Academy of Sciences submits its report to the Secretary of Transportation under subsection (b) of this section, the Secretary of Transportation shall initiate a rulemaking proceeding to determine whether operators of motor vehicles providing transportation of passengers subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of title 49, United States Code, should be allowed to use citizen band radios in such vehicles. In making such determination, the Secretary of Transportation shall give substantial weight to the recommendations and conclusions of the National Academy of Sciences. Such rulemaking proceeding shall be completed not later than 120 days after such proceeding is commenced. If the Secretary issues a rule or regulation which recommends that operators of such vehicles be allowed to install temporarily and operate citizen band radios in such vehicles, the Secretary of Transportation shall issue regulations establishing guidelines for the use of such radios in such vehicles in order to ensure that the public safety is adequately protected.

49 USC 10521.

96 STAT. 1125

(d)(1) Subchapter I of chapter 111 of title 49, United States Code, is amended by adding at the end thereof the following new section:

"§ 11111. Use of citizen band radios on buses

49 USC 11111.

"(a)(1) A motor carrier of passengers providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title shall allow the operator of any motor vehicle providing such transportation to temporarily install and operate a citizen band radio in such vehicle if the Secretary of Transportation issues a rule or regulation which recommends that operators of such vehicles be allowed to temporarily install and operate such radios in such vehicles.

49 USC 10521.

"(2) Citizen band radios installed and operated in motor vehicles providing transportation of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title shall be installed and operated in accordance with the guidelines established by the Secretary of Transportation under section 25(c) of the Bus Regulatory Reform Act of 1982.

Ante, p. 1124.
Regulations.

"(b) The Commission shall issue such regulations as it considers necessary to carry out this section.".

(2) The analysis for subchapter I of chapter 111 of title 49, United States Code, is amended by inserting

"11111. Use of citizen band radios on buses."

after

"11110. Household goods carrier operations.".

(e) Section 11702(a)(2) of title 49, United States Code, is amended by inserting "or 11111" after "11109".

(f) This section shall not be construed to provide new spending authority within the meaning of section 401(c)(2)(A) of the Congressional Budget Act of 1974.

31 USC 1351.

BUS TERMINAL STUDY

Sec. 26. (a) The Secretary of Transportation and the Interstate Commerce Commission shall conduct a full investigation and study of the ownership, location, and adequacy of bus terminals and their capacity to provide passenger service in accordance with the transportation policy set forth in section 10101 of title 49, United States Code. A report on the results of such investigation and study, including legislative recommendations, shall be submitted to the President and Congress not later than December 31, 1983.

Report to President and Congress.

(b) The report under this section shall include an analysis of at least the following:

96 STAT. 1126

(1) the pattern of ownership of bus terminals, including public and private ownership;

(2) the desirability of terminals for more than one mode of transportation and their impact on urban development;

(3) the desirability of governmental assistance in the construction of nonurban bus terminals.

EMPLOYEE PROTECTION

Sec. 27. (a)(1) Each individual who is eligible for protection under this section and whose employment is terminated by a motor common carrier of passengers (other than for cause) prior to the last

Reemployment rights.
49 USC 10935 note.

day of the 10-year period beginning on the date of enactment of this Act shall have a right of priority reemployment, in his or her occupational specialty, by such carrier at such time as such carrier is hiring additional employees.

(2) Any motor common carrier of passengers hiring additional employees shall have a duty to hire an individual eligible for protection under this section, in his or her occupational specialty, before hiring any other individual if such individual—

(A) was terminated previously by such carrier;

(B) has applied for a vacant position for which such carrier is accepting applications; and

(C) at the time the application is filed, has notified such carrier that he or she is eligible for protection under this section.

(b)(1) Each individual who is eligible for protection under this section and whose employment is terminated by a motor common carrier of passengers (other than for cause) prior to the last day of the 10-year period beginning on the date of enactment of this Act shall have a right of consideration for employment, in his or her occupational specialty, by any other motor common carrier of passengers who is hiring additional employees.

(2) Each motor common carrier of passengers who is hiring additional employees shall have a duty to consider for employment, in his or her occupational specialty, an individual who is eligible for protection under this section if such individual—

(A) has applied for a vacant position for which such carrier is accepting applications; and

(B) at the time the application is filed, has notified such carrier that he or she is eligible for protection under this section.

(c) An individual (other than a member of a board of directors or an officer of a corporation) who was employed by a motor common carrier of passengers for the 2-year period ending on the date of enactment of this Act shall be eligible for protection under this section if, upon application of such individual, the Commission determines that the employment of such individual has been terminated by a motor common carrier of passengers having intrastate authority under the laws of a State, and interstate authority under a certificate issued under section 10922 of title 49, United States Code, to provide transportation over any route to any point in such State as a result of such carrier—

49 USC 10925. *Ante*, p. 1115.

(1) discontinuing (A) interstate service over such route under section 10925(b) of such title, and (B) intrastate service over such route (i) under section 10935 of such title, or (ii) under the laws of such State;

49 USC 10101. *Ante*, p. 1115.

(2) reducing (A) interstate service over such route under subtitle IV of such title, and (B) intrastate service over such route (i) under section 10935 of such title, or (ii) under the laws of such State; or

Ante, p. 1117.

(3) substantially reducing (A) interstate service over such route under subtitle IV of such title, and (B) intrastate service over such route (i) under section 11501(e) of such title, or (ii) under the laws of such State.

In a proceeding to determine whether an individual is eligible for protection under this section, it shall be the obligation of the individual whose employment has been terminated by a motor common carrier of passengers to identify to the Commission the discontinuance or reduction which such individual alleges resulted in such termination and to specify the pertinent facts; and it shall be the obligation of any carrier contesting the eligibility of the individual for protection under this section to prove that the discontinuance or reduction was not a contributing factor causing such termination.

Job list, publication.

(d) The Commission shall establish, maintain, and periodically publish a comprehensive list of jobs available with class I motor carriers of passengers. Such list shall include that information and detail, such as job descriptions and required skills, the Commission deems relevant and necessary. In addition to publishing the list, the Commission shall make every effort to assist individuals eligible for protection under this section in finding other available employment. The Commission may require each class I motor carrier of passengers to file with the Commission the reports, data, and other information necessary to fulfill the duties of the Commission under this subsection.

(e) For the purposes of this section:

(1) A motor common carrier of passengers shall not be considered to be hiring additional employees when it recalls any of its own furloughed employees.

(2) An individual who is furloughed by a motor common carrier of passengers and who still has a right of recall by such carrier shall not be considered to be terminated.

"Commission."

(3) The term "Commission" means the Interstate Commerce Commission.

"Motor common carrier of passengers."

(4) The term "motor common carrier of passengers" means a person who has authority under section 10922 of title 49, United States Code, to provide transportation of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of such title.

49 USC 10521.

"Class I motor carrier of passengers."

(5) The term "class I motor carrier of passengers" means a motor common carrier of passengers having annual gross revenues from motor common carrier of passengers operations in excess of $3,000,000.

(f) Nothing in this section shall be construed to affect (1) an affirmative action plan or a hiring plan designed to eliminate discrimination, that is required by Federal or State statute, regulation, or Executive order, or by the order of a Federal court or agency, or (2) a permissible voluntary affirmative action plan.

(g) This section shall not apply (1) to any carrier owned or controlled by a State or local government, and (2) to any periodic discontinuance of or reduction in motor carrier of passenger service which is seasonal in nature.

96 STAT. 1128

Rules and regulations.

(h) The Commission shall issue such rules and regulations as are necessary to carry out this section. Initial rules and regulations shall be promulgated within 6 months after the effective date of this section.

Termination.

(i) The provisions of this section shall terminate on the last day of the 12-year period beginning on the effective date of this section.

PUBLICATION OF COMMISSION ACTIONS

SEC. 28. (a) Section 10322(b)(3) of title 49, United States Code, is amended by striking "in the Federal Register".

(b) Section 10328(b) of title 49, United States Code, is amended—

(1) by inserting "(1)" immediately after "(b)";

(2) by amending paragraph (1), as so redesignated, by striking out "that is, or is proposed to be, provided in a State" and by striking out all after "interested persons" and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following:

Notice of applications.
5 USC 553.

49 USC 10922-10924, 10928.

"(2) The Commission may adopt, after a rulemaking proceeding in accordance with the provisions of section 553 of title 5, a special procedure for providing interested parties reasonable notice of applications to provide transportation as a motor or water common or contract carrier or freight forwarder, or to be a broker for transportation, under sections 10922, 10923, 10924, and 10928 of this title, or applications for removal of operating restrictions under section 10922 of this title. The special procedure may consist of printing and distributing to subscribers an independent publication to provide notice of such applications, if the Commission finds, as a result of its rulemaking proceedings, that such method of providing notice would not be unduly burdensome to the public.".

GENDER-NEUTRAL TERMINOLOGY

SEC. 29. (a) Section 10722(c)(4) of title 49, United States Code, is amended by striking out "newsboy" and inserting in lieu thereof "newspaper carrier".

(b) Section 10722(d)(1)(B) of title 49, United States Code, is amended by striking out "widow" and inserting in lieu thereof "surviving spouse".

(c) Section 10723(b)(1)(C) of title 49, United States Code, is amended to read as follows:

> "(C) an individual traveling on behalf of a nonprofit organization which provides recreational, housing or other services and benefits for the general welfare of employees of common carriers.".

(d) Section 11504(c)(3) of title 49, United States Code, is amended by striking out "seaman" and inserting in lieu thereof "sailor".

(e) Section 11905 of title 49, United States Code, is amended by striking out "linemen" and inserting in lieu thereof "line maintainers".

EXEMPT MOTOR CARRIER TRANSPORTATION

SEC. 30. Section 10525 of title 49, United States Code, is amended—

96 STAT. 1129

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) Notwithstanding the provisions of this section, the Commission has no jurisdiction under this subchapter over transportation, except transportation of household goods, by a motor carrier operating solely within the State of Hawaii. The State of Hawaii may regulate transportation exempt from the jurisdiction of the Commission under this subsection and, to the extent provided by a motor carrier operating solely within the State of Hawaii, transportation exempt from the jurisdiction of the Commission under section 10523 of this title.".

49 USC 10523.

EFFECTIVE DATE

49 USC 10101 note.

SEC. 31. (a) Except as provided in subsections (b) and (c) of this section, this Act shall take effect on the 60th day after the date of enactment of this Act.

Ante, p. 1109.

(b) The amendment made by section 10(e)(4) of this Act shall take effect on October 1, 1982.

Ante, p. 1103, 1128.

(c) The provisions of sections 6(g) and 30 of this Act shall take effect on the date of enactment of this Act.

Approved September 20, 1982.

LEGISLATIVE HISTORY—H.R. 3663:

HOUSE REPORTS: No. 97-334 (Comm. on Public Works and Transportation) and No. 97-780 (Comm. of Conference).
SENATE REPORT No. 97-411 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD:
  Vol. 127 (1981): Nov. 19, considered and passed House.
  Vol. 128 (1982): June 30, considered and passed Senate, amended.
  Aug. 19, House agreed to conference report.
  Aug. 20, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
  Vol. 18, No. 38 (1982): Sept. 20, Presidential Statement.

Public Law 97–322
97th Congress

96 STAT. 1581

An Act

To authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes.

Oct. 15, 1982
[S. 2252]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Coast Guard, appropriation authorization for FY 1983 and 1984.

TITLE I

Coast Guard Authorization Act of 1982.

SEC. 101. This title may be cited as the "Coast Guard Authorization Act of 1982".

SEC. 102. Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal years 1983 and 1984 as follows:

(1) For the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction, $1,800,000,000 for fiscal year 1983 and $2,000,000,000 for fiscal year 1984, and such additional amounts for each such fiscal year as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $550,000,000 for fiscal year 1983 and $650,000,000 for fiscal year 1984.

(3) For research, development, test, and evaluation, $22,000,000 for fiscal year 1983 and $32,000,000 for fiscal year 1984, of which sufficient funds shall be made available to continue in operation a Coast Guard research and development center through the end of fiscal year 1984.

(4) For the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation, $8,000,000, for fiscal year 1983.

(5) For retired pay including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents' Medical Care Act, such sums as may be necessary for fiscal years 1983 and 1984.

70 Stat. 250.

SEC. 103. For fiscal years 1983 and 1984, the Coast Guard is authorized an end-of-year strength for active duty personnel of forty-one thousand five hundred. This end-of-year strength shall not include members of the Ready Reserve called to active duty under the authority of section 712 of title 14, United States Code.

Average military training student loads.

SEC. 104. For fiscal years 1983 and 1984, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, three thousand six hundred and sixty student-years.

(2) For flight training, one hundred and eighteen student-years.

96 STAT. 1582

(3) For professional training in military and civilian institutions, six hundred and fifty-five student-years.

(4) For officer acquisition, one thousand thirty-eight student-years.

SEC. 105. (a) Section 81 of title 14, United States Code, is amended by adding at the end thereof the following: "The Coast Guard may establish, maintain, and operate aids to maritime navigation under paragraph (1) of this section by contract with any person, public body, or instrumentality.".

Report to Congress.
14 USC 81 note.

(b) Not later than one year after the date of enactment of this title, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Congress evaluating—

(1) the exercise by contract of the authority of the Coast Guard under section 81 of title 14, United States Code, to establish, maintain, and operate aids to navigation, including a discussion of any problems involved in exercising such authority by contract, the reasons for exercising or failing to exercise such authority by contract in particular areas, and the feasibility of expanding the exercise of such authority by contract; and

(2) the advantages and disadvantages of increasing the ratio of civilian to military employees assigned to the establishment, maintenance, and operation of aids to navigation on the inland waterways of the United States.

Contracts, authority.
14 USC 81 note.

(c) Any authority to enter into contracts provided in this section shall be available only to the extent that appropriated funds are available for that purpose.

SEC. 106. Subsections (e) and (f) of section 475 of title 14, United States Code, are repealed.

SEC. 107. (a) Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) is amended by adding at the end thereof the following: "This subsection shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.".

(b) Section 9 of the Act of March 3, 1899, entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes" (33 U.S.C. 401) is amended by adding at the end thereof the following: "The approval required by this section of the location and plans or any modification of plans of any bridge or causeway shall not apply to any bridge or causeway over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.".

(c) The first section of the Act of March 23, 1906, entitled "An Act to regulate the construction of bridges over navigable waters" (33 U.S.C. 491) is amended by adding at the end thereof the following: "This section shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.".

96 STAT. 1583

SEC. 108. (a) Section 5 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", enacted August 18, 1894 (33 U.S.C. 499; 28 Stat. 362), is amended—

(1) by inserting "(a)" after "SEC. 5.";

(2) by striking out "or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given," in the second sentence;

(3) by striking out "section" and inserting in lieu thereof "subsection";

(4) by striking out "any violation" and inserting in lieu thereof "any willful violation"; and

(5) by adding at the end thereof the following new subsections:

Rules and regulations.

"(b) No vessel owner or operator shall signal a drawbridge to open for any nonstructural vessel appurtenance which is not essential to navigation or which is easily lowered and no person shall unreasonably delay the opening of a draw after the signal required by rules or regulations under this section has been given. The Secretary of Transportation shall issue rules and regulations to implement this subsection.

"(c) Whoever violates any rule or regulation issued under subsection (a) or (b), shall be liable to a civil penalty of not more than $1,000. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

Violation, penalty.

(b) Section 18 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", enacted March 3, 1899 (30 Stat. 1153; 33 U.S.C. 502), is amended by inserting "(a)" after "SEC. 18.", by striking out "Secretary of War" wherever it appears and inserting in lieu thereof "Secretary of Transportation", by striking out "recommended by the Chief of Engineers", and by adding at the end thereof the following new subsections:

"(b) No owner or operator of any bridge, drawbridge, or causeway shall endanger, unreasonably obstruct, or make hazardous the free navigation of any navigable water of the United States by reason of the failure to keep the bridge, drawbridge, or causeway and any accessory works in proper repair.

"(c) Whoever violates any provision of this section, or any order issued under this section, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

Violation, penalty.

96 STAT. 1584

(c) Section 5 of the Act entitled "An Act to regulate the construction of bridges over navigable waters", enacted March 23, 1906 (33 U.S.C. 495; 34 Stat. 85), is amended—

(1) by inserting "(a)" after "SEC. 5.";

(2) by striking out "who shall fail" and inserting in lieu thereof "who shall willfully fail";

(3) by striking out "shall be deemed guilty of a violation of this Act, and any persons who shall be guilty of a violation of this Act"; and

(4) by adding at the end thereof the following new subsection:

"(b) Whoever violates any provision of this Act, or any order issued under this Act, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

Violation, penalty.

(d) Section 510 of the General Bridge Act of 1946 (60 Stat. 847; 33 U.S.C. 533) is amended—

(1) by inserting "(a)" after "Sec. 510.";

(2) by striking out "who fails" each place it appears and inserting in lieu thereof "who willfully fails", by striking out "who refuses" and inserting in lieu thereof "who willfully refuses", and by striking out "otherwise violates" and inserting in lieu thereof "otherwise willfully violates"; and

(3) by adding at the end thereof the following new subsection:

Violation, penalty.

"(b) Whoever violates any provision of this Act, or any order issued under this Act, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

Sec. 109. The Act entitled "An Act to constitute a Bureau of Navigation in the Treasury Department", enacted July 5, 1884 (23 Stat. 118), is amended by adding at the end of section 8 (as added by section 9 of Public Law 97-136) the following new subsection:

95 Stat. 1706.
46 USC 9.

"(d) In any case in which an inspection or examination is delegated under subsection (a) to the American Bureau of Shipping, or similar American classification society, or agent thereof, such Bureau, society, or agent, as the case may be, shall maintain within the United States complete files of all information derived from or necessarily connected with such inspection or examination for not less than two years after the vessel with respect to which the inspection or examination is made ceases to be certificated and shall

96 STAT. 1585

permit access to such files at all reasonable times to any member of the Coast Guard designated as a marine inspector and serving in a position as a marine inspector or designated in writing by the Commandant of the Coast Guard to have such access.".

Sec. 110. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) is amended by striking out paragraph (11) and inserting in lieu thereof the following:

Evaluation.

"(11) Personnel and Manning Standards for Foreign Vessels.—The Secretary shall—

"(A) periodically evaluate the manning, training, qualification, and watchkeeping standards promulgated by the certificating state of any foreign vessel which operates on or enters the navigable waters of the United States, and transfers oil or hazardous materials in any port or place under the jurisdiction of the United States; and

"(B) determine, after each evaluation made under clause (A), whether the foreign state, whose system for licensing and certification of seafarers was evaluated, has standards which are comparable to or more stringent than United States standards or international standards which are accepted by the United States.".

Sec. 111. Section 4417a(19) of the Revised Statutes of the United States (46 U.S.C. 391a(19)) is repealed.

Sec. 112. (a) Section 34 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1483) is amended by striking out "$1,000" and inserting in lieu thereof "$5,000".

(b) Section 35(b) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1484(b)) is amended by striking out "$500" and inserting in lieu thereof "$1,000".

SEC. 113. The Commandant of the Coast Guard shall review Coast Guard policies and procedures for towing and salvage of disabled vessels in order to further minimize the possibility of Coast Guard competition or interference with private towing activities or other commercial enterprise.

Review.
14 USC 88 note.

SEC. 114. Notwithstanding any other provision of law, the number of full-time civilian employees of the Coast Guard shall be maintained at a level not less than five thousand four hundred and eighty-four throughout fiscal years 1983 and 1984.

SEC. 115. (a)(1) Chapter 3 of title 14, United States Code, is amended by adding at the end thereof the following new section:

"§ 52. Vice admirals, continuity of grade

14 USC 52.

"The continuity of an officer's precedence on the active duty promotion list, date of rank, grade, pay, and allowances as a vice admiral shall not be interrupted by the termination of an appointment for the purpose of reappointment to another position as a vice admiral.".

(2) The analysis of chapter 3 of title 14, United States Code, is amended by adding the following new item after the item relating to section 51:

"52. Vice admirals, continuity of grade.".

(b)(1) Section 368 of title 14, United States Code, is repealed.

Repeal.

(2) The analysis of chapter 11 of title 14, United States Code, is amended by striking out:

"368. Discharge in case of underage enlistment.".

(c) Section 93 of title 14, United States Code, is amended by—

(1) striking out "and" at the end of subsection (p);

(2) striking out the period at the end of subsection (q) and inserting in lieu thereof "; and "; and

(3) adding at the end thereof the following new subsection:

"(r) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities.".

SEC. 116. Section 306(f) of title 37, United States Code, is amended by striking out "The Secretary of Transportation shall make a similar report for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

SEC. 117. Paragraph (1) of the first section of the Act entitled "An Act to authorize appropriations for the Coast Guard for fiscal year 1982, and for other purposes" (95 Stat. 1705; Public Law 97-136) is amended by striking out "$1,404,800,000" and inserting in lieu thereof "$1,548,800,000".

SEC. 118. (a)(1) Section 33(a) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1482(a)) is amended by adding at the end thereof the following: "The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Council.".

Publication in Federal Register.

(2) Section 33(b) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1482(b)) is amended by adding at the end thereof the following: "The Council is authorized to make available to Congress any information, advice, and recommendations which the Council is authorized to give to the Secretary.".

(3) Section 33(c) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1482(c)) is amended by striking out "when engaged in the duties of the Council" and inserting in lieu thereof "while attending meetings of the Council".

(b)(1) Section 193 of title 14, United States Code, is amended in the first sentence by inserting before the period the following: "(or, in the case of a member of the Committee who is an officer or employee of the United States, who shall receive no additional pay on account of his service on the Committee)".

Publication in Federal Register.

(2) Section 193 of title 14, United States Code, is amended by adding at the end thereof the following: "The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Advisory Committee. The Advisory Committee is authorized to make available to Congress any information, advice, and recommendations which the Advisory Committee is authorized to give to the Secretary or the Commandant.".

Publication in Federal Register.

(c)(1) Section 5(a) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073(a)) is amended by adding at the end thereof the following: "The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Council.".

(2) Section 5(b) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073(b)) is amended by adding at the end thereof the following: "The Council is authorized to make available to Congress any information, advice, and recommendations which the Council is authorized to give to the Secretary.".

(3) Section 5(c) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073(c)) is amended by striking out "or while otherwise engaged in the business of the Council" and by striking out ", including traveltime".

96 STAT. 1587

(d) The Act entitled "An Act to establish a Towing Safety Advisory Committee in the Department of Transportation" (33 U.S.C. 1231a; 94 Stat. 1521) is amended as follows:

Publication in Federal Register.

(1) Subsection (b) of the first section is amended by adding at the end thereof the following: "The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Committee.".

(2) Subsection (c) of the first section is amended by adding at the end thereof the following: "The Committee is authorized to make available to Congress any information, advice, and recommendations which the Committee is authorized to give to the Secretary.".

Pay.

Travel expenses.

(3) Subsection (d) of the first section is amended by adding before the first sentence the following: "Members of the Committee who are not officers or employees of the United States shall serve without pay and members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee. While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.".

Publication in Federal Register.
14 USC 631 note.

(e)(1) The Secretary of the department in which the Coast Guard is operating shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on any advisory committee established administratively for the purpose of giving advice and recommendations to such Secretary or the Commandant of the Coast Guard with respect to functions of the Coast Guard.

(2) Any advisory committee described in paragraph (1) of this subsection is authorized to make available to Congress any information, advice, and recommendations which the committee is authorized to give to the Secretary of the department in which the Coast Guard is operating or the Commandant of the Coast Guard.

Pay.

(3) Members of any advisory committee described in paragraph (1) of this subsection who are not officers or employees of the United States shall serve without pay and members of any such committee

Travel expenses.

who are officers or employees of the United States shall receive no additional pay on account of their service on such committee. While away from their homes or regular places of business, members of any such committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

SEC. 119. Section 4450(a) of the Revised Statutes of the United States (46 U.S.C. 239(a)) is amended in the first sentence by inserting "or to the loss of life involved in such casualty" after "of such casualty".

SEC. 120. Section 4450 of the Revised Statutes of the United States (46 U.S.C. 239) is amended—

(a) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(b) by inserting after subsection (i) the following new subsection:

96 STAT. 1588

Hearing, notification to congressional committees.

"(j)(1) The Commandant of the Coast Guard shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives of any hearing involving the investigation of a major marine casualty involving loss of life under subsection (a) before such hearing occurs.

Information, submittal to congressional committees.

"(2) The Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives any information on major marine casualties which is requested to be submitted by either of the committees or the chairman of either of the committees if the submission of such information is not prohibited by any other statute of the United States.".

SEC. 121. It is the sense of the Congress that the President and the Coast Guard should give the search and rescue operations of the Coast Guard a high priority.

TITLE II

Sailing School Vessels Act of 1982.
46 USC 446 note

SEC. 201. This title may be cited as the "Sailing School Vessels Act of 1982".

SEC. 202. The Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", enacted May 10, 1956 (46 U.S.C. 390 et seq.; 70 Stat. 151), is amended as follows:

(1) Subsection (a) of the first section is amended by inserting ", or any guest on board a sailing school vessel," after "purposes" in paragraph (5). Such subsection is further amended by striking out "or" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; or", and by adding at the end thereof the following:

"(7) any sailing school instructor or sailing school student.".

46 USC 390a.

(2) Section 2(a) is amended by striking out "and each freight-carrying vessel," and inserting in lieu thereof ", each freight-carrying vessel, and each sailing school vessel". Section 2(a)(3) is amended by striking out "and the crew" and inserting in lieu thereof "; crew, sailing school students and sailing school instructions".

46 USC 390b.

(3) Section 3 is amended by striking out "and freight-carrying vessels" and inserting in lieu thereof ", freight-carrying vessels, and sailing school vessels". Section 3 is further amended by striking out "and crew," and inserting in lieu thereof ", crew, sailing school students, and sailing school instructors," and by inserting after "number of passengers" the following: ", sailing school students, and sailing school instructors".

46 USC 390c, 390d.

(4) Sections 4(a), 4(b), and 5 are each amended by striking out "or freight-carrying vessel" each place it appears and inserting

in lieu thereof ", freight-carrying vessel, or sailing school vessel".

(5) Section 5 is further amended by designating the existing language, as amended by this title, as subsection (a) and by adding at the end thereof the following new subsection:

Violation, civil penalty.

"(b) Whoever violates any rule or regulation of this Act shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of the department in which the Coast Guard is operating may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

96 STAT. 1589

(6) The first section is further amended by adding at the end thereof the following:

Definitions.

"(f) The term 'sailing instruction' means teaching, research, and practical experience in the operation of vessels propelled primarily by sail and may include any subjects related thereto and to the sea, including but not limited to seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature.

"(g) The term 'sailing school vessel' means a vessel which the Secretary finds to be less than five hundred gross tons, carrying six or more individuals who are sailing school students or sailing school instructors, principally equipped for propulsion by sail, whether or not the vessel has any auxiliary means of propulsion, and owned or demise chartered and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and exempt from tax under section 501(a) of such Code, as now or hereafter amended, or by any State or political subdivision thereof, during such times as the vessel is operated by such organization or State or political subdivision exclusively for the purposes of sailing instruction.

26 USC 501.

"(h) The term 'sailing school instructor' means any person who is aboard a sailing school vessel for the purpose of furnishing sailing instruction. Such term does not include any operator or member of the crew of such a vessel who is among those required to be aboard the vessel to meet requirement establishing under section 3 of this Act.

"(i) The term 'sailing school student' means any person who is aboard a sailing school vessel for the purpose of receiving sailing instruction.".

SEC. 203. Section 13(b) of the Act of March 4, 1915 (46 U.S.C. 672(b)), is amended by adding at the end thereof the following new paragraph:

"Able seaman-sail."

"(4) 'Able seaman-sail' qualified for service on any waters shall have at least six months' service on deck on sailing school ships, oceanographic research vessels powered primarily by sail, or equivalent sailing vessels operating on the oceans or navigable waters of the United States including the Great Lakes.".

46 USC 446.

SEC. 204. Sailing school students and sailing school instructors shall not be considered to be seamen under the provisions of titles 52 and 53 of the Revised Statutes of the United States and any Act amendatory thereof or supplementary thereto, or for the purposes of the maritime law doctrines of maintenance and cure or warranty of seaworthiness.

46 USC 446a.

Sec. 205. Each owner or charterer of a sailing school vessel shall maintain evidence of his or her financial responsibility to meet any liability incurred for death or injury to sailing school students or sailing school instructors on voyages aboard the vessel, in an amount not less than $50,000 for each student or instructor. Such financial responsibility may be evidenced by policies of insurance or other adequate financial resources.

96 STAT. 1590

46 USC 446b.

Sec. 206. For the purposes of section 3 of the Act of February 17, 1898 (46 U.S.C. 291), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), a sailing school vessel shall not be deemed to be a merchant vessel or a vessel engaged in trade or commerce.

Definitions.
46 USC 446c.

Sec. 207. For purposes of sections 203, 204, 205, 206, and 208 of this title, the terms "sailing school students", "sailing school instructor", and "sailing school vessel" have the meaning given such terms in the first section of the Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", enacted May 10, 1956 (46 U.S.C. 390) as amended by this title.

Rules and regulations.
46 USC 446d.

Sec. 208. (a) The Secretary of the department in which the Coast Guard is operating shall, after consultation with representatives of the private sector having experience in the operation of vessels likely to be certified as sailing school vessels, but not later than eighteen months after the date of enactment of this title, prescribe rules and regulations to carry out this title including the amendments made by this title. Such rules and regulations shall reflect the specialized nature of sailing school vessel operations, and the character, design, and construction of vessels operating as sailing school vessels, and shall include requirements for notice to sailing school students and sailing school instructors regarding the specialized nature of sailing school vessels and applicable safety regulations. Any manning requirement imposed with respect to sailing school vessels shall take into account the participation of sailing school students and sailing school instructors in the operation of such vessels.

Effective date.
46 USC 446 note.

(b) Sections 202, 203, 204, 205, 206, and 207 of this title and the amendments made by such sections shall take effect eighteen months after the date of enactment of this Act or on the date upon which the rules and regulations referred to in subsection (a) take effect, whichever is earlier.

Approved October 15, 1982.

LEGISLATIVE HISTORY—S. 2252 (H.R. 5617):

SENATE REPORT: No. 97-361 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 128 (1982):
May 5, considered and passed Senate.
July 15, H.R. 5617, considered and passed House; S. 2252, amended, passed in lieu.
Sept. 27, Senate concurred in House amendments with an amendment.
Sept. 29, House concurred in Senate amendment.

Public Law 97-327
97th Congress

96 STAT. 1611

An Act

To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Oct. 15, 1982
[S. 2574]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Act of 1982".

Federal-Aid Highway Act of 1982.
23 USC 101 note.
23 USC 101 note.

Sec. 2. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984," and inserting in lieu thereof the following: "the additional sum of $3,225,000,000 for the fiscal year ending September 30, 1984,".

Apportioned funds.
23 USC 104 note.
23 USC 101 note.

SEC. 3. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 97-53 of the Committee on Public Works and Transportation of the House of Representatives.

SEC. 4. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums (multiplied by a factor determined by dividing the maximum number of days in the fiscal year ending September 30, 1983, for which funds are appropriated by a joint resolution making continuing appropriations for such fiscal year, by 365 days) are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,500,000,000 for the fiscal year ending September 30, 1983. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending September 30, 1983.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $800,000,000 for the fiscal year ending September 30, 1983.

(3) For the forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending September 30, 1983.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending September 30, 1983.

(5) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending September 30, 1983.

(6) For the Great River Road, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1983, for construction or reconstruction of roads on a Federal-aid highway system.

96 STAT. 1612

23 USC 104 note.

(b) For fiscal year 1984, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended and shall also be available for expenditure to carry out section 152 of title 23, United States Code.

Apportioned funds.

(c) In the case of priority primary routes, $125,000,000 (multiplied by the factor determined under subsection (a) of this section) of the sums authorized for the fiscal year ending September 30, 1983, by subsection (a)(1) of this section for such routes, shall not be apportioned. Such $125,000,000 (multiplied by such factor) shall be available for obligation on the date of apportionment of funds for such fiscal year, in the same manner and to the same extent as the sums apportioned on such date, except that such $125,000,000 (multiplied by such factor) shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost or which require long periods of time for their construction. Any part of such $125,000,000 (multiplied by such factor) not obligated by such Secretary on or before the last day of such fiscal year shall be immediately apportioned in the same manner as funds apportioned for the next succeeding fiscal year for primary system routes, and available for obligation for the same periods as such apportionment.

Appropriation authorization.

SEC. 5. (a) The following sums are hereby authorized to be appropriated:

(1) For bridge replacement and rehabilitation under section 144 of title 23, United States Code, out of the Highway Trust Fund, $900,000,000 (multiplied by the factor determined under section 4(a) of this Act) for the fiscal year ending September 30, 1983.

(2) For projects for elimination of hazards under section 152 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 (multiplied by the factor determined under section 4(a) of this Act) for the fiscal year ending September 30, 1983.

23 USC 130 note.

(b) Section 203(b) of the Highway Safety Act of 1973, as amended, is amended by striking out "and $190,000,000" and inserting in lieu thereof "$190,000,000" and by inserting after "September 30, 1982" the following: ", and $190,000,000 (multiplied by the factor determined under section 4(a) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983".

(c)(1) Section 144(e) of title 23, United States Code, is amended by striking out "and September 30, 1982" and inserting in lieu thereof "September 30, 1982, and September 30, 1983".

Apportioned funds.

(2) Section 144(g) of title 23, United States Code, is amended by inserting after the third sentence the following new sentences: "Of the amount authorized for the fiscal year ending September 30, 1983, by paragraph (1) of section 5(a) of the Federal-Aid Highway Act of 1982, all but $200,000,000 (multiplied by the factor determined under section 4(a) of such Act) shall be apportioned as provided in subsection (e) of this section. $200,000,000 (multiplied by such factor) of the amount authorized for such fiscal year shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such $200,000,000 (multiplied by such factor) shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than $10,000,000, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge.".

96 STAT. 1613

SEC. 6. Section 401(a) of the Surface Transportation Assistance Act of 1978 is amended by inserting after "or by any Act amended by this Act" the following: "or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, or the Urban Mass Transportation Act of 1964".

Approved October 15, 1982.

LEGISLATIVE HISTORY—S. 2574:

SENATE REPORT No. 97-421 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Oct. 1, considered and passed Senate; considered and passed House, amended; Senate concurred in House amendment.

96 STAT. 1619

Public Law 97-331
97th Congress

An Act

Oct. 15, 1982
[H.R. 6273]

To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Motor Vehicle Safety and Cost Savings Authorization Act of 1982.
15 USC 1381 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Motor Vehicle Safety and Cost Savings Authorization Act of 1982".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended by striking out "not" and all that follows through the period, and inserting in lieu thereof "$51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, and $58,700,000 for fiscal year 1985.".

(b) Section 111 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1921) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $320,000 for fiscal year 1983, $343,000 for fiscal year 1984, and $365,000 for fiscal year 1985.".

(c) Section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.".

(d) Section 417 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1990g) is amended by striking out "title" and all that follows through the period, and inserting in lieu thereof "title $183,000 for fiscal year 1983, $196,000 for fiscal year 1984, and $210,000 for fiscal year 1985.".

STATE ENFORCEMENT AUTHORITY

SEC. 3. Section 103(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(d)) is amended by inserting after the first sentence thereof the following new sentence: "Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard.".

TIRE REGISTRATION INFORMATION; NOTICE OF TIRE DEFECTS

SEC. 4. (a) Section 158(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1418(b)) is amended—

96 STAT. 1620

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

"(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer of tires to furnish the first purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

"(3)(A) At the end of the two-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

"(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom records would be established and maintained.

"(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

"(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).

Report to Congress.

"(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.".

(b) Section 153(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1413(c)) is amended—

(1) in paragraph (2) thereof, by striking out "or tire,", and by striking out "or tire";

(2) by redesignating paragraph (4) and paragraph (5) thereof as paragraph (5) and paragraph (6), respectively, and by inserting after paragraph (3) thereof the following new paragraph: 96 STAT. 1621

"(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;"; and

(3) in the last sentence thereof—

(A) by striking out "(or of a motor vehicle on which such tire was installed as original equipment)";

(B) by inserting "by first-class mail" after "notification" the first place it appears therein; and

(C) by striking out "(1) or (2)" and inserting in lieu thereof "(4)(A)".

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 6273:

HOUSE REPORT No. 97-576 (Comm. on Energy and Commerce).
SENATE REPORT No. 97-505 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 128 (1982):
June 14, considered and passed House.
Oct. 1, considered and passed Senate.

96 STAT. 1738

Public Law 97-364
97th Congress

An Act

Oct. 25, 1982
[H.R. 6170]

To amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Alcohol traffic safety programs and national driver register.

TITLE I—ALCOHOL TRAFFIC SAFETY PROGRAMS

SEC. 101. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following new section:

Grants.
23 USC 408.

"§ 408. Alcohol traffic safety programs

"(a) Subject to the provisions of this section, the Secretary shall make basic and supplemental grants to those States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

"(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this section.

Federal share payments.

"(c) No State may receive grants under this section in more than three fiscal years. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant under this section, 75 per centum of the cost of implementing and enforcing in such fiscal year the alcohol traffic safety program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 per centum of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third fiscal year the State receives a grant under this section, 25 per centum of the cost of implementing and enforcing in such fiscal year such program.

"(d)(1) Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(1) shall equal 30 per centum of the amount apportioned to such State for fiscal year 1983 under section 402 of this title. 23 USC 402.

"(2) Subject to subsection (c), the amount of a supplemental grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(2) shall not exceed 20 per centum of the amount apportioned to such State for fiscal year 1983 under section 402 of this title. Such supplemental grant shall be in addition to any basic grant received by such State.

96 STAT. 1739

23 USC 402.

State eligibility.

"(e)(1) For purposes of this section, a State is eligible for a basic grant if such State provides—

"(A) for the prompt suspension, for a period not less than ninety days in the case of a first offender and not less than one year in the case of any repeat offender, of the driver's license of any individual who a law enforcement officer has probable cause under State law to believe has committed an alcohol-related traffic offense, and (i) to whom is administered one or more chemical tests to determine whether the individual was intoxicated while operating the motor vehicle and who is determined, as a result of such tests, to be intoxicated, or (ii) who refuses to submit to such a test as proposed by the officer;

"(B) for a mandatory sentence, which shall not be subject to suspension or probation, of (i) imprisonment for not less than forty-eight consecutive hours, or (ii) not less than ten days of community service, of any person convicted of driving while intoxicated more than once in any five-year period;

"(C) that any person with a blood alcohol concentration of 0.10 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated; and

"(D) for increased efforts or resources dedicated to the enforcement of alcohol-related traffic laws and increased efforts to inform the public of such enforcement.

"(2) For purposes of this section, a State is eligible for a supplemental grant if such State is eligible for a basic grant and in addition provides for some or all of the criteria established by the Secretary under subsection (f).

Effective program critera.

"(f) The Secretary shall, by rule, establish criteria for effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol, which criteria shall be in addition to those required for a basic grant under subsection (e)(1). The Secretary shall establish such criteria in cooperation with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary may deem appropriate. Such criteria may include, but need not be limited to, requirements—

"(1) for the establishment and maintenance of a statewide driver recordkeeping system from which repeat offenders may be identified and which is accessible in a prompt and timely manner to the courts and to the public;

"(2) for the creation and operation of rehabilitation and treatment programs for those arrested and convicted of driving while intoxicated;

"(3) for the impoundment of any vehicle operated on a State road by any individual whose driver's license is suspended or revoked for an alcohol-related driving offense;

"(4) for the establishment in each major political subdivision of a State of locally coordinated alcohol traffic safety programs which are administered by local officials and are financially self-sufficient;

"(5) for the grant of presentence screening authority to the courts;

"(6) for the setting of the minimum drinking age in such State at twenty-one years of age;

96 STAT. 1740

"(7) for the consideration of and, where consistent with other provisions of State law and constitution the adoption of, recommendations that the Presidential Commission on Drunk Driving may issue during the period in which rules are being made to carry out this section.

Appropriation authorization.

23 USC 101 *et seq.*

"(g) There is hereby authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1983, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, and September 30, 1985. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.".

(b) The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following:

"408. Alcohol traffic safety programs.".

Regulations, publication in Federal Register.
23 USC 408 note.

(c) The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement section 408 of title 23, United States Code, not later than November 1, 1982. The Secretary shall allow public comment and hold public hearings on the proposed regulations to encourage maximum citizen participation. The final regulations shall be issued, published in the Federal Register, and transmitted to Congress before February 1, 1983. To the extent such regulations relate to the making of basic grants under such section 408, such regulations shall become effective on the date on which they are published in the Federal Register. To the extent such regulations relate to the making of supplemental grants under such section 408, such regulations shall become effective April 1, 1983, unless before such date either House of Congress by resolution disapproves such regulations to such extent. If such regulations are so disapproved by either House of Congress, the Secretary shall not obligate for such supplemental grants any amount authorized to carry out such section 408 for the fiscal year ending September 30, 1983, or any subsequent fiscal year, unless specifically authorized to do so by a statute enacted after the date of enactment of this Act.

Ante, p. 1738.
Disapproval by Congress.

National Driver Register Act of 1982.

TITLE II—NATIONAL DRIVER REGISTER

SHORT TITLE

23 USC 401 note.

SEC. 201. This title may be cited as the "National Driver Register Act of 1982".

DEFINITIONS

23 USC 401 note.

SEC. 202. For purposes of this title, the term—

(1) "alcohol" has the meaning given such term by the Secretary of Transportation under regulations prescribed by the Secretary;

96 STAT. 1741

(2) "chief driver licensing official" means the official in each State who is authorized to (A) maintain any record regarding any motor vehicle operator's license issued by such State; and (B) grant, deny, revoke, suspend, or cancel any motor vehicle operator's license issued by such State;

(3) "controlled substance" has the meaning given such term in section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6));

(4) "highway" means any road or street;

(5) "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway, except that such term does not include any vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail or rails;

(6) "motor vehicle operator's license" means any license issued by a State which authorizes an individual to operate a motor vehicle on a highway;

(7) "participating State" means any State which has notified the Secretary of its participation in the Register system, pursuant to section 204 of this title;

(8) "Register" and "Register system" mean the National Driver Register established under section 203 of this title;

(9) "Secretary" means the Secretary of Transportation;

(10) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

(11) "State of record" means any State which has transmitted to the Secretary, pursuant to section 205 of this title, any report regarding any individual who is the subject of a request for information made under section 206 of this title.

ESTABLISHMENT OF REGISTER

23 USC 401 note.

SEC. 203. (a) The Secretary shall, as soon as practicable after the date of enactment of this title, establish and thereafter maintain a Register, to be known as the National Driver Register, to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals. The Register shall contain an index of the information that is reported to the Secretary under section 205 of this title, and shall be designed to enable the Secretary, either electronically or, until such time as all States are capable of participating electronically, through the United States mails, to—

Information index.

(1) receive information submitted under section 205(a) of this title by the chief driver licensing official of any State of record;

(2) receive any request for information made by the chief driver licensing official of any participating State under section 206 of this title;

(3) refer such request to the chief driver licensing official of any State of record; and

(4) relay without interception of the actual information to the chief driver licensing official of a participating State any information provided by any chief driver licensing official of a State of record in response to such request.

96 STAT. 1742

(b) The Secretary shall not be responsible for the accuracy of any information relayed to the chief driver licensing official of any participating State, except that the Secretary shall maintain the Register in a manner that ensures against any inadvertent alteration of information during any relay.

Final rule.

(c)(1) The Secretary shall, within eighteen months after the date of enactment of this title, promulgate a final rule which provides for procedures for the orderly transition from the system regarding the motor vehicle driving records of individuals provided in Public Law 86-660 (74 Stat. 526) to the Register established under subsection (a) of this section.

23 USC 313 note.

(2) The Secretary shall not maintain in the Register any report or information which was compiled under the provisions of Public Law 86-660 (74 Stat. 526) and was transferred to the Register after (A) the date the State of record removes it from the State's file; (B) seven years after the date such report or information is entered into the Register; or (C) the date of establishment of a fully electronic Register system, whichever is earlier. Such report or information shall be disposed of in accordance with the provisions of chapter 33 of title 44, United States Code.

44 USC 3301 *et seq.*

Erroneous information.

(3) If the chief driver licensing official of any participating State finds that information which has been transmitted for inclusion in the Register under this section is erroneous or relates to a conviction of a traffic offense which is subsequently reversed, such official shall immediately notify the Secretary of the error. The Secretary shall provide for the immediate deletion from the Register of such material.

(d) The Secretary shall assign to the administration of this title such personnel as may be necessary to ensure the effective functioning of the Register system.

(e) The Secretary may prescribe such regulations as may be necessary to carry out the provisions of this title.

STATE PARTICIPATION

23 USC 401 note.

SEC. 204. (a) Any State may become a participating State under this title by notifying the Secretary of its intention to be bound by the provisions of section 205 of this title.

Status termination.

(b) Any participating State may terminate its status as a participating State under this title by notifying the Secretary of its withdrawal from participation in the Register system.

(c) Any notification made by a State under subsection (a) or (b) of this section shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

REPORTS BY CHIEF DRIVER LICENSING OFFICIALS

23 USC 401 note.

SEC. 205. (a) The chief driver licensing official in each participating State shall, as soon as practicable after the date of enactment of this title, transmit to the Secretary a report containing the information required in subsection (b) of this section regarding any individual—

(1) who is denied a motor vehicle operator's license by such State for cause;

(2) whose motor vehicle operator's license is canceled, revoked, or suspended by such State, for cause; or

96 STAT. 1743

(3) who is convicted under the laws of such State of the following motor vehicle-related offenses or comparable offenses—

(A) operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance;

(B) a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways;

(C) failure to render aid or provide identification when involved in an accident which results in a fatality or personal injury; or

(D) perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law or regulation relating to the operation of a motor vehicle.

Required information.

(b) Any report regarding an individual which is transmitted by a chief driver licensing official pursuant to subsection (a) of this section shall contain—

(1) the legal name, date of birth (including day, month, and year), sex, and (at the Secretary's discretion) the height, weight, eye and hair color of such individual;

(2) the name of the State transmitting such information; and

(3) the social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number);

except that any report concerning an occurrence specified in subsection (a) (1), (2), or (3) of this section which occurs during the two-year period preceding the date on which such State becomes a participating State shall be sufficient if it contains all such information as is available to the chief driver licensing official on such date.

(c) Any report required to be transmitted by a chief driver licensing official of a State under subsection (a) of this section shall be transmitted to the Secretary—

(1) not later than thirty-one days after receipt by a State motor vehicle department of any information specified in subsection (b) (1), (2), or (3) of this section which is the subject of such report, if the date of such occurrence is after the date on which such State becomes a participating State; or

(2) not later than the expiration of the six-month period following the date on which such State becomes a participating State, if such report concerns an occurrence specified in subsection (a) (1), (2), or (3) of this section that occurs during the two-year period preceding such date.

(d) Nothing in this section shall be construed to require any State to report any information concerning any occurrence which occurs before the two-year period preceding the date on which the State becomes a participating State.

ACCESSIBILITY OF REGISTER INFORMATION

23 USC 401 note.

SEC. 206. (a)(1) For purposes of fulfilling his duties with respect to driver licensing, driver improvement, or highway safety, the chief driver licensing official of any participating State may, on and after the date of enactment of this title, request the Secretary to refer electronically or through the United States mails any request for information regarding the motor vehicle driving record of any individual to the chief driver licensing official of any State of record.

(2) The Secretary shall electronically or through the United States mails relay to any chief driver licensing official of a participating State who requests information under paragraph (1) of this subsection any information received from the chief driver licensing official of any State of record regarding an individual in accordance with paragraph (1) of this subsection, except that the Secretary may refuse to relay any information to any such official who is the chief driver licensing official of a participating State which is not in compliance with the provisions of section 205 of this title.

(b)(1) The Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration, for purposes of requesting information regarding any individual who is the subject of any accident investigation conducted by the Board or Bureau of Motor Carrier Safety, may request the chief driver licensing official of a State to obtain information under subsection (a) of this section regarding such individual. The Chairman and Administrator may receive any such information.

Requests by individuals or employers.

(2) Any individual who is employed as a driver of a motor vehicle or who seeks employment as a driver of a motor vehicle may request the chief driver licensing official of the State in which the individual is employed or seeks employment to transmit information under subsection (a) of this section to his employer or prospective employer. An employer or prospective employer may receive such information regarding any such individual, and shall make that information available to the affected individual. There shall be no access to information in the Register under this paragraph if such information was entered in the Register more than three years before the date of such request.

(3) Any individual, in order (A) to determine whether the Register is providing any data regarding him or the accuracy of any such data; or (B) to obtain a certified copy of data provided through the Register regarding him, may request the chief driver licensing official of a State to obtain information regarding him under subsection (a) of this section.

(4) Any request made under this subsection shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

(c) Any request for, or receipt of, information by means of the Register shall be subject to the provisions of sections 552 and 552a of title 5, United States Code, and any other applicable Federal and State law, except that—

(1) the Secretary shall not relay, or otherwise transmit, information specified in section 205(b) (1) or (3) of this title to any person not authorized by this section to receive such information;

(2) any request for, or receipt of, information by any chief driver licensing official, or by any person authorized by subsection (b) of this section to request and receive information, shall be considered to be a routine use for purposes of section 552a(b) of title 5, United States Code; and

(3) any receipt of information by any person authorized by this section to receive information shall be considered to be a disclosure for purposes of section 552a(c) of title 5, United States Code, except that the Secretary shall not be required to retain

96 STAT. 1745

the accounting made under paragraph (1) of such section for more than a seven-year period after the date of such disclosure.

PILOT TEST PROGRAM

23 USC 401 note.

SEC. 207. (a) The Secretary shall design, within eighteen months after the date of enactment of this title, and implement, within two years after the date of enactment of this title, a pilot test program for the purpose of demonstrating the potential effectiveness of a system for electronic referral and relay of information regarding the motor vehicle driving records of individuals.

(b) The Secretary shall solicit the participation of States which are interested in participating in such program and shall, within thirty months after the date of enactment of this title, select four States to participate in the program.

(c)(1) The Secretary shall select States in accordance with the provisions of subsection (b) of this section from among States which have in effect, on the date of selection, an intrastate online driver licensing system capable of electronically transmitting information regarding the motor vehicle driving records of individuals.

(2) The Secretary shall select only those States which indicate a willingness to participate in a comprehensive mechanical and programmatic evaluation of systems for the electronic transfer of information.

(3) The Secretary shall ensure that the selection made pursuant to subsection (b) of this section is representative of varying geographical and population characteristics of the Nation.

(4) No State shall participate in the program unless it agrees to assist in providing information to other States regarding the electronic transfer of the motor vehicle driving records of individuals.

(d) Within two years after the date of enactment of this title, the Secretary shall begin the pilot program authorized by subsection (a) of this section. Such program shall continue for a period of one year. In carrying out the program, the Secretary shall utilize different computer technologies and equipment in order to determine which technology and equipment is most effective for the electronic transfer of the motor vehicle driving records of individuals. The Secretary shall determine which systems and devices will best interconnect with systems and devices used in the States which are participating in the pilot program, as well as those used in other States.

Computer technologies and equipment.

(e) Any equipment or device which is provided to a State for use in the pilot program conducted under this section may, in the discretion of the Secretary, remain with the State following the conclusion of the pilot program.

Report to Congress.

(f) Not later than one year after the conclusion of the pilot program, the Secretary shall submit to the Congress a report on the program. Such report shall include an evaluation of the technology utilized during the program, together with an explanation of the nature and degree of State participation in the program. The report shall also contain an evaluation of achievements of the pilot program, as well as a projection of accomplishments which might result from the acquisition of electronic transfer equipment and methods by States other than those which participated in the pilot program.

96 STAT. 1746

CRIMINAL PENALTIES

23 USC 401 note.

SEC. 208. (a) Any person, other than an individual described in section 206(b)(4) of this title, who receives under section 206 of this title information specified in section 205(b) (1) or (3) of this title (the disclosure of which is not authorized by section 206 of this title), and who, knowing that disclosure of such information is not authorized, willfully discloses such information, shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) Any person who knowingly and willfully requests or under false pretenses obtains information specified in section 205(b) (1) or

(3) of this title from any person who receives such information under section 206 of this title shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

ADVISORY COMMITTEE

SEC. 209. (a) There hereby is established a National Driver Register Advisory Committee, which shall advise the Secretary concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records. 23 USC 401 note.

(b) The Advisory Committee shall consist of fifteen members, appointed by the Secretary, as follows: Membership.

(1) three members from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience, and who are not employees of the Federal Government or of any State; and

(2) three members from among groups outside the Government which represent the interests of bus and trucking organizations, enforcement officials, labor, or safety organizations; and

(3) nine members, geographically representative of the participating States, from among individuals who are chief driver licensing officials of participating States.

(c)(1) Except as provided in paragraph (2) and paragraph (3), each member of the Advisory Committee shall be appointed for a term of three years. Office terms.

(2) Of the members first appointed—

(A) one of the members described in subsection (b)(1) and one of the members described in subsection (b)(2) and three of the members described in subsection (b)(3) shall be appointed for a term of one year;

(B) one of the members described in subsection (b)(1) and one of the members described in subsection (b)(2) and three of the members described in subsection (b)(3) shall be appointed for a term of two years; and

(C) one of the members described in subsection (b)(1) and one of the members described in subsection (b)(2) and three of the members described in subsection (b)(3) shall be appointed for a term of three years;

as designated by the Secretary at the time of appointment.

(3) Any vacancy in the Advisory Committee shall be filled in the same manner as original appointments. Any member appointed to fill any vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his term until his successor has taken office. Vacancies.

(d) The members of the Advisory Committee shall serve without compensation, but the Secretary is authorized to reimburse such members for all reasonable travel expenses incurred by them in attending the meetings of the Advisory Committee. Compensation.

(e)(1) The Advisory Committee shall meet not less than once each year.

(2) The Advisory Committee shall elect a Chairman and a Vice Chairman from among the members of the Advisory Committee.

(3) Eight members of the Advisory Committee shall constitute a quorum. Quorum.

(4) The Advisory Committee shall meet at the call of the Chairman or a majority of the members of the Advisory Committee.

(f) The Advisory Committee may receive from the Secretary such personnel, penalty mail privileges, and similar services, as the Secretary considers necessary to assist it in performing its duties and functions under this section.

(g) Not less than once each year, the Advisory Committee shall prepare and submit to the Secretary a report concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records. Such report shall Report.

include any recommendations of the Advisory Committee for changes in the Register system.

(h) The Advisory Committee shall be exempt from the requirements of section 10(e), section 10(f), and section 14 of the Federal Advisory Committee Act (5 U.S.C. Appendix).

REPORT BY SECRETARY

Submittal to Congress.
23 USC 401 note.

SEC. 210. Not later than the expiration of the four-year period following the date of enactment of this title, the Secretary shall prepare and submit to the Congress a comprehensive report setting forth the extent and level of participation in the Register system, and the effectiveness of such system in the identification of unsafe drivers. Such report shall include any recommendations of the Secretary concerning the desirability of extending the authorization of appropriations for this title beyond the period of authorization provided in section 211 of this title.

AUTHORIZATION OF APPROPRIATIONS

23 USC 401 note.

SEC. 211. (a) There are authorized to be appropriated for fiscal years beginning after September 30, 1982, for expenses incurred in the establishment of the Register system under this title not to exceed $2,000,000.

23 USC 313 note.
96 STAT. 1748

(b) There are authorized to be appropriated to carry out the provisions of this title and the provisions of Public Law 86-660 (74 Stat. 526) not to exceed $1,000,000 for fiscal year 1983, not to exceed $1,300,000 for fiscal year 1984, not to exceed $1,600,000 for fiscal year 1985, not to exceed $1,600,000 for fiscal year 1986, and not to exceed $1,600,000 for fiscal year 1987.

(c) Funds authorized under this section shall remain available until expended.

Approved October 25, 1982.

LEGISLATIVE HISTORY—H.R. 6170 (S. 2158):

HOUSE REPORT No. 97-867 (Comm. on Public Works and Transportation).
SENATE REPORT No. 97-360 accompanying S. 2158 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 128 (1982):
May 11, S. 2158 considered and passed Senate.
Sept. 29, considered and passed House.
Oct. 1, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 43 (1982):
Oct. 25, Presidential statement.

---

96 STAT. 2097

Public Law 97-424
97th Congress

An Act

Jan. 6, 1983
[H.R. 6211]

To authorize appropriations for construction of certain highways in accordance with title 23, United States Code, for highway safety, for mass transportation in urban and rural areas, and for other purposes.

Surface Transportation Assistance Act of 1982.
23 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Transportation Assistance Act of 1982"

Highway Improvement Act of 1982.

TITLE I

SHORT TITLE

23 USC 101 note.

SEC. 101. This title may be cited as the "Highway Improvement Act of 1982".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,225,000,000 for the fiscal year ending September 30, 1984," and all that follows down through the period at the end of the sentence and by inserting in lieu thereof the following: "the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1984, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1985, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1986, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1987, and the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1989, and the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1990.".

Ante, p. 1611.

MINIMUM APPORTIONMENT

23 USC 101 note.

SEC. 103. (a) For each of the fiscal years 1984, 1985, 1986, and 1987, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended and shall also be available for expenditure to carry out section 152 of title 23, United States Code.

(b) Section 4(b) of the Federal-Aid Highway Act of 1982 is repealed.

Ante, p. 1611.
23 USC 104 note.

OBLIGATION CEILING

23 USC 104 note.

SEC. 104. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $12,100,000,000 for fiscal year 1983;
(2) $12,750,000,000 for fiscal year 1984;
(3) $13,550,000,000 for fiscal year 1985; and
(4) $14,450,000,000 for fiscal year 1986.

These limitations shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, or projects covered under section 147 of the Surface Transportation Assistance Act of 1978, or section 9 of the Federal-Aid Highway Act of 1981 or section 118 of the National Visitor Center Facilities Act of 1968. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

23 USC 144 note.
95 Stat. 1701.
95 Stat. 1672; 40 USC 818.

(b) For each of the fiscal years 1983, 1984, 1985, and 1986, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1982, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b) for fiscal year 1983, and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection for such fiscal year.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1 of each of the fiscal years 1983, 1984, 1985, and 1986, revise a distribution of the funds made available under subsection (b) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by this Act and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

95 Stat. 1699.
23 USC 101 note.

(3) not distribute amounts authorized for administrative expenses and forest highways.

96 STAT. 2099

(e)(1) Section 1106(b) of the Omnibus Budget Reconciliation Act of 1981 is repealed.

23 USC 104 note.

(2) Section 1106(c) of the Omnibus Budget Reconciliation Act of 1981 is amended to read as follows:

"(c) For the fiscal year 1982, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.".

(3) Section 1106(d) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "periods" and inserting in lieu thereof "period" and by striking out "and October 1 through December 31, 1982,".

(4) Section 1106(e)(2) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "and after August 1, 1983,".

AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,850,000,000 (reduced by the amount authorized by the first sentence of section 4(a)(1) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, $2,100,000,000 for the fiscal year ending September 30, 1984, $2,300,000,000 for the fiscal year ending September 30, 1985, and $2,450,000,000 for the fiscal year ending September 30, 1986. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $650,000,000 (reduced by the amount authorized by the second sentence of section 4(a)(1) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, $650,000,000 for the fiscal year ending September 30, 1984, $650,000,000 for the fiscal year ending September 30, 1985, and $650,000,000 for the fiscal year ending September 30, 1986.

Ante, p. 1611.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $800,000,000 (reduced by the amount authorized by section 4(a)(2) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, and $800,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

(3) For Indian reservation roads, out of the Highway Trust Fund, $75,000,000 for the fiscal year ending September 30, 1983, and $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

St. Thomas, V.I.

(4) For the Virgin Islands, all such sums as may be required for the continued presence and operation of the office of the territorial representative of the Federal Highway Administration in St. Thomas, Virgin Islands.

(5) For parkways and park highways, out of the Highway Trust Fund, $75,000,000 for the fiscal year ending September 30, 1983 and $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

(6) For the forest highways, out of the Highway Trust Fund, $50,000,000 (reduced by the amount authorized by section 4(a)(3) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

Ante, p. 1611.

(7) For public lands highways, out of the Highway Trust Fund, $50,000,000 (reduced by the amount authorized by section 4(a)(4) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

Repeal.
92 Stat. 2715.

(b) Section 151 of the Federal-Aid Highway Act of 1978 is repealed.

(c) In the case of fiscal years 1983 and 1984, each State shall, with respect to any Federal funds available to such State for expenditure on the Federal-aid primary system in excess of the amount apportioned to such State under section 104(b)(1) of title 23, United States Code, for such expenditure in fiscal year 1982, give priority consideration to those priority primary routes designated in Committee Print Numbered 97-61 of the Committee on Public Works and Transportation of the House of Representatives.

(d) Of the sums apportioned to each State under subsections (a)(1) and (a)(2) of this section for each fiscal year, beginning with fiscal year 1984, not less than 40 per centum of such program funds shall be expended by such State on projects for resurfacing, restoring, rehabilitating, and reconstructing existing highways unless the State certifies to the Secretary that such percentage of funds is in excess of the resurfacing, restoring, rehabilitating, and reconstructing needs of existing highways in the State and the Secretary accepts such certification. The requirement of the preceding sentence shall apply only to that portion of a State's apportionment not used for reimbursing such State for bond retirement under section 122 of title 23, United States Code, or for advance construction funding under section 115 of title 23, United States Code.

Ante, p. 1611

(e) Section 4(a) of the Federal-Aid Highway Act of 1982 is amended by striking out "a joint resolution making continuing appropriations for such fiscal year," and inserting in lieu thereof "Public Law 97-276,".

(f) Except to the extent that the Secretary determines otherwise, not less than 10 per centum of the amounts authorized to be appropriated under this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals as defined by section 8(d) of the Small Business Act (15 U.S.C. section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

INTERSTATE RESURFACING

95 Stat. 1699.

96 STAT. 2101

SEC. 106. Section 105 of the Surface Transportation Assistance Act of 1978 is amended by strking out "and not to exceed $800,000,000 for the fiscal year ending September 30, 1984." and inserting in lieu thereof "not to exceed $1,950,000,000 for the fiscal year ending September 30, 1984, not to exceed $2,400,000,000 for the fiscal year ending September 30, 1985, not to exceed $2,800,000,000 for the fiscal year ending September 30, 1986, and not to exceed $3,150,000,000 for the fiscal year ending September 30, 1987.".

INTERSTATE TRANSFERS

Substitute highway project funds.

Cost estimate, transmittal to Congress.

Revised cost estimate, transmittal to Congress.

49 USC 1603. Substitute transit project funds.

Cost estimate, transmittal to Congress.

Revised cost estimate, transmittal to Congress.

SEC. 107. (a)(1) Section 103(e)(4) of title 23, United States Code, is amended by striking out the eighth sentence and inserting in lieu thereof the following: "For the fiscal year ending September 30, 1983, $257,000,000 shall be available out of the Highway Trust Fund for expenditure at the discretion of the Secretary for projects under highway assistance programs. For the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, sums obligated for projects under highway assistance programs shall be paid out of the Highway Trust Fund, and $700,000,000 shall be available for expenditure during each of the fiscal years ending September 30, 1984, and September 30, 1985, and $725,000,000 shall be available for expenditure during the fiscal year ending September 30, 1986. Twenty-five per centum of the funds available from the Highway Trust Fund for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, for substitute highway projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 75 per centum of such funds shall be apportioned in accordance with cost estimates approved by Congress. The Secretary shall make an estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of enactment of this sentence. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for the fiscal year ending September 30, 1984. The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for the fiscal years ending September 30, 1985, and September 30, 1986. There are authorized to be appropriated for liquidation of obligations incurred under this paragraph the sums provided in section 4(g) of the Urban Mass Transportation Act of 1964. Fifty per centum of the funds appropriated for each fiscal year beginning after September 30, 1983, for carrying out substitute transit projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 50 per centum of such funds shall be apportioned in accordance with cost estimates approved by Congress. The Secretary shall make an estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of enactment of this sentence. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for the fiscal year ending September 30, 1984. The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for the fiscal years ending September 30, 1985, and September 30, 1986.".

(2) Section 103(e)(4) of title 23, United States Code, is amended by striking out the sixth sentence and inserting in lieu thereof the following: "The sums apportioned under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned and for the succeeding fiscal year. The sums available for obligation under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned and for the succeeding fiscal year. Any sums which are apportioned to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned among those States which have obligated all sums (other than such an amount) apportioned to them for such fiscal year, in accordance with the latest approved estimate of the cost of completing the appropriate substitute projects in such States.".

(b) Section 103(e)(4) of title 23, United States Code, is amended by adding at the end thereof the following: "Any route or segment thereof which was statutorily designed after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.".

(c)(1) Section 103(e)(4) of title 23, United States Code, is further amended by—

(A) inserting in the second sentence after the words "approved by Congress," the following: "or up to and including the 1983 interstate cost estimate, whichever is earlier,";

(B) striking out in the second sentence "the date of enactment of the Federal-Aid Highway Act of 1976 or" and "whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate";

(C) inserting in the second sentence after "approval of each substitute project under this paragraph," the following: "or the date of approval of the 1983 interstate cost estimate, whichever is earlier,".

23 USC 103 note.

(2) Notwithstanding any other provision of law, with respect to any route or portion thereof on the Interstate System approval of which is or has been withdrawn under section 103(e)(4) of title 23, United States Code, in any case where the sum determined under the second sentence of such section is less than the cost to complete the withdrawn route or portion (in accordance with the design of such route or portion on the date of such withdrawal) as of June 30, 1980, as a result of decreases in construction costs, the sum which shall be available to the Secretary under such sentence shall be an amount equal to such cost of completion as of June 30, 1980.

(d) The third sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out the period and inserting in lieu thereof the following: ", and except that with respect to any route which on May 12, 1982, is under judicial injunction prohibiting its construction the Secretary may approve substitute projects and withdrawals on such route until September 30, 1985.".

(e)(1) The first sentence of section 103(e)(4) of title 23, United States Code is amended by striking "which is within an urbanized area or which passes through and connects urbanized areas within a State and".

(2) The second sentence of section 103(e)(4) of title 23, United States Code is amended by striking "which will serve the urbanized area and the connecting nonurbanized area corridor from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the urbanized area or area to be served, and which are submitted by the Governor of the State in which the withdrawn route was located." and inserting in

lieu thereof, "which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located.".

Bond proceeds for project construction, payment claims.

(f) The first sentence of section 122 of title 23, United States Code, is amended to read as follows: "Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or Interstate System, or extensions of any of the Federal-aid highway systems in urban areas, or for substitute highway projects approved under section 103(e)(4) of this title, may claim payment of any portion of the sums apportioned to it for expenditure on such system or on highway projects approved under section 103(e)(4) of this title to aid in the retirement of the principal of such bonds the proceeds of which were used for projects on the Federal-aid primary system or extensions of any of the Federal-aid highway systems in urban areas and the retirement of the principal and interest of such bonds the proceeds of which were used for projects on the Interstate System at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects.".

"Construction."
23 USC 103 note.

(g) Section 107(e) of the Federal-Aid Highway Act of 1978 is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, the term 'construction' has the meaning such term has under section 101(a) of title 23, United States Code.".

FEDERAL-AID PRIMARY FORMULA

Apportionment.
23 USC 104 note.

SEC. 108. (a) Notwithstanding section 104(b)(1) of title 23, United States Code, and any other provision of law, amounts authorized for fiscal years 1983, 1984, 1985, and 1986 for the Federal-aid primary system (including extensions in urban areas and priority primary routes) shall be apportioned in accordance with this section. The Secretary of Transportation shall determine for each State the higher of (1) the amount which would be apportioned to such State under section 104(b)(1) of title 23, United States Code, and (2) the amount which would be apportioned to such State under the following formula:

> One-half in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census and one-half in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census.

96 STAT. 2104

(b) The Secretary of Transportation shall, for each of the fiscal years 1983, 1984, 1985, and 1986, determine the total of the amounts determined for each State under subsection (a) and shall determine the ratio which the total amount authorized for such fiscal year for the Federal-aid primary system bears to the total of such amounts determined under subsection (a) for such fiscal year.

(c) The amount which shall be apportioned to each State for the Federal-aid primary system (including extensions in urban areas and priority primary routes) for each of the fiscal years 1983, 1984, 1985, and 1986 shall be the amount determined for such State under subsection (a), multiplied by the ratio determined under subsection (b).

(d) Notwithstanding any other provision of law, no State shall receive an apportionment under this section for any fiscal year which is less than the lower of (1) the amount which the State would be apportioned for such fiscal year under section 104(b)(1) of title 23, United States Code, and (2) the amount which would be determined under the formula set forth in subsection (a). Notwithstanding any other provision of law, no State shall receive for any such fiscal year less than one-half of 1 per centum of the total apportionment under this section for such fiscal year. For purposes of this paragraph and subsection (b) of section 103 of this title, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered together as one State. The State consisting of the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Mariana Islands shall not receive less than one-half of 1 per centum of each year's apportionment. There are authorized to be appropriated such sums as may be necessary out of the Highway Trust Fund to carry out this subsection. Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code.

23 USC 103.

23 USC 101 *et seq.*

(e) Amounts apportioned under this section shall be deemed to be amounts apportioned under section 104(b)(1) of title 23, United States Code, for purposes of such title and all other provisions of law. Terms used in this section shall have the same meaning such terms have in chapter 1 of title 23, United States Code.

(f) Section 103(b)(1) of title 23, United States Code, is amended by striking out "or Puerto Rico" and inserting in lieu thereof "Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands."

ENERGY IMPACTED ROADS

Projects, priority.

SEC. 109. (a) Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments may give priority to projects for the reconstruction, resurfacing, restoration, or rehabilitation of highways which are incurring a substantial use as a result of transportation activities to meet national energy requirements and which will continue to incur such use, and in approving such programs the Secretary may give priority to such projects.".

96 STAT. 2105

Project cost, Federal share. *Post*, p. 2110.

(b) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(k) Notwithstanding any other provision of this section, the Federal share payable on account of any project under this title to reconstruct, resurface, restore, and rehabilitate any highway which the Secretary determines, at the request of any State, is incurring a substantial use as a result of transportation activities to meet national energy requirements and will continue to incur such use is 85 per centum of the cost of such project.".

RESURFACING STANDARDS

SEC. 110. (a) Section 109 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(o) It is the intent of Congress that any project for resurfacing, restoring, or rehabilitating any highway, other than a highway access to which is fully controlled, in which Federal funds participate shall be constructed in accordance with standards to preserve and extend the service life of highways and enhance highway safety.".

Study and proposed standards. 23 USC 109 note.

(b) The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences (1) to conduct a study of the safety cost-effectiveness of geometric design criteria of standards currently in effect for construction and reconstruction of highways, other than highways access to which is fully controlled, to determine the most appropriate minimum standards to apply to resurfacing, restoration, and rehabilitation projects on such highways, which study shall include a study of the cost effectiveness of the hot dip galvanizing process for the installation, repair, or replacement of exposed structural and miscellaneous steel, and (2) to propose standards to preserve and extend the service life of such highways and enhance highway safety. The National Academy of Sciences shall conduct such study in cooperation with the National Transportation Safety Board, the Congressional Budget Office, and the American Association of State Highway and Transportation Officials. Upon completion of such study, the National Academy of Sciences shall submit such study and its proposed standards to the Secretary of Transportation for review. Within ninety days after submission of such standards to the Secretary of Transportation, the Secretary shall submit such study and the proposed standards of the National Academy of Sciences, together with the recommendations of the Secretary, to Congress for approval.

Review.

Submittal to Congress.

(c)(1) The Secretary of Transportation is directed to coordinate a study with the National Bureau of Standards, the American Society for Testing and Materials, and other organizations as deemed appropriate, (A) to determine the existing quality of design, construction, products, use, and systems for highways and bridges; (B) to determine the need for uniform standards and criteria for design, processing, products, and applications, including personnel training and implementation of enforcement techniques; and (C) to determine the manpower needs and costs of developing a national system for the evaluation and accreditation of testing and inspection agencies.

Study with National Bureau of Standards and American Society for Testing and Materials. 23 USC 109 note.

(2) The Secretary shall submit such study to the Congress not later than one year after the date of enactment of this section.

Submittal to Congress.

VENDING MACHINES

23 USC 111 note.

Sec. 111. Notwithstanding section 111 of title 23, United States Code, before October 1, 1983, any State may permit the placement of vending machines in rest and recreation areas and in safety rest areas constructed or located on rights-of-way of the National System of Interstate and Defense Highways in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines under this Section, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the Randolph-Sheppard Act (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines under this section shall not be eligible for Federal assistance under title 23, United States Code.

LETTING OF CONTRACTS

Sec. 112. Section 112 of title 23, United States Code, is amended—

(1) in subsection (b) by striking out "unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest" and inserting in lieu thereof "unless the State highway department demonstrates, to the satisfaction of the Secretary, that some other method is more cost effective"; and

(2) in subsection (e) by striking out the period at the end and inserting in lieu thereof the following: ", except where employees of a political subdivision of a State are working on a project outside of such political subdivision.".

CONSTRUCTION IN ADVANCE OF APPORTIONMENT

Sec. 113. (a) Section 115(b)(2) of title 23, United States Code, is amended by striking out "1978" each place it appears and inserting in lieu thereof "1983".

(b) Section 115(b) of title 23, United States Code, is amended by adding at the end thereof the following:

Project cost. Federal share.

"(3) Subject to the provisions of this paragraph, the cost of construction of a project, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State to the extent that the proceeds of such bonds have actually been expended in the construction of such project. In no event shall the amount of interest considered as a cost of construction of a project under the preceding sentence be greater than the excess of (A) the amount which would be the estimated cost of construction of the project if the project were to be constructed at the time the project is converted to a regularly funded project, over (B) the actual cost of construction of such project (not including such interest). The Secretary shall consider changes in construction cost indices in determining the amount under clause (A) of this paragraph.".

(c) Section 115(a) of title 23, United States Code, is amended to read as follows:

"(a)(1) When a State has obligated all funds apportioned or allocated to it under section 103(e)(4), 104, or 144 of this title, other than Interstate funds, and proceeds to construct any highway substitute, Federal-aid system, or bridge project, respectively, other than an Interstate project funded under section 104(b)(5) of this title, without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under section 103(e)(4), 104, or 144, respectively, of this title if—

"(A) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects, and

"(B) the project conforms to the applicable standards adopted under section 109 of this title.

"(2) The Secretary may not approve an application under this section unless an authorization for section 103(e)(4), 104, or 144 of this title, as the case may be, is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State. No application may be approved which will exceed the State's expected apportionment of such authorizations.".

(d) Section 115(c) of title 23, United States Code, is amended by striking "104" and inserting in lieu thereof "103(e)(4), 104, or 144".

MAINTENANCE

SEC. 114. The second sentence of subsection (c) of section 116 of title 23, United States Code, is amended to read as follows: "If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State in which such project is located, whichever the Secretary deems most appropriate, until such project shall have been put in proper condition of maintenance.".

INTERSTATE DISCRETIONARY FUNDS

SEC. 115. (a) Section 118(b) of title 23, United States Code, is amended to read as follows:

"(b)(1) Sums apportioned to each Federal-aid system (other than the Interstate System) shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof (other than the Interstate System) for a period of three years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse.

"(2) Except as otherwise provided in this subsection, sums apportioned for the Interstate System in any State shall remain available for expenditure in that State for the Interstate System until the end of the fiscal year for which authorized. Sums not obligated within the time period prescribed by the preceding sentence shall be made available by the Secretary for projects on the Interstate System (other than projects for which sums are apportioned under section 104(b)(5)(B)) in accordance with the following priorities: First, for high cost projects which directly contribute to the completion of an Interstate segment which is not open to traffic; and second, for projects of high cost in relation to a State's apportionment. Sums may only be made available under this paragraph in any State if the Secretary determines that the State has obligated all of its apportionments other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by such State to the Secretary for approval, and the applicant is willing and able to (A) apply the funds to a ready-to-commence project; and (B) in the case of construction work, begin work within ninety days of obligation. Sums made available under this paragraph shall remain available until expended.

96 STAT. 2108

"(3) Any amount apportioned to the States for the Interstate System under subsection (b)(5)(B) of section 104 of this title shall continue to be available for expenditure in that State for a period of two years after the close of the fiscal year for which such sums are authorized. Sums not obligated within the time period prescribed by the preceding sentence shall be made available by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System to any other State applying for such funds, if the Secretary determines that the State has obligated all of its apportionments under such subsection other than an amount which, by itself, is insufficient to pay the Federal share of the cost of such a project which has been submitted by such State to the Secretary for approval, and the applicant is willing and able to (A) obligate the funds within one year of the date the funds are made available; (B) apply them to a ready-to-commence project; and (C) in the case of construction work, begin work within ninety days of obligation. Sums made available under this paragraph shall remain available until expended.

"(4) Sums apportioned to a Federal-aid system for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is obligated. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.".

"(b) Section 118 of title 23 United States Code is amended by relettering subsections (c) and (d) as subsections (e) and (f), respectively, and by adding after subsection (b) thereof the following new subsections:

"(c) Before any apportionment is made under section 104(b)(5)(A) of this title for a fiscal year beginning after September 30, 1983, the Secretary shall set aside $300,000,000. Such amount shall be available only for obligation by the Secretary in accordance with subsection (b)(2) of this section.

"(d) In addition to amounts otherwise available to carry out this section, an amount equal to the amount by which the unobligated apportionment for the Interstate System in any State is reduced under section 103(e)(4) of this title on account of the withdrawal of a route or portion thereof on the Interstate System, which withdrawal is approved after the date of enactment of this subsection, shall be available to the Secretary for obligation in accordance with subsection (b)(2) of this section.".

INTERSTATE SYSTEM RESURFACING TRANSFERS

SEC. 116. (a)(1) Section 119(a) of title 23, United States Code, is amended by inserting after the first sentence the following: "In addition to projects approved under the preceding sentence, beginning with funds apportioned for fiscal year 1984, the Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing those routes or portions thereof on the Interstate System designated before the date of enactment of this sentence under section 139(a) of this title (other than routes on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) which routes or portions were so designated in conjunction with the withdrawal of approval of another route or portion thereof on the Interstate System under section 103(e)(4) of this title.".

92 Stat. 2692.

Ante, p. 2101.

(2) The last sentence of section 119(a) of title 23, United States Code, is amended by striking out "designated under sections 103 and 139(c) of this title" and inserting in lieu thereof "under this subsection".

(3) The last sentence of section 139(a) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", except that any State may use funds available to it under section 104(b)(1) of this title and, beginning with funds apportioned for fiscal year 1984, under section 104(b)(5)(B) of this title for the resurfacing, restoring, rehabilitating, and reconstructing of any route or portion thereof on the Interstate System on which a project may be approved under the second sentence of section 119(a) of this title.".

(b) The last subsection of section 119 of title 23, United States Code, is relettered as subsection (c).

(c) Section 119 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Upon application by a State and approval by the Secretary, the Secretary may authorize the transfer of so much of the amount apportioned to such State for any fiscal year under paragraph (5)(A) of subsection (b) of section 104 of this title, as does not exceed the Federal share of the cost of segments of the Interstate System open to traffic in such State (other than high occupancy vehicle lanes), in the most recent cost estimate, to the apportionment under paragraph (5)(B) of subsection (b) of section 104 of this title, except that not more than 50 per centum of the total apportionment under such paragraph (5)(A) for a fiscal year shall be transferred under this subsection for such fiscal year. The next cost estimate submitted to Congress under paragraph (5)(A) of subsection (b) of such section 104 of the cost of completing segments of the Interstate System open to traffic in that State (other than high occupancy vehicle lanes) shall be reduced for such State in an amount equal to the amount transferred under this subsection.".

FEDERAL SHARE

SEC. 117. (a) Section 120(c) of title 23, United States Code, is amended by adding at the end thereof the following new sentence: "Notwithstanding subsection (a) of this section, the Federal share payable on account of any project financed with primary funds on the Interstate System for resurfacing, restoring, rehabilitating, and reconstructing shall be the percentage provided in this subsection.".

(b) Section 120(d) of title 23, United States Code, is amended by inserting "or for pavement marking" after "signalization" and by adding at the end thereof the following: "The Federal share payable on account of any project for traffic control signalization under section 103(e)(4) of this title may amount to 100 per centum of the cost of construction of such project.".

(c) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) Nothwithstanding any other provision of this section (other than subsection (i)), of this title, or of any other law, in any case where a State elects to use funds apportioned to it for any Federal-aid system for any project under sections 143, 148, and 155, of this title and for those priority primary routes under section 147 of this title designated in Committee Print Numbered 97-61 of the Committee on Public Works and Transportation of the House of Representatives, the Federal share payable on account of such project shall be 95 per centum of the cost thereof, unless—

"(1) such project is on land owned by the United States in which case the Federal share shall be 100 per centum of the cost of such project, or

"(2) a Federal share of the cost of the project greater than 95 per centum is specifically authorized by law.".

FRINGE AND CORRIDOR PARKING

SEC. 118. Section 137 of title 23, United States Code, is amended by inserting the following new subsection (f):

"(f)(1) The Secretary may approve for Federal financial assistance from funds apportioned under section 104(b)(5)(B) of this title, projects for designating existing facilities, or for acquisition of rights of way or construction of new facilities, for use as preferential parking for carpools, provided that such facilities (A) are located outside of a central business district and within an interstate highway corridor, and (B) have as their primary purpose the reduction of vehicular traffic on the interstate highway.

"(2) Nothing in this subsection, or in any rule or regulation issued under this subsection, or in any agreement required by this subsection, shall prohibit (A) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility designated or constructed under this subsection, or (B) any such person from so operating such facility. Any fees charged for the use of any such facility in connection with the purpose of this subsection shall not be in excess of the amount required for operation and maintenance, including compensation to any person for operating the facility.

Fees.

"(3) For the purposes of this subsection, the terms 'facilities' and 'parking facilities' are synonymous and shall have the same meaning given 'parking facilities' in subsection (c) of this section.".

"Facilities" and "parking facilities."

NONDISCRIMINATION

SEC. 119. (a) The first and third sentences of subsection (a) of section 140 of title 23, United States Code, are amended by striking the words "or national origin" and inserting in lieu thereof the words ", national origin, or sex".

(b) Section 140 of title 23, United States Code, is amended by adding new subsection (c) as follows:

96 STAT. 2111

"(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Whenever apportionments are made under subsection 104(a) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $10,000,000 per fiscal year, for the administration of this subsection. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of section 302(e) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(e)).".

(c) The title of section 140 of title 23, United States Code, is amended to read as follows:

"§ 140. Nondiscrimination"

and the analysis of chapter 1 of title 23, United States Code, is amended by striking out

"140. Equal employment opportunity."

and inserting in lieu thereof

"140. Nondiscrimination.".

PUBLIC TRANSPORTATION

SEC. 120. (a) The last sentence of section 142(a)(1) of title 23, United States Code, is amended by inserting "and the cost of providing shuttle service to and from the facility" after "of the facility" and by inserting "and for providing such shuttle service" after "operating the facility".

(b) Section 142 of title 23, United States Code, is amended as follows:

(1) In subsection (a)(1) in the first sentence the words "bus lanes" and insert in lieu thereof "high occupancy vehicle lanes" and delete the words "bus and other" and insert in lieu thereof "high occupancy vehicle and".

(2) In subsection (b) delete the word "bus" and insert in lieu thereof "high occupancy vehicle".

(3) In subsection (f) delete the words "public mass transportation systems" and insert in lieu thereof "high occupancy vehicles".

BRIDGE PROGRAM APPORTIONMENT

SEC. 121. (a) Subsection (e) of section 144 of title 23, United States Code, is amended to read as follows:

"(e) Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fiscal year for which authorized in accordance with this subsection. Each deficient bridge shall be placed into one of the following categories: (1) Federal-aid system bridges eligible for replacement, (2) Federal-aid system bridges eligible for rehabilitation, (3) off-system bridges eligible for replacement, and (4) off-system bridges eligible for rehabilitation. The square footage of deficient bridges in each category shall be multiplied by the respective unit price on a State-by-State basis, as determined by the Secretary; and the total cost in each State divided by the total cost of the deficient bridges in all States shall determine the apportionment factors. No State shall receive more than 10 per centum or less than 0.25 per centum of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually.".

96 STAT. 2112

Annual data update.

(b) The amendment made by subsection (a) of this section shall take effect October 1, 1982, and shall apply with respect to each fiscal year beginning on or after such date. Notwithstanding subsection (e) of section 144 of title 23, United States Code, as soon as practical after the date of enactment of this Act, the Secretary of Transportation shall apportion under such subsection (e), as amended by subsection (a) of this section, sums authorized to be appropriated to carry out such section 144 for the fiscal year ending September 30, 1983.

Effective date.
23 USC 144 note.

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION

SEC. 122. (a) Subsection (g) of section 144 of title 23, United States Code, is amended by inserting after "(g)" the following: "(1)". Such subsection is further amended by striking out the fourth and fifth sentences and by adding at the end thereof the following:

"(2) Of the amount authorized per fiscal year for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986, by section 5(a)(1) of the Federal-Aid

Ante, p. 1612.
Post, p. 2137.

Highway Act of 1982 and section 202(1) of the Highway Safety Act of 1982, all but $200,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. $200,000,000 per fiscal year of the amount authorized for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986, shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such $200,000,000 shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than $10,000,000, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. Not less than 15 per centum nor more than 35 per centum of the amount apportioned to each State in each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986, shall be expended for projects to replace or rehabilitate highway bridges located on public roads, other than those on a Federal-aid system. The Secretary after consultation with State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal-aid system when he determines that such State has inadequate needs to justify such expenditure.".

Expenditure requirement, reduction.

(b) Notwithstanding section 144 of title 23, United States Code, and any other provision of law, the Secretary of Transportation may approve under such section 144 (including subsection (g)) a project to relocate and replace (1) any bridge across a river located on a two-lane Federal-aid highway which is in a slide area, in a flood plain, and in the vicinity of and north of Cloverdale, California, together with (2) all highways and approaches required as a result of such relocation and replacement.

96 STAT. 2113

(c) Notwithstanding section 144 of title 23, United States Code, and any other provision of law, the Secretary of Transportation may approve under such section 144 (including subsection (g)) a project to replace the LaSalle Peru Bridge which is part of a complete replacement of United States 51 in a new location.

CARPOOL AND VANPOOL PROJECTS

SEC. 123. (a) Section 120(d) of title 23, United States Code, is amended by inserting before ", may amount to 100 per centum" the following: "or for commuter carpooling and vanpooling".

23 USC 146 note.

(b) The Secretary of Transportation is authorized and directed to expend such sums as are necessary out of the administrative funds authorized by subsection (a) of section 104, title 23, United States Code, to carry out the provisions of subsection (d) of section 126 of the Federal-Aid Highway Act of 1978.

23 USC 146 note.

ALLOCATION OF URBAN FUNDS

SEC. 124. Section 150 of title 23, United States Code, is amended by adding the following sentence at the end thereof: "Funds allocated to an urbanized area under the provisions of this section may, at the request of the Governor and upon approval of the appropriate local officials of the area and the Secretary, be transferred to the allocation of another such area in the State or to the State for use in any urban area.".

HAZARD ELIMINATION PROGRAM EXTENSION

SEC. 125. Subsection (c) of section 152 of title 23, United States Code, is amended to read as follows:

"(c) Funds authorized to carry out this section shall be available for expenditure on any public road (other than a highway on the Interstate System).".

FEDERAL LANDS HIGHWAYS PROGRAM

Sec. 126. (a) Section 202 of title 23, United States Code, is amended to read as follows:

"§ 202. Allocations

"(a) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways according to the relative needs of the various elements of the national forest system as determined by the Secretary, taking into consideration the need for access as identified by the Secretary of Agriculture through renewable resource and land use planning, and the impact of such planning on existing transportation facilities.

"(b) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest development roads and trails according to the relative needs of the various national forests. Such allocation shall be consistent with the renewable resource and land use planning for the various national forests.

96 STAT. 2114

"(c) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. The Secretary shall give preference to those projects which are significantly impacted by Federal land and resource management activities.

"(d) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for park roads and parkways each according to the relative needs of the various elements of the national park system, taking into consideration the need for access as identified through land use planning and the impact of such planning on existing transportation facilities.

"(e) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for Indian reservation roads according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.".

(b) Section 204 of title 23, United States Code, is amended to read as follows:

"§ 204. Federal Lands Highways Program

Establishment.

"(a) Recognizing the need for all Federal roads which are public roads to be treated under the same uniform policies as roads which are on the Federal-aid systems, there is established a coordinated Federal lands highways program which shall consist of the forest highways, public lands highways, park roads, parkways, and Indian reservation roads as defined in section 101 of this title.

Construction and improvement funds.

Contracts.

Indian labor.

"(b) Funds available for forest highways and public lands highways shall be used by the Secretary to pay for the cost of construction and improvement thereof. Funds available for park roads, parkways, and Indian reservation roads shall be used by the Secretary of the Interior to pay for the cost of construction and improvement thereof. In connection therewith, the Secretary and the Secretary of the Interior, as appropriate, may enter into construction contracts and such other contracts with a State or civil subdivision thereof or Indian tribe as deemed advisable. In the case of Indian reservation roads, Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior. No ceiling on Federal employment shall be applicable to construction or improvement of Indian reservation roads.

Projects on Indian reservation roads.

"(c) Before approving as a project on an Indian reservation road any project on a Federal-aid system in a State, the Secretary must determine that the obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian reservation roads, of a fair and equitable share of funds apportioned to such State under section 104 of this title.

State and local cooperation.

"(d) Cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement, and any funds received from a State, county, or local subdivision shall be credited to appropriations available for the class of Federal lands highways to which such funds were contributed.

96 STAT. 2115

Construction by contract.

"(e) Construction of each project shall be performed by contract awarded by competitive bidding, unless the Secretary or the Secretary of the Interior shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. Notwithstanding the foregoing, the provisions of section 23 of the "Buy Indian" Act of June 25, 1910 (36 Stat. 891), and the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2205) shall apply to all funds administered by the Secretary of the Interior which are appropriated for the construction and improvement of Indian reservation roads.

36 Stat. 861.
25 USC 47.
25 USC 450e.

"(f) All appropriations for the construction and improvement of each class of Federal lands highways shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land managing agency.

Transfer of funds.

"(g) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with forest highways.

"(h) Funds available for each class of Federal lands highways shall be available for adjacent vehicular parking areas and scenic easements.".

"Park road."

(c)(1) The twelfth undesignated paragraph of section 101(a) of title 23, United States Code, defining the term "park roads and trails", is amended to read as follows:

"The term 'park road' means a public road that is located within or provides access to an area in the national park system.".

"Indian reservation roads."

(2) The tenth undesignated paragraph of section 101(a) of title 23, United States Code, defining the term "Indian reservation roads and bridges" is amended by striking out "The term 'Indian reservation roads and bridges' means roads and bridges, including roads and bridges" and inserting in lieu thereof "The term 'Indian reservation roads' means public roads, including roads".

"Federal lands highways."

(3) Section 101(a) of title 23, United States Code, is amended by adding after the third undesignated paragraph, defining the term "county", the following:

"The term 'Federal lands highways' means forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads.".

Repeals.

(d) Sections 206, 207, 208, 209, and 214(c) of title 23, United States Code, are repealed.

(e) The analysis of chapter 2 of title 23, United States Code, is amended—

(1) by striking out

"202. Apportionment for allocation."

and inserting in lieu thereof

"202. Allocations.";

(2) by striking out

"204. Forest highways."

and inserting in lieu thereof

"204. Federal lands highways program.";

and

(3) by striking out

"206. Park roads and trails.
"207. Parkways.
"208. Indian reservation roads.
"209. Public lands highways."

and inserting in lieu thereof

"206. Repealed.
"207. Repealed.
"208. Repealed.
"209. Repealed.".

(f) Sections 201 and 203 of title 23, United States Code, are amended by striking out "park roads and trails" wherever it appears and inserting in lieu thereof "park road".

BICYCLE TRANSPORTATION

SEC. 126. Section 217 of title 23, United States Code, is amended to read as follows:

"§ 217. Bicycle transportation and pedestrian walkway

"(a) To encourage energy conservation and the multiple use of highway rights-of-way, including the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, as Federal-aid highway projects, construct pedestrian walkways. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for pedestrian walkways authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b)(1) To encourage energy conservation, including the development, improvement, and use of bicycle transportation, the States may, as Federal-aid highway projects, construct new or improved lanes, paths, or shoulders; traffic control devices, shelters for and parking facilities for bicycles, and carry out nonconstruction projects related to safe bicycle use. Sums apportioned in accordance with paragraphs (1), (2), and (6) of section 104(b) of this title shall be available for bicycle projects authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(2) In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway, other than a highway access to which is fully controlled, on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

"(3) No bicycle project shall be authorized by this section unless the Secretary shall have determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

Federal share on walkway project.

"(c) For all purposes of this title, a pedestrian walkway project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such pedestrian walkway project shall be 100 per centum.

Federal share on bicycle project.

"(d) For all purposes of this title, a bicycle project authorized by subsection (b) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project shall be 100 per centum.

"(e) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of pedestrian walkways in conjunction with such trails, roads, highways, and parkways.

"(f) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle routes.

Motorized vehicle prohibition.

"(g) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes and, when snow conditions and State or local regulations permit, snowmobiles.

Appropriation authorization.

Waiver.

"(h) Not more than $45,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a), (b), (e), and (f) of this section. No State shall obligate more than $4,500,000 for such projects in any fiscal year, except that the Secretary may, upon application, waive this limitation for a State for any fiscal year.".

PARKING RAMPS AND FRONTAGE ROADS

23 USC 101 note.

SEC. 127. (a) Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is further amended by adding before the last sentence thereof a new sentence as follows: "Notwithstanding any other provision of law, including any other provision of this subsection, where a project is to be constructed (1) to provide parking garage ramps in conjunction with high occupancy vehicle lanes which flow into a distributor system emptying directly into ramps for off-street parking with preferential parking for carpools, vanpools, and buses and the ramps are part of an environmental mitigation effort and are designed to feed into an aerial walkway system, or (2) to provide a parking lot near the terminus of an Interstate System spur route which radiates from an Interstate System beltway which will be used as an intermodal transfer facility for a light rail transit project to be constructed in the median of the spur route and the parking lot is part of an environmental mitigation effort, or (3) to provide a parking garage and associated facilities as part of an intermodal transfer facility with a transit system near or within an Interstate System route right-of-way which will have direct and indirect access to the facility by way of local streets and the parking garage and associated facilities are part of an environmental mitigation effort, or (4) to provide for the comprehensive upgrading of existing high occupancy vehicle lanes, new ramps and parking facilities at mass transit intermodal transfer points on an existing Interstate System route which has temporary high occupancy vehicle lanes in the median and the parking facilities and ramps are part of an environmental mitigation effort, the costs of such parking garage ramps, parking lots, parking garages, associated interchange ramps, high occupancy vehicle lanes, and other associated work eligible under title 23, United States Code, shall be eligible for funds authorized by this subsection as if the costs for these projects were included in the 1981 interstate cost estimate and shall be included as eligible projects in any future interstate cost estimate.".

96 STAT. 2118

23 USC 101 note.

(b) Notwithstanding the provisions of section 108(b) of the Federal-Aid Highway Act of 1956, as amended, the Secretary of Transportation may approve the expenditure of funds authorized under such section for the construction of a previously approved project which provides for improvements to and reconstruction of ramps and service roads which are being developed as part of a roadway system to relieve a severely congested segment on an Interstate route. Such expenditures shall be limited (1) to work necessary to provide more effective and safe operation of such Interstate route, and (2) to a section of an Interstate route which proceeded to construction contract prior to the date of enactment of such Act and which Interstate route, together with service roads, was constructed without the expenditure of any funds authorized by such section.

PROJECT ELIGIBILITY

SEC. 128. In any case where a project involving a Federal-aid primary route not on the Interstate System, and a route on the Interstate System which was originally constructed without the expenditure of any funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956, as amended, and was subsequently added to the Interstate System, both occupying a common alignment and having elements which have been approved in concept by the Secretary of Transportation as part of a project providing for the upgrading of an interchange on such Interstate route, the cost of improvements in the vicinity of the interchange necessary to upgrade the safety of that part of such Federal-aid primary route not on a common alignment with such Interstate route in an environmentally acceptable manner shall be eligible for the expenditure of funds authorized by such section 108(b).

23 USC 101 note.

23 USC 101 note.

ACCELERATION OF PROJECTS

SEC. 129. The Secretary of Transportation shall by rule or regulation establish, as soon as practicable, alternative methods for processing projects under title 23, United States Code, so as to reduce the time required from the request for project approval through the completion of construction. In carrying out this section the Secretary shall utilize the knowledge and experience resulting from the demonstration project authorized by and carried out under section 141 of the Federal-Aid Highway Act of 1976.

23 USC 105 note.

23 USC 124 note.

FOUR-LANE BRIDGES

SEC. 130. Whenever any law of the United States, enacted after January 1, 1970, and before the date of enactment of this Act, authorizes payment, in financing the relocation of an existing road, for the cost of construction of a two-lane bridge with a substructure and deck truss capable of supporting a four-lane bridge, payment for the cost of completing the construction of such bridge as a four-lane bridge is authorized upon the completion of such substructure and deck truss.

23 USC 144 note.

96 STAT. 2119

DEMONSTRATION PROJECTS

SEC. 131. (a)(1) The Secretary of Transportation is authorized to carry out a demonstration project in Los Angeles County, California, for the purpose of demonstrating methods of improving the motor vehicle transportation of freight to and from areas for the transshipment of waterborne commerce.

(2) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, not to exceed $19,000,000 for the fiscal year ending September 30, 1983, not to exceed $19,000,000 for the fiscal year ending September 30, 1984, and not to exceed $20,000,000 for the fiscal year ending September 30, 1985.

Appropriation authorization.

(3) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

23 USC 101 *et seq.*

(b)(1) The Secretary of Transportation shall carry out a highway project to demonstrate state of the art technology which can be applied to a section of highway the construction of which will close a gap of not more than 10 miles in a multi-lane limited access approach road through hilly terrain connecting a city (not directly connected to the Interstate System by such an approach road) with a route on such System on which tolls are charged. For comparison purposes, the highway section shall connect both highway construction using current technology and older completed highway construction. The project shall demonstrate the latest high-type

Highway design and construction, state of the art technology.

Technical assistance.

geometric design features and new advances in highway traffic control and safety hardware. All design elements, including the highway pavement, shall be designed to provide the best life-cycle costs, thereby minimizing future maintenance costs. The Secretary of Transportation shall provide necessary technical assistance in the design and construction of the project. Upon completion of the project, the highway shall be added to the Federal-aid primary system.

Reports to Congress.

(2) Not later than one year, six years and eleven years after the completion of the state of the art technology project, the Secretary of Transportation shall submit reports to the Congress, including but not limited to the results of such project, the effects of using the best available technology on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such features.

Appropriation authorization.

23 USC 101 *et seq.*

Federal share.

(3) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, not to exceed $5,000,000 for the fiscal year ending September 30, 1983, $10,000,000 for the fiscal year ending September 30, 1984, and $62,000,000 for the fiscal year ending September 30, 1985. Such funds shall be available until expended, shall be available for obligation in the same manner and to the same extent as if apportioned under chapter 1 of title 23, United States Code, and shall not be subject to any obligation limitation. The Federal share payable for the state of the art technology project shall be 100 per centum.

Highway repair methods.

96 STAT. 2120

(c)(1) The Secretary of Transportation shall conduct a project to demonstrate state of the art methods of repairing damaged highways, and preventing damage to highways, resulting from shoreline erosion. Such project shall be carried out in the vicinity of Buhne Point, Humboldt Bay, California, at a cost not to exceed $9,000,000 for fiscal years beginning after September 30, 1982, out of the Highway Trust Fund.

(2) The Secretary of Transportation may enter with the heads of other departments, agencies, and instrumentalities of the Federal Government into such arrangements as may be necessary to carry out the provisions of this subsection.

Report to Congress.

(3) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than 180 days after completion of such project.

23 USC 101 *et seq.*

(4) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

Reduced traffic congestion project.

(d)(1) The Secretary of Transportation is authorized to carry out a demonstration project in the vicinity of East Baton Rouge, Louisiana, for the purpose of demonstrating the efficacy of reducing traffic congestion in the immediate vicinity of a partial-diamond, partial-cloverleaf interchange which connects an east-west highway on the Interstate System and a four lane highway not on such system by providing a direct access ramp to, and a travel lane on, the Interstate highway and by eliminating a crossover which is used for access to the Interstate highway.

Appropriation authorization.

(2) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, not to exceed $5,000,000 for the fiscal years beginning after September 30, 1982.

(3) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

(e)(1) The Secretary of Transportation is authorized to carry out a demonstration project in the vicinity of Louisville, Kentucky, for the purpose of demonstrating methods of accelerating construction of high traffic sections of highways on the Federal-aid primary system which are directly connected to the Interstate System.

Report to Congress.

(2) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project carried out under this subsection not later than 180 days after completion of such project.

Appropriation authorization.

(3) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, not to exceed $25,000,000 for the fiscal year ending September 30, 1983, and not to exceed $27,000,000 for the fiscal year ending September 30, 1984. Any amount obligated after December 1, 1982, and before the date of enactment of this Act for a project described in paragraph (1) of this subsection from funds apportioned under section 104 of title 23, United States Code, may be deobligated and funds authorized by this subsection may be obligated for such project in place of such deobligated amounts. Any amounts deobligated under the preceding sentence shall be recredited to the State's apportionment from which such amounts were obligated.

Federal share of cost.

23 USC 101 *et seq.*

(4) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

Highway completion, time and cost reduction.

(f)(1) The Secretary of Transportation, in cooperation with the State of Vermont, shall carry out a project to demonstrate the feasibility of reducing the time and the cost required to complete highway projects, other than projects on the Interstate System, in areas that require improved access between rapidly growing suburban areas and established urban core areas, by extending the coverage of State certifications under section 117(a) of title 23 of the United States Code, to any Federal law, regulation, or policy that applies to such projects.

Application review. State's responsibilities.

(2) In implementing this subsection, the Secretary shall review applications for projects submitted by the State of Vermont with respect to which the State agrees to assume the responsibility of the Secretary with regard to any such Federal law, regulation, or policy. The Secretary shall be deemed to have fulfilled his responsibility under such law, regulation, or policy, provided that—

(A) the Secretary finds that the State has procedures which are sufficient to assure that the project will be carried out in accordance with the provisions of such law, regulation, or policy;

(B) the State highway department is authorized and consents to accept the jurisdiction of the Federal courts in any suit brought to enforce any such Federal law or regulation; and

(C) the State highway department certifies that the project has been carried out in accordance with the procedures specified under subparagraph (A) of this paragraph.

(3) In carrying out the demonstration project authorized under this subsection, the Secretary may continue to discharge his responsibilities directly with respect to those laws, regulations, and policies for which he finds State procedures are not sufficient.

23 USC 124 note.

(4) In implementing this subsection, the Secretary shall consider the procedures developed pursuant to section 141 of the Federal-Aid Highway Act of 1976, as amended, and shall encourage the State to carry out its responsibilities in cooperation with appropriate political subdivisions of the State.

Appropriation authorization.

(5) There is authorized to be appropriated out of the Highway Trust Fund to carry out the project authorized under this subsection a sum not to exceed $50,000,000.

23 USC 101 *et seq.*

(6) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

Report to Congress.

(7) Not later than six months after the completion of such project, the Secretary shall submit a report to Congress which includes, but is not limited to, a description of the methods used to accomplish the project and the changes, if any, required to adopt expanded certification. The report should also contain recommendations for applying

96 STAT. 2122

the methods to other highway projects, and any changes to existing law which may be necessary to permit more widespread use of expanded certification acceptance.

Wave erosion prevention, construction techniques.

(g)(1) The Secretary of Transportation is authorized to carry out demonstration projects in and around Devils Lake, North Dakota, for the purpose of demonstrating construction techniques to prevent wave erosion on closed basin lakes with grade level highway crossings.

(2) The Secretary is authorized to reimburse from funds authorized by paragraph (3) the State of North Dakota for funds previously expended on projects described in paragraph (1).

Appropriation authorization.

(3) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out this subsection not to exceed $4,500,000 for the fiscal year ending September 30, 1983.

(4) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall not exceed 75 per centum of the total cost thereof and such fund shall remain available until expended.

23 USC 101 *et seq.*

(h)(1) The Secretary of Transportation is authorized to carry out a demonstration project on the Federal-aid urban system for the construction of a high level bridge over a high volume intercoastal waterway segment. The project shall demonstrate the reduced congestion resulting in the downtown area from the construction of such bridge which serves a major port. Such project shall be subject to the provisions of chapter 1 of title 23, United States Code, applicable to highway projects on the Federal-aid system.

Appropriation authorization.

(2) There is authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, not to exceed $23,000,000 for the fiscal year ending September 30, 1983. Such sums shall remain available until expended.

(3) In carrying out this subsection, the Secretary shall consult with the Secretary of the Army and the Commandant of the Coast Guard concerning permit procedures which will expedite completion of this bridge.

Report to Congress.

(4) The Secretary shall report to Congress upon completion of this project the results of this demonstration project, together with any recommendations the Secretary deems necessary.

(i)(1) The Secretary of Transportation, in cooperation with the State of Idaho, shall conduct a demonstration project on a primary segment of highway experiencing a high incidence of truck accidents and a project to demonstrate cooperation between two railroads and a small urban area. The highway project shall include an analysis of factors contributing to truck accidents such as weather conditions, sight distance, road curvature, roadway width, and gradient and shall also include an analysis of the benefit-cost ratio of certain safety improvements implemented to correct hazards contributing to truck accidents. The railroad crossing project shall demonstrate the benefits of having no railroad through the center of a small urban community.

Appropriation authorization.

(2) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out this subsection not to exceed $8,500,000.

Federal share of cost.

(3) Funds authorized by this subsection shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States

96 STAT. 2123

Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

Report to Congress.

(4) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than 180 days after completion of such project.

(j)(1) The Secretary of Transportation shall conduct a demonstration project in the State of Illinois for the purpose of demonstrating the benefits of constructing usable segments of high-volume facilities, developing methods to achieve the effective implementation of massive capital investments made under Federal programs being discontinued.

Appropriation authorization.

(2) There are authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, $25,000,000 for each fiscal year beginning after September 30, 1982, and ending before October 1, 1986. Such sums shall be available until expended, shall be available for obligation in the same manner and to the same extent as if apportioned under chapter 1 of title 23, United States Code, and shall not be subject to any obligation limitation. The Federal share of the cost of any project under this subsection shall be 50 per centum of the total cost thereof.

23 USC 101 *et seq*

FEDERAL SHARE OF BRIDGE PROJECTS

SEC. 132. Notwithstanding any other provision of law, during the two-year period beginning on the date of enactment of this section, with respect to any project in the State of Tennessee for the replacement or rehabilitation of a bridge which is wholly funded from state and local sources, is eligible for Federal funds under section 144 of title 23, United States Code, is certified by the State to have been carried out in accordance with all standards applicable to such projects under such section 144, and is determined by the Secretary upon completion to be no longer a deficient bridge, any amount expended after July 1, 1982, from such State and local sources for such project in excess of 20 per centum of the cost of construction thereof may be credited to the non-Federal share of the cost of other projects in such State which are eligible for Federal funds under such section 144, in accordance with procedures established by the Secretary.

VEHICLE WEIGHT, LENGTH, AND WIDTH LIMITATIONS

SEC. 133. (a) Section 127 of title 23 of the United States Code is amended to read:

"§ 127. Vehicle weight limitations—Interstate System

"(a) No funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned to any State which does not permit the use of the National System of Interstate and Defense Highways within its boundaries by vehicles with a weight of twenty thousand pounds carried on any one axle, including enforcement tolerances, or with a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances, or a gross weight of at least eighty thousand pounds for vehicle combinations of five axles or more. However, the maximum gross weight to be allowed by any State for vehicles using the National System of Interstate and Defense Highways shall be twenty thousand pounds carried on one axle, including enforcement tolerances, and a tandem axle weight of thirty-four thousand pounds, including enforcement tolerances and with an overall maximum gross weight, including enforcement tolerances, on a group of two or more consecutive axles produced by application of the following formula:

70 Stat. 374

$$W = 500\left(\frac{LN}{N-1} + 12N + 36\right)$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more: *Provided*, That such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, except for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws, or the corresponding maximum weights permitted for vehicles using the public highways of such State under laws or regulations established by appropriate State authority in effect on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974, whichever is the greater. Any amount which is withheld from apportionment to any State pursuant to the foregoing provisions shall lapse. This section shall not be construed to deny apportionment to any State allowing the operation within such State of any vehicles or combinations thereof which the State determines could be lawfully operated within such State on July 1, 1956, except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974. With respect to the State of Hawaii, laws or regulations in effect on February 1, 1960, shall be applicable for the purposes of this section in lieu of those in effect on July 1, 1956. With respect to the State of Michigan, laws or regulations in effect on May 1, 1982, shall be applicable for the purposes of this subsection.

23 USC 101 note.

"(b) No State may enact or enforce any law denying reasonable access to motor vehicles subject to this title to and from the Interstate Highway System to terminals and facilities for food, fuel, repairs, and rest."

MARTIN LUTHER KING BRIDGE

SEC. 134. The Martin Luther King Bridge which crosses the Mississippi River between St. Louis, Missouri, and East St. Louis, Illinois, and is not on a Federal-aid system shall be eligible for assistance under section 144 of title 23, United States Code, to the same extent that any other bridge which is not on a Federal-aid system is eligible for assistance under such section, except that no such assistance shall be made available with respect to such bridge until such bridge—

96 STAT. 2125

(1) has been transferred to one or both of the States of Missouri and Illinois;

(2) is freed from tolls; and

(3) otherwise meets the eligibility requirements of such section, and the rules and regulations promulgated thereunder.

MANPOWER STUDY

23 USC 101 note.

SEC. 135. The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences' Transportation Research Board to conduct a comprehensive study and investigation of future transportation professional manpower needs, including but not limited to prevailing methods of recruitment, training, and financial and other incentives and disincentives which encourage or discourage retention in service of such professional manpower by Federal, State, and local governments. In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and the Congress not later than two years after the enactment of this Act on the results of such study and investigation, together with its recommendations. The Secretary shall furnish to

Report to Secretary and Congress.

the Academy at its request any information which the Academy deems necessary for the purpose of conducting the study and investigation authorized by this section.

FERRYBOAT STUDY

SEC. 136. The Office of Technology Assessment shall conduct a comprehensive investigation and study of the feasibility of a high speed ferryboat operation over the waters of the Caribbean Sea between Saint Croix and Saint Thomas in the Virgin Islands in accordance with this section. The Department of Transportation, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, and all other agencies, offices, and instrumentalities of the United States shall assist the Office in conducting an objective investigation and study of such projected operation. The Office shall evaluate this projected operation for its feasibility under various degrees of commercial and government sponsorship. The Office shall complete and transmit a report on such investigation and study to the Congress no later than January 1, 1984.

Report to Congress.

STUDY OF FACTORS IN APPORTIONMENT FORMULAS

SEC. 137. (a) The Secretary of Transportation shall study and determine the need for including weather-related factors, particularly the effects of freezing and thawing, in the apportionment formulas for Federal-aid highways under section 104 of title 23, United States Code. The Secretary shall report to Congress not later than four months after the date of enactment of this Act on the results of such study and shall include in such report specific recommendations for changing such apportionment formulas to take into account weather-related factors.

Report to Congress.

Federal financial assistance, distribution procedures.

(b)(1) The Secretary of Transportation shall make a full and complete study regarding the procedures for distributing Federal financial assistance for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System in order to maintain a high level of transportation service. The study shall analyze current conditions and factors including, but not limited to, volume and mix of traffic, weight and size of vehicles, environmental, geographical, and meteorological conditions in various States, and other pertinent factors that can be utilized to determine the most equitable and efficient method of apportioning such Federal financial assistance to the several States. In conducting the study the Secretary shall consider such criteria as need, national importance, impact on individual State highway programs, structural and operational integrity, and any other relevant criteria, to determine the most equitable method of distribution.

(2) In conducting this study the Secretary shall consult with other agencies of the Federal Government, the States and their political subdivisions, and other interested private organizations, groups, and individuals.

(3) The Secretary shall report to Congress not later than four months after the date of enactment of this section the results of such study together with recommendations for necessary legislation.

Report to Congress.

REPORT REGARDING LONGER COMBINATION COMMERCIAL MOTOR VEHICLES

Submittal to Congress.
49 USC 2315 note.

SEC. 138. (a) Within one year after the date of enactment of this Act, the Secretary of Transportation, after consultation with the transportation officials and Governors of the several States and after an opportunity for public comment, shall submit to Congress a detailed report on the potential benefits and costs, if any, to shippers, receivers, operators of commercial motor vehicles, and the general public, that reasonably may be anticipated from the establishment of a national intercity truck route network for the operation of a special class of longer combination commercial motor vehicles.

Definitions.

(b) For the purposes of this section—

(1) the term "longer combination commercial motor vehicles" means multiple-trailer combinations consisting of (A) truck tractor-semitrailer-full trailer, and (B) truck tractor-semitrailer-full trailer-full trailer combinations with an overall length not in excess of one hundred and ten feet; and

(2) the term "national intercity truck route network" means a network consisting of a number of controlled-access, interconnecting segments of the National System of Interstate and Defense Highways and other highways of comparable design and traffic capacity including, but not limited to, all such highways where the operation of longer combination commercial motor vehicles is authorized on the date of enactment of this Act.

(c) The detailed report mandated by this section shall include, but need not be limited to, the following:

(1) a specific plan for the establishment of a national intercity truck route network, including the designation of those specific highway segments which would be required to connect the major distribution centers and markets for long-haul intercity freight service; except that the Secretary of Transportation shall not include in the plan any highway segment which, because of design limitations or other factors, cannot accommodate the safe operation of longer combination commercial motor vehicles;

96 STAT. 2127

(2) an analysis of the intercity motor freight volume that reasonably can be anticipated to be transported by longer combination commercial motor vehicles over the national intercity truck route network if such network is established by Congress;

(3) an analysis of the fuel savings that reasonably can be anticipated in the transportation of freight by commercial motor vehicle if such network is established by Congress;

(4) an analysis of the productivity gains that reasonably can be anticipated to be achieved in the transportation of freight by commercial motor vehicle if such network is established by Congress;

(5) an analysis of the fuel conservation and productivity gains historically achieved by operators of longer combination commercial motor vehicles;

(6) an analysis of the safety record of longer combination commercial motor vehicle operations that have been conducted prior to the date of enactment of this Act; and

(7) an analysis of the effect of the size and weight limitations as in effect after the date of enactment of this Act.

Single- and tandem-axle weight limits.

(d) In making the findings and determinations required by subsection (c) of this section, and in making the detailed report to Congress required by this section, the Secretary of Transportation shall assume that the longer combination commercial motor vehicles operating on the national intercity truck route network, if and when established by Congress, would be subject to the single- and tandem-axle weight limits imposed by section 127 of title 23, United States Code. The Secretary of Transportation shall further assume that the overall gross weight of such vehicles on a group of two or more consecutive axles shall be limited by the formula set forth in such section, and only by such formula.

(e) In making the detailed report to Congress required by this section, the Secretary of Transportation shall assume that longer combination commercial motor vehicles operating on the national intercity truck route network will have reasonable access to terminals, combination breakup areas, and food and fuel facilities consistent with safe operations of such vehicles.

Vehicle weight and size standards.

Investigation and study.

(f) Nothing in this section shall be construed to establish Federal policy with regard to highway vehicle weight and size standards, nor shall anything in this section be construed to preempt or to affect any State law establishing highway vehicle weight or size standards. The provisions of this section require an investigation and study on the feasibility and propriety of making changes in vehicle weight and size standards which the Congress may choose to consider in the future.

CHANGE IN LOCATION OF INTERSTATE SEGMENTS

23 USC 101 note
95 Stat 1700.
23 USC 101 note

SEC. 139. (a) Notwithstanding the provisions of section 4(b) of the Federal-Aid Highway Act of 1981, the Secretary of Transportation may approve a change in location of any Interstate route or segment and approve, in lieu thereof, the construction of such Interstate route or segment on a new location if the original location of such route or segment meets the following criteria: (1) it has been designated under section 103(e) of title 23, United States Code; (2) it is

96 STAT. 2128

serving Interstate travel as of the date of enactment of this section; (3) it requires improvements which are eligible under the Federal-Aid Highway Act of 1981, and which would either involve major modifications in order to meet acceptable standards or result in severe environmental impacts and such major modifications or mitigation measures relating to the environmental impacts are not cost effective. The cost of the construction of such Interstate route or segment on new location with funds available under section 108(b) of the Federal-Aid Highway Act of 1956, as amended, shall not exceed the estimated cost of the eligible improvements on the original location as eligible under the Federal-Aid Highway Act of 1981 and included in the 1983 interstate cost estimate as approved by the Congress. Such cost shall be increased or decreased, as determined by the Secretary, based on changes in construction costs of the original location of the route or segment as of the date of approval of each project on the new location. Upon approval of a new location, and funds apportioned under section 104(b)(5)(A) of title 23, United States Code, which were expended on the route or segment in the original location shall be refunded to the Highway Trust Fund and credited to the unobligated balance of the State's apportionment made under section 104(b)(5)(A) of title 23, United States Code, and other eligible Federal-aid highway funds may be substituted in lieu thereof at the appropriate Federal share.

23 USC 101 note.
23 USC 101 note.

(b) Where the Secretary of Transportation approves a relocation of an Interstate route or segment under the provisions of subsection (a) of this section, such route or segment shall not be eligible for withdrawal under the provisions of section 103(e)(4) of title 23, United States Code, and shall be subject to the Interstate System completion deadlines provided in subsections (d) and (e) of section 107 of the Surface Transportation Assistance Act of 1978 or subject to Interstate System completion deadlines as may be determined by Congress.

23 USC 103 note.

ACCESS CONTROL DEMONSTRATION PROJECTS

SEC. 140. Section 150(b) of the Federal-Aid Highway Act of 1978 is amended by striking out "1983" and inserting in lieu thereof "1985". 23 USC 307 note.

REVISION OF PROJECT AGREEMENT

SEC. 141. Notwithstanding any other provision of law, as a condition of reimbursement of the Federal share of the cost of Federal-aid project 23-D-U-54 (100) in New Jersey, the Secretary of Transportation and the New Jersey Department of Transportation shall revise the project agreement for such project to make available financial assistance not to exceed $1,000,000 for the purpose of compensating businesses in the general vicinity of such project that have suffered monetary losses as a result of the temporary bypass established to accommodate the construction of the project.

INNOVATIVE TECHNOLOGIES

23 USC 119 note.

SEC. 142. (a) The Congress hereby finds and declares that it is in the national interest to encourage and promote utilization by the States of highway and bridge surfacing, resurfacing, or restoration materials which are produced from recycled materials or which contain asphalt additives to strengthen the materials. Such materi-

96 STAT. 2129 als conserve energy and reduce the cost of resurfacing or restoring our highways.

(b) The Secretary of Transportation is hereby authorized for each of the fiscal years through September 30, 1985, to increase the Federal share as provided in sections 119, 120, and 144 of title 23, United States Code, by 5 per centum of any project submitted by the State highway departments which contains in the plans, specifications, and estimates submitted pursuant to section 106, of title 23, United States Code, the use of the materials described in subsection (a). To be eligible for such supplemental Federal assistance, significant amounts of asphalt additives or recycled materials must be used in each project approved by the Secretary.

(c) The Secretary shall establish a procedure within ninety days of the date of enactment of this Act for increasing the Federal share under this section.

ENFORCEMENT OF HEAVY VEHICLE USE TAX

SEC. 143. (a) Section 141 of title 23, United States Code, is amended by adding subsection (d) as follows:

26 USC 4481.

"(d) The Secretary shall reduce the State's apportionment of Federal-aid highway funds under section 104(b)(5) of this title in an amount up to 25 per centum of the amount to be apportioned in any fiscal year beginning after September 30, 1984, during which heavy vehicles, subject to the use tax imposed by section 4481 of the Internal Revenue Code of 1954, may be lawfully registered in the State without having presented proof of payment, in such form as may be prescribed by the Secretary of the Treasury, of the use tax imposed by section 4481 of such Code. Amounts withheld from apportionment to a State under this subsection shall be apportioned to the other States pursuant to the formulas of section 104(b)(5) of this title and shall be available in the same manner and to the same extent as other Interstate funds apportioned at the same time to other States.".

MONITORING OF EFFECT OF DOUBLE BOTTOM TRUCKS

49 USC 2315 note.

SEC. 144. (a) The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to monitor the effects on the National System of Interstate and Defense Highways of the use of trucks with two trailing units, in light of the amendments made by this Act providing that no State shall prohibit the use of such vehicle combinations. Such monitoring shall include, but need not be limited to, determining the effects of the use of such vehicle combinations on highways and highway safety in urban and rural areas and in different regions of the country, taking into account differences in age and design features of highways on the Interstate System.

Report to Secretary and Congress.

(b) The Secretary of Transportation shall request the National Academy of Sciences to submit a report to the Secretary and the Congress of such monitoring, not later than two years after appropriate arrangements are entered into under subsection (a). The Secretary shall furnish to the Academy, at its request, any information which the Academy deems necessary for the purpose of conducting such monitoring.

96 STAT. 2130

TEMPORARY MATCHING FUND WAIVER

23 USC 104, note.

SEC. 145. (a) Notwithstanding any other provision of law, the Federal share of any qualifying project approved by the Secretary of Transportation under section 106(a), and of any qualifying project for which the United States becomes obligated to pay under section 117, of title 23, United States Code, during the period beginning on the date of enactment of this Act and ending September 30, 1984, shall be such percentage of the construction cost as the State highway department requests, up to and including 100 per centum.

(b) For purposes of this section, the term "qualifying project" means a project approved by the Secretary of Transportation under section 106(a) of title 23, United States Code, or a project for which the United States becomes obligated to pay under section 117 of title 23, United States Code, for which the Governor of the State submitting the project has certified, in accordance with regulations established by the Secretary of Transportation, that sufficient funds are not available to pay the cost of the non-Federal share of the project.

"Qualifying project."

(c) The total amount which may be obligated for qualifying projects in any State under subsection (a) shall not be greater than the excess of—

(1) the sum of the amount of obligation authority distributed to such State for fiscal year 1983 under section 104(b) of this Act, plus the amount, if any, available to such State under section 150 of this Act, pertaining to minimum allocation, over

(2) the amount of obligation authority distributed to such State for fiscal year 1982 under section 3(b) of the Federal-Aid Highway Act of 1981.

23 USC 104 note.

(d) The total amount of such increases in the Federal share as are made pursuant to subsection (a) for any State shall be repaid to the United States by such State on or before September 30, 1984. Such payments shall be deposited in the Highway Trust Fund and such repaid amounts shall be credited to the appropriate apportionment accounts of such State.

(e) If a State has not made the repayment as required by subsection (d) of this section, the Secretary shall deduct from funds apportioned to such State under section 104(b) of title 23, United States Code, except for paragraph (5)(A), in each of the fiscal years ending September 30, 1985, and September 30, 1986, a pro rata share of each category of such apportioned funds, the total amount of which shall be equal to 50 per centum of the amount needed for repayment. Any amount deducted under this subsection shall be reapportioned for the fiscal years 1985 and 1986 in accordance with section 104(b)(1) of title 23, United States Code, to those States which have not received a higher Federal share under this section and to those States which have made the repayment required by subsection (d).

Reapportionment.

LANE RESTRICTIONS

SEC. 146. The State of California shall not restrict or require the restriction of the use of any lane on any Federal-aid highway in the unincorporated areas of Alameda County, California, to high occupancy vehicles, exclusive of approaches to controlled access highways, toll roads, or bridges.

UPGRADING CERTAIN INTERCHANGES

SEC. 147. Notwithstanding any other provision of law, in the case of any portion of a route on the Interstate System in the State of California which is open to traffic and which has less than two through lanes in either direction in the area where such route connects with a limited access highway on the Federal-aid primary system, a project to improve the portion of the Interstate route to a design of six lanes and to upgrade the interchange between such Interstate route and primary route to accommodate such design shall be eligible for funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, as if the costs of such project were included in the 1981 interstate cost estimate and shall be included as an eligible project in the 1983 interstate cost estimate and any later interstate cost estimate.

23 USC 101 note.

CONVICT LABOR

SEC. 148. Section 114(b) of title 23, United States Code, is amended by inserting after "Convict labor" the following: "or materials produced by convict labor".

PREVAILING RATE OF WAGE

SEC. 149. Section 113(a) of title 23, United States Code, is amended by striking out "initial".

MINIMUM ALLOCATION

SEC. 150. (a) Chapter 1 of title 23, United States Code is amended by adding at the end thereof the following new section:

23 USC 157.

"§ 157. Minimum allocation

"(a) In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of this Act, and in each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year of Interstate highway substitute, primary, secondary, Interstate, urban, bridge replacement and rehabilitation, hazard elimination, and rail-highway crossings funds under sections 103(e)(4), 104(b), 144, and 152 of this title and section 203 of the Highway Safety Act of 1973, as amended, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

23 USC 130 note.

"(b) Amounts allocated pursuant to subsection (a) of this section shall be available for obligation when allocated for the year authorized plus the three succeeding fiscal years, shall be subject to the provisions of this title 23 and may be obligated for Interstate highway substitute, primary, secondary, Interstate, urban, bridge replacement and rehabilitation, hazard elimination, and rail-highway crossings projects. Obligation limitations for Federal-aid highways and highway safety construction programs established by this Act or any subsequent Act shall not apply to obligations made under this section, except where the provision of law establishing such limitation specifically amends or limits the applicability of this sentence. Sums allocated pursuant to this section shall not be considered to be sums allocated for purposes of section 104(b) of the Highway Improvement Act of 1982.

96 STAT. 2132

Ante, p. 2098.

"(c) In order to carry out this section there is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, such sums as may be necessary for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.".

(b) The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"157. Minimum allocation.".

DEMONSTRATION PROJECTS-RAIL HIGHWAY CROSSINGS

23 USC 130 note.

SEC. 151. Section 163(p) of the Federal-Aid Highway Act of 1973, as amended, is amended by inserting after "1982," the following: "and $50,000,000 for the fiscal year ending September 30, 1983, and $50,000,000 for the fiscal year ending September 30, 1984, and $50,000,000 for the fiscal year ending September 30, 1985, and $50,000,000 for the fiscal year ending September 30, 1986," and by adding at the end thereof the following: "Notwithstanding any other provision of this section, any project which is not under construction, according to the Secretary of Transportation, by September 30, 1985, shall not be eligible for additional funds under this authorization.".

STUDY OF METHANE CONVERSION FOR HIGHWAY FUEL USE

23 USC 307 note.

SEC. 152. The Secretary of Transportation shall study, out of any funds available to the Secretary of Transportation for research purposes, the potential for recovering methane which is released in the process of offshore oil drilling and converting such methane on a floating conversion plant located at the drilling site into methanol for use as a fuel for highway vehicles. Such study shall include, but need not be limited to, a determination of the quality and quantity of the methane which is released at offshore drilling sites at various locations and the costs involved in recovering such methane and converting it in the manner described in the preceding sentence. The Secretary shall also determine the permitting requirements which would apply to such floating conversion plants and the most effective way to implement those permitting requirements. The Secretary shall report to the Congress the results of the study under this section not later than one year after the date of enactment of this Act.

Report to Congress.

EMERGENCY RELIEF

SEC. 153. (a)(1) The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended by striking the first sentence thereof and inserting in lieu thereof the following: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for the repair or reconstruction of highways, roads, and trails which the Secretary shall find have suffered serious damage as the result of (1) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (2) catastrophic failures from any external cause, in any part of the United States. In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to structural deficiencies or physical deterioration.".

96 STAT. 2133

(2) Subsection (a) of section 125 of title 23, United States Code, is further amended by inserting in the second sentence, as that sentence read prior to the amendments made by paragraph (1) of this subsection, after the word "appropriated" the words "from the Highway Trust Fund".

(b) Notwithstanding any other provision of law, all expenditures made under section 125 of title 23, United States Code, prior to the fiscal year ending September 30, 1978, are authorized to have been appropriated from the Highway Trust Fund.

23 USC 125 note.

(c) Subsection (a) of section 125 of title 23, United States Code, is amended by inserting in the second sentence after the words "after September 30, 1976," the words "and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1980,".

(d) Subsection (b) of section 125 of title 23, United States Code, is amended by striking the period at the end of the first sentence, inserting a colon in lieu thereof, and by adding the following: "*Provided*, That obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (c) of this section, resulting from a single natural disaster or a single catastrophic failure shall not exceed $30,000,000 in any State.".

(e) The amendments made by subsection (d) of this section shall apply to natural disasters or catastrophic failures which the Secretary finds eligible for emergency relief subsequent to the date of enactment of this section.

23 USC 125 note.

(f) Subsection (f) of section 120 of title 23, United States Code, is amended to read as follows:

Federal share.

"(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 100 per centum of the cost thereof: *Provided*, That the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 per centum of the cost thereof. The total

"A comparable facility."

cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges and in section 144 of this title, 'a comparable facility' shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.".

23 USC 120 note.

(g) All obligations for projects resulting from a natural disaster or catastrophic failure which the Secretary finds to be eligible for emergency relief subsequent to the date of enactment of this subsection shall provide for the Federal share required by subsection (f) of section 120 of title 23, United States Code, as amended by this section.

(h)(1) Subsection (b) of section 125 of title 23, United States Code, is amended by striking the words "the Federal-aid highway systems, including the Interstate System" and by inserting in lieu thereof the words "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," in the two places the stricken words appear.

(2) Subsection (c) of section 125 of title 23, United States Code, is amended by striking the words "on any of the Federal-aid highway systems" and inserting in lieu thereof the words "routes functionally classified as arterials or major collectors".

HIGHLAND SCENIC HIGHWAY

87 Stat. 279.

SEC. 154. Section 161(f) of the Federal-Aid Highway Act of 1973 is amended to read as follows:

"(f) The Highland Scenic Highway as authorized by subsection (a) of this section and all associated lands and rights-of-way shall be managed as part of the Monongahela National Forest for scenic and recreational purposes. Vehicle use shall be confined to passenger cars, recreational vehicles, and limited truck traffic to the extent such use is compatible with the purpose for which the highway was constructed. Commercial use by trucks shall be limited and controlled by permit.".

DEFENSE ACCESS ROAD

SEC. 155. Section 210(c) of title 23, United States Code, is amended by striking "Not exceeding $5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422)", and inserting in lieu thereof "Funds appropriated for defense maneuvers and exercises".

RESEARCH AND PLANNING

SEC. 156. (a) Subsection (c) of section 307, title 23, United States Code, is amended by adding paragraph (5) as follows:

"(5) The sums provided pursuant to paragraph (2) of this subsection shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.".

(b) Subsection (c)(2) of section 307, title 23, United States Code, is amended by striking "1964" and inserting in lieu thereof "1983", and by striking "section 104" and inserting in lieu thereof "sections 104 and 144".

Federal share.

(c) Section 120 of title 23, United States Code, is amended by adding a subsection (i) as follows:

"(i) The Federal share payable on account of any project financed under section 307(c) of this title shall be 85 per centum, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of any such project.".

(d) Section 307(c)(1) of title 23, United States Code, is amended by adding in the last sentence after "highways and highway systems" the words "and for study, research and training on engineering standards and construction materials, including evaluation and accreditation of inspection and testing,".

96 STAT. 2135

ALASKA HIGHWAY

SEC. 158. Subsection (a) of section 218 of title 23, United States Code, is amended by adding after the second sentence the following: "Notwithstanding any other provision of law, in addition to such funds, upon agreement with the State of Alaska, the Secretary is authorized to expend on such highway any Federal-aid highway funds apportioned to the State of Alaska under this title at a Federal share of 100 per centum. Notwithstanding any other provision of law, any obligation limitation enacted for fiscal year 1983 or for any other fiscal year thereafter shall not apply to projects authorized by the preceding sentence.".

DEFINITION

SEC. 159. The definition of the term "construction" in section 101(a), title 23, United States Code, is amended by striking the period at the end thereof and inserting in lieu thereof the following: "and also includes costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program."

REPORTS

Submittal to Congress.

SEC. 160. (a) Section 307 of title 23, United States Code, is amended by adding a new subsection (e) as follows:

"(e) The Secretary shall report to the Congress in January 1983, and in January of every second year thereafter, estimates of the future highway needs of the Nation."

Repeals.
23 USC 101 notes.
82 Stat. 823.

(b) Section 3 of Public Law 89-139, 79 Stat. 578, August 28, 1965, and section 17 of the Federal-Aid Highway Act of 1968 are hereby repealed.

DISCRETIONARY BRIDGE CRITERIA

23 USC 144 note.

SEC. 161. The Secretary of Transportation shall develop a selection process for discretionary bridges authorized to be funded under section 144(g) of title 23, United States Code, and shall propose and issue a final regulation no later than six months after the date of enactment of this Act, including a formula resulting in a rating factor based on the following criteria for such process. Such criteria shall give funding priority to those discretionary bridges already eligible under section 144(g) of title 23, United States Code. Eligible bridges after the issuance of a final regulation shall only include those with a rating factor of one hundred or less, based on a scale of zero to infinity. The criteria for such additional bridges which the Secretary shall consider are:

Additional bridges.

(1) sufficiency rating computed as illustrated in appendix A of the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges, USDOT/FHWA (latest edition);

(2) average daily traffic using the most current value from the national bridge inventory data;

(3) average daily truck traffic;

(4) defense highway system status;

(5) the State's unobligated balance of funds received under section 144 of title 23, United States Code, and the total funds received under section 144 of title 23, United States Code;

(6) total project cost; and

96 STAT. 2136

(7) special consideration should be given to bridges closed to all traffic or restricted to loads less than ten tons. Other unique considerations and the need to administer the program from a balanced national perspective should also be considered.

WITHDRAWAL AND DESIGNATION OF CERTAIN INTERSTATE ROUTES

SEC. 162. (a) Notwithstanding the first sentence of section 103(e)(4) of title 23, United States Code, the Secretary of Transportation shall, upon application of the State of New Jersey, withdraw under such section 103(e)(4) his approval of the designation on the National System of Interstate and Defense Highways of the portion of Interstate Route 95 and Interstate Route 695 from the intersection with Interstate Route 295 in Hopewell Township, Mercer County, New Jersey, to the proposed intersection with Interstate Route 287 in Franklin Township, Somerset County, New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Transportation is authorized and directed, pursuant to section 103 of such title, to designate as part of the Interstate Highway System the New Jersey Turnpike from exit 10 to the interchange with the Pennsylvania Turnpike and the Pennsylvania Turnpike from such interchange to and including the proposed interchange with Interstate Route 95 in Bucks County, Pennsylvania.

(c) The Secretary of Transportation is further authorized and directed to designate the highways described in subsection (b) as Interstate Route 95 and assure through proper sign designations the orderly connection of Interstate Route 95 pursuant to this section.

USE OF HIGH OCCUPANCY LANES

23 USC 146 note.

SEC. 163. Notwithstanding any provision of this Act or any other law, no funds shall be appropriated for the construction or resurfacing of Federal aid highways which have lanes designated as carpool lanes unless the use of such lanes includes use by motorcycles. Upon certification by the State to the Secretary of Transportation, the State may restrict such use by motorcycles if such use would create a safety hazard.

INFRASTRUCTURE STUDY

SEC. 164. (a) The Committee on Public Works and Transportation is authorized to contract for the design and preparation of a National Public Works Inventory and Assessment and a preliminary analysis of relevant, existing data.

(b) The Committee on House Administration shall make available not more than $3,000,000 for the purpose specified in subsection (a).

BUY AMERICA

23 USC 101 note.

SEC. 165. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, the Urban Mass Transportation Act of 1964, or the Surface Transportation Assistance Act of 1978 and administered by the Department of Transportation, unless steel, cement, and manufactured products used in such project are produced in the United States.

49 USC 1601 note.
23 USC 101 note.

96 STAT. 2137

(b) The provisions of subsection (a) of this section shall not apply where the Secretary finds—

(1) that their application would be inconsistent with the public interest;

(2) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality;

(3) in the case of the procurement of bus and other rolling stock (including train control, communication, and traction power equipment) under the Urban Mass Transportation Act of

49 USC 1601 note.

1964, that (A) the cost of components which are produced in the United States is more than 50 per centum of the cost of all components of the vehicle or equipment described in this paragraph, and (B) final assembly of the vehicle or equipment described in this paragraph has taken place in the United States;

(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 10 per centum in the case of projects for the acquisition of rolling stock, and 25 per centum in the case of all other projects.

(c) For purposes of this section, in calculating components' costs, labor costs involved in final assembly shall not be included in the calculation.

23 USC 101 note.

(d) The Secretary of Transportation shall not impose any limitation or condition on assistance provided under this Act, the Urban Mass Transportation Act of 1964, the Surface Transportation Assistance Act of 1978, or title 23, United States Code, which restricts any State from imposing more stringent requirements than this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with such assistance or restricts any recipient of such assistance from complying with such State imposed requirements.

Repeal.
23 USC 101 note.
49 USC 1602 note.

(e) Section 401 of the Surface Transportation Assistance Act of 1978 is repealed.

TITLE II

Highway Safety Act of 1982.

SHORT TITLE

23 USC 401 note.

Sec. 201. This title may be cited as the "Highway Safety Act of 1982".

HIGHWAY SAFETY AUTHORIZATIONS

Sec. 202. The following sums are hereby authorized to be appropriated:

Ante, p. 1612.

(1) For bridge replacement and rehabilitation under section 144 of title 23, United States Code, out of the Highway Trust Fund, $1,600,000,000 (reduced by the amount authorized by section 5(a)(1) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, $1,650,000,000 for the fiscal year ending September 30, 1984, $1,750,000,000 for the fiscal year ending September 30, 1985, $2,050,000,000 for the fiscal year ending September 30, 1986.

(2) For projects for elimination of hazards under section 152 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 (reduced by the amount authorized by section 5(a)(2) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983, $200,000,000 for the fiscal year ending September 30, 1984, $200,000,000 for the fiscal year ending September 30, 1985, and $200,000,000 for the fiscal year ending September 30, 1986.

96 STAT. 2138

HIGHWAY SAFETY

Appropriation authorization.

Sec. 203. (a)(1) There is hereby authorized to be appropriated for carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986.

(2) Out of the funds authorized to be appropriated under paragraph (1) of this subsection for each of the fiscal years ending September 30, 1985, and September 30, 1986, not less than $20,000,000 per fiscal year shall be obligated under section 402 of title 23, United States Code, for the purpose of enforcing the fifty-five-miles-per-hour speed limit established by section 154 of such title.

Safety belt usage.

(3) Each State shall expend each fiscal year not less than 2 per centum of the amount apportioned to it for such fiscal year of the sums authorized by paragraph (1) of this subsection, for programs to

encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

(b) Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986, and the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed $10,000,000, per fiscal year for each of such fiscal years.

95 Stat. 626.

(c) Section 202 of the Highway Safety Act of 1978 is amended as follows:

(1) Paragraph (2) is amended by striking out "and September 30, 1984." and inserting in lieu thereof "September 30, 1984, September 30, 1985, and September 30, 1986.".

(2) Paragraph (3) is amended by striking out "and September 30, 1984." and inserting in lieu thereof "September 30, 1984, September 30, 1985, and September 30, 1986.".

(3) Paragraph (5) is amended by striking out "and September 30, 1984." and inserting in lieu thereof "September 30, 1984, September 30, 1985, and September 30, 1986.".

(d) Of the funds authorized to be appropriated by section 202(3) of the Highway Safety Act of 1978 for any fiscal year ending before October 1, 1982, which have not been obligated for expenditure before the date of enactment of this Act, $9,600,000 shall not be available for obligation, and shall no longer be authorized, on and after such date of enactment.

55 M.P.H. BENEFITS STUDY

23 USC 154 note.

SEC. 204. The Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of (1) the benefits, both human and economic, of lowered speeds due to the enactment of the 55 mile per hour National Maximum Speed Limit, with particular attention to savings to the taxpayers, and (2) whether the laws of each State constitute a substantial deterrent to violations of the maximum speed limit on public highways within such State. In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and the Congress not later than twelve months after the date of enactment of this Act on the results of such study and investigation, together with its recommendations. The Secretary shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by this section.

96 STAT. 2139

Report to Secretary and Congress.

RAIL-HIGHWAY CROSSINGS

23 USC 130 note.

SEC. 205. The first sentence of subsection (b) of section 203 of the Highway Safety Act of 1973 (Public Law 93-87), as amended, is amended by inserting "and" after "1979," and by striking out "and September 30, 1982" and all that follows through the period at the end of such sentence and inserting in lieu thereof "September 30, 1982, September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.".

PUBLIC INFORMATION

23 USC 401 note.

SEC. 206. Section 209 of the Highway Safety Act of 1978 is amended by striking out ", acting through the Administrator of the Federal Highway Administration," each place it appears, in subsection (g) by striking out "Federal Highway Administration to" and inserting in lieu thereof "Secretary of Transportation to", and by adding at the end of such section the following new subsection:

"(i) All provisions of chapter 1 of title 23, United States Code, that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.".

23 USC 101 *et seq.*

SAFETY PERFORMANCE REPORTS

Submittal to Congress.
23 USC 401 note.

SEC. 207. The Secretary of Transportation shall prepare, publish, and submit to Congress not later than December 31 of each calendar year beginning after December 31, 1982, a report on the highway safety performance of each State in the preceding calendar year. Such report shall provide data on highway fatalities and injuries and motor vehicle accidents involving fatalities and injuries and travel in urban areas of each State for each system of highways and in rural areas of such State for each system of highways. Such report shall be in such form and contain such other information on highway accidents as will permit an evaluation and comparison of highway safety performance of the States. For purposes of this section (1) the systems of highways in a State are the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and the Interstate System (as such terms are defined in section 101 of title 23, United States Code) and the other highways in such State which are not on the Federal-aid system, and (2) the terms "State", "rural areas", and "urban area" have the meaning such terms have under such section 101.

Definitions.

96 STAT. 2140

ANNUAL APPORTIONMENT FORMULA

SEC. 208. The sixth sentence of section 402(c) of title 23, United States Code, is amended by striking out ", except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one-third of 1 per centum of the total apportionment".

MINIMUM DRINKING AGE

SEC. 209. The Congress strongly encourages each State to prohibit the sale of alcoholic beverages to persons who are less than 21 years of age.

23 USC 408 note.

TITLE III

Federal Public Transportation Act of 1982.

SHORT TITLE

SEC. 301. This title may be cited as the "Federal Public Transportation Act of 1982".

49 USC 1601 note.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 302. (a) The Urban Mass Transportation Act of 1964 is amended by striking out sections 21 and 22 and inserting in lieu thereof the following new section:

49 USC 1618.

"AUTHORIZATIONS OF APPROPRIATIONS

49 USC 1617.
Post, p. 2141; 49 USC 1614.

"SEC. 21. (a)(1) There is hereby authorized to be appropriated to carry out the provisions of sections 9 and 18 of this Act not to exceed $2,750,000,000 for the fiscal year ending September 30, 1984, $2,950,000,000 for the fiscal year ending September 30, 1985, and $3,050,000,000 for the fiscal year ending September 30, 1986, and funds appropriated under this subsection shall remain available until expended.

"(2)(A) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 9A and 18 of this Act $779,000,000 for fiscal year 1983.

Post, p. 2147.

"(B) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 3, 4(i), 8, and 16(b) of this Act $1,250,000,000 for fiscal year 1984, $1,100,000,000 for fiscal year 1985, and $1,100,000,000 for fiscal year 1986. 49 USC 1602, 1603, 1607, 1612.

"(C) Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under subparagraphs (A) and (B) of this paragraph shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

"(3) In fiscal year 1983, 2.93 per centum of the amount made available from the Mass Transit Account of the Highway Trust Fund under paragraph (2) of this subsection shall be available to carry out section 18 of the this Act. 49 USC 1614.

"(4) In each of fiscal years 1984, 1985, and 1986, 2.93 per centum of the amount appropriated from the general fund of the Treasury under paragraph (1) of this subsection shall be available to carry out section 18 of this Act and shall remain available until expended.

"(5) Of the funds available for obligation under paragraph (2)(B), $50,000,000 shall be used in each of fiscal years 1984, 1985, and 1986 for the purposes of section 8 of this Act. Nothing herein shall 49 USC 1607 96 STAT. 2141 prevent the use of additional funds available under this subsection for planning purposes.

"(b) There is hereby authorized to be appropriated to carry out sections 6, 10, 11(a), 12(a), and 20 of this Act not to exceed $86,250,000 for the fiscal year ending September 30, 1983, $86,000,000 for the fiscal year ending September 30, 1984, and $90,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986. Sums appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.". 49 USC 1605, 1607b, 1607c, 1608, 1616.

(b) The second sentence of section 4(a) of such Act is amended by striking out "80 per centum" and inserting in lieu thereof "75 per centum". 49 USC 1603.

(c) Section 4(c)(3)(A) of such Act is amended by inserting "and" after "September 30, 1981;" and by striking out "; and $1,580,000,000 for the fiscal year ending September 30, 1983".

(d) Section 4(f) of such Act is amended by striking out "18, 21, and 22," and inserting in lieu thereof "and 18,".

(e) Section 4(g) of such Act is amended by striking out "such sums as may be necessary" and inserting in lieu thereof "not to exceed $365,000,000 for the fiscal year ending September 30, 1983, $380,000,000 for the fiscal year ending September 30, 1984, $390,000,000 for the fiscal year ending September 30, 1985, and $400,000,000 for the fiscal year ending September 30, 1986,".

BLOCK GRANTS

SEC. 303. (a) The Urban Mass Transportation Act of 1964 is amended by inserting immediately after section 8 the following new sections:

"BLOCK GRANTS

"SEC. 9. (a)(1) Of the amount appropriated from the general fund of the Treasury under section 21(a) of this Act, 8.64 per centum shall be available for expenditure under this section in each fiscal year only in urbanized areas with a population of less than 200,000. 49 USC 1607a. *Ante*, p. 2140.

"(2) Of the amount appropriated from the general fund of the Treasury under section 21(a) of this Act, 88.43 per centum shall be available for expenditure under this section in each fiscal year only in urbanized areas with a population of 200,000 or more.

"(b)(1) Of the funds available under subsection (a)(2) of this section, 33.29 per centum shall be available for expenditure in urbanized areas of 200,000 population or more in accordance with this subsection.

"(2) 95.61 per centum of the amount made available under paragraph (1) of this subsection shall be apportioned as follows:

"(A) 60 per centum of the amount so apportioned multiplied by the ratio which the number of fixed guideway revenue vehicle miles attributable to the urbanized area, as determined by the Secretary, bears to the total number of all fixed guideway revenue vehicle miles attributable to all such urbanized areas; and

"(B) 40 per centum of the amount so apportioned multiplied by the ratio which the number of fixed guideway route miles attributable to the urbanized area, as determined by the Secretary, bears to the total number of all fixed guideway route miles attributable to all such urbanized areas.

No urbanized area in which commuter rail service is provided and which has a population of 750,000 or more shall receive less than 0.75 per centum of the sums made available under this paragraph. Under this paragraph, fixed guideway revenue vehicle or route miles provided, and passengers served thereby, in an urbanized area of less than 200,000 population, where such revenue vehicle miles or route miles and passengers served would otherwise be attributable to an urbanized area with a population of 1,000,000 or more in an adjacent State, shall be attributable to the public body in the State in which such urbanized area of less than 200,000 population is located as if the public body were an urbanized area of 200,000 or more so long as such public body contracts, directly or indirectly, for such service. For the purpose of this subsection, the terms 'fixed guideway revenue vehicle miles' and 'fixed guideway route miles' shall include ferry boat operations directly or under contract by the designated recipient.

Definitions.

"(3) 4.39 per centum of the amount made available for expenditure among urbanized areas of 200,000 population or more under paragraph (1) of this section shall be apportioned as follows: in the ratio that the number of fixed guideway vehicle passenger miles traveled multiplied by the number of fixed guideway vehicle passenger miles traveled for each dollar of operating cost in each such urbanized area bears to the sum of the number of fixed guideway vehicle passenger miles traveled multiplied by the number of fixed guideway vehicle passenger miles traveled for each dollar of operating cost in all such urbanized areas. No urbanized area in which commuter rail service is provided and which has a population of 750,000 or more shall receive less than 0.75 per centum of the sums made available under this paragraph.

"(c)(1) Of the funds available under subsection (a)(2) of this section, 66.71 per centum shall be available for expenditure in urbanized areas with a population of 200,000 or more in accordance with this subsection.

"(2) 90.8 per centum of the amount made available under paragraph (1) of this subsection shall be apportioned as follows:

"(A) 73.39 per centum shall be made available for expenditure in only those urbanized areas with a population of 1,000,000 or more, and on the basis of a formula under which such urbanized area will be entitled to receive an amount equal to the sum of—

"(i) 50 per centum of the amount available under this subparagraph multiplied by the ratio which the total bus revenue vehicle miles operated in or directly serving such urbanized area bears to the total bus revenue vehicle miles in all such urbanized areas;

"(ii) 25 per centum of such amount multiplied by the ratio which the population of such urbanized area bears to the total population of all such urbanized areas as shown by the latest Federal census; and

"(iii) 25 per centum of such amount multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary; and

Apportionment formula.

"(B) 26.61 per centum shall be made available for expenditure in only those urbanized areas with a population of less than 1,000,000 and on the basis of a formula under which such urbanized areas will be entitled to receive an amount equal to the sum of—

96 STAT. 2143

"(i) 50 per centum of the amount available under this subparagraph multiplied by the ratio which the total bus revenue vehicle miles operated in or directly serving such urbanized area bears to the total bus revenue vehicle miles in all such urbanized areas;

"(ii) 25 per centum of such amount multiplied by the ratio which the population of such urbanized area bears to the total population of all such urbanized areas as shown by the latest available Federal census; and

"(iii) 25 per centum of such amount multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

Apportionment ratio.

"(3) 9.2 per centum of the amount made available under paragraph (1) of this subsection shall be apportioned among urbanized areas of 200,000 population or more as follows: in the ratio that the number of bus passenger miles traveled multiplied by the number of bus passenger miles traveled for each dollar of operating cost in each such urbanized area bears to the sum of the number of bus passenger miles traveled multiplied by the number of bus passenger miles traveled for each dollar of operating cost in all such urbanized areas.

Apportionment formula.

"(d) Funds available under subsection (a)(1) of this section shall be apportioned on the basis of a formula under which urbanized areas of less than 200,000 population shall be entitled to receive an amount equal to the sum of—

"(1) one-half of the total amount so apportioned multiplied by the ratio which the population of such urbanized area bears to the total population of all such urbanized areas as shown by the latest available Federal census; and

"(2) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

"Density."

As used in this section, the term 'density' means the number of inhabitants per square mile.

49 USC 1602, 1604, 1608, 1609, 1615.

"(e)(1) The provisions of sections 3(e), 3(f), 3(g), 5(k)(3), 12(c), 13, and 19 shall apply to this section and to every grant made under this section. No other condition, limitation, or other provision of this Act, other than as provided in this section, shall be applicable to this section and to grants for programs of projects made under this section.

Grant recipients.

"(2) To receive a grant under this section for any fiscal year, a recipient shall, within the time specified by the Secretary, submit a final program of projects prepared pursuant to subsection (f) and the certifications required by paragraph (3).

Certification, annual submittal to Secretary.

"(3) Each recipient (including any person receiving funds from a Governor under this section) shall submit to the Secretary annually a certification that such recipient—

"(A) has or will have the legal, financial, and technical capacity to carry out the proposed program of projects;

"(B) has or will have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment, and will maintain such facilities and equipment;

"(C) will comply with requirements of section 5(m) of this Act;

"(D) will give the rate required by section 5(m) of this Act to

96 STAT. 2144

any person presenting a medicare card duly issued to that person pursuant to title II or title XVIII of the Social Security Act;

42 USC 401, 1395.

"(E) in carrying out procurements under this subsection, will use competitive procurements (as defined or approved by the Secretary), will not use procurements utilizing exclusionary or discriminatory specifications, and will carry out procurements in compliance with applicable Buy America provisions;

"(F) has complied with the requirements of subsection (f);

"(G) has available and will provide the required amount of funds in accordance with subsection (k)(1) of this section and will comply with the requirements of sections 8 and 16 of this Act; and

"(H) has a locally developed process to solicit and consider public comment prior to raising fares or implementing a major reduction of transit service.

Proposed project program. Information availability to public.

"(f) Each recipient shall—

"(1) make available to the public information concerning the amount of funds available under this subsection and the program of projects that the recipient proposes to undertake with such funds;

"(2) develop a proposed program of projects concerning activities to be funded in consultation with interested parties, including private transportation providers;

"(3) publish a proposed program of projects in such a manner to afford affected citizens, private transportation providers, and as appropriate, local elected officials an opportunity to examine its content and to submit comments on the proposed program of projects and on the performance of the recipient; and

Hearing.

"(4) afford an opportunity for a public hearing to obtain the views of citizens on the proposed program of projects.

In preparing the final program of projects to be submitted to the Secretary, the recipient shall consider any such comments and views, particularly those of private transportation providers, and shall, if deemed appropriate by the recipient, modify the proposed program of projects. The final program of projects shall be made available to the public.

Reviews and audits.

"(g)(1) The Secretary shall, at least on an annual basis, conduct, or require the recipient to have independently conducted, reviews and audits as may be deemed necessary or appropriate by the Secretary to determine whether—

"(A) the recipient has carried out its activities submitted in accordance with subsection (e)(2) in a timely and effective manner and has a continuing capacity to carry out those activities in a timely and effective manner; and

"(B) the recipient has carried out those activities and its certifications and has used its Federal funds in a manner which is consistent with the applicable requirements of this Act and other applicable laws.

Audits of the use of Federal funds shall be conducted in accordance with the auditing procedures of the General Accounting Office.

"(2) In addition to the reviews and audits described in paragraph (1), the Secretary shall, not less than once every three years, perform a full review and evaluation of the performance of a recipient in carrying out the recipient's program, with specific reference to compliance with statutory and administrative requirements, and consistency of actual program activities with the proposed program

96 STAT. 2145

of projects required under subsection (e)(2) of this section and the planning process required under section 8.

49 USC 1607.

"(3) The Secretary may make appropriate adjustments in the amount of annual grants in accordance with the Secretary's findings under this subsection, and may reduce or withdraw such assistance or take other action as appropriate in accordance with the Secretary's review, evaluation, and audits under this subsection.

"(4) No grant shall be made under this section to any recipient in any fiscal year unless the Secretary has accepted a certification for such fiscal year submitted by such person pursuant to subsection (e) of this section.

False or fraudulent statements.

"(h) The provisions of section 1001 of title 18, United States Code, apply to any certification or submission under this section. In addition, if any false or fraudulent statement or related act within the meaning of section 1001 of title 18, United States Code, is made in connection with a certification or submission under this subsection, the Secretary may terminate and seek appropriate reimbursement of the affected grant or grants directly or by offsetting funds available under this subsection.

"(i) A recipient may request the Secretary to approve its procurement system. If, after consultation with the Office of Federal Procurement Policy, the Secretary finds that such system provides for competitive procurement, the Secretary shall approve such system for use for all procurements financed under this section. Such approval shall be binding until withdrawn. A certification from the recipient under subsection (e)(3)(E) is still required.

Grants.

"(j) Grants under this section shall be available to finance the planning, acquisition, construction, improvement, and operating costs of facilities, equipment, and associated capital maintenance items for use, by operation or lease or otherwise, in mass transportation service, including the renovation and improvement of a historic transportation facility with related private investment. As used in this section, the term 'associated capital maintenance items' means any equipment and materials each of which costs no less than 1 per centum of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and materials are to be used.

"Associated capital maintenance items.

Federal grant.

"(k)(1) The Federal grant for any construction project (including capital maintenance items) under this section shall not exceed 80 per centum of the net project cost of such project. The Federal grant for any project for operating expenses shall not exceed 50 per centum of the net project cost of such project. The remainder shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

49 USC 1604.

"(2) The amount of funds apportioned under this section which may be used for operating assistance shall not exceed 80 per centum of the amount of funds apportioned in fiscal year 1982 under paragraphs (1)(A), (2)(A), and (3)(A) of section 5(a) of this Act to an urbanized area with a population of 1,000,000 or more, 90 per centum of funds so apportioned to an urbanized area with a population of 200,000 or more and less than 1,000,000 population; and 95 per centum of funds so apportioned to an urbanized area of less than 200,000 population. Notwithstanding the preceding sentence, an urbanized area that became an urbanized area for the first time under the 1980 census may use not to exceed 40 per centum of its apportionment under this section for operating assistance.

96 STAT. 2146

49 USC 1604.

"(3) Notwithstanding any other provision of law, the amount of funds apportioned under section 5 of this Act and available for operating assistance in fiscal year 1983 in an urbanized area shall be subject to the limitations set forth in paragraph (2) of this subsection. Subject to the limitation in the preceding sentence, funds apportioned under section 5(a)(4) of this Act in fiscal year 1983 may be used for operating assistance.

Apportionment for capital assistance, transfer.

"(l)(1)(A) Notwithstanding the provsions of subsection (k)(1), any recipient may, in fiscal years 1983 and 1984, transfer, for use for operating assistance, a portion of its apportionment under this section that otherwise is available only for capital assistance, except that the recipient's total operating assistance under this section (including any amounts transferred from its capital apportionment) for the fiscal year in which the transfer occurs shall not exceed the amount of Federal funds such recipient was apportioned under sections 5(a)(1)(A), 5(a)(2)(A), and 5(a)(3)(A) of this Act for the fiscal year ending September 30, 1982. The total operating assistance under this section (including any amounts transferred from its capital apportionment) for a recipient in an urbanized area that became an urbanized area for the first time under the 1980 census may not exceed 50 per centum of its apportionment under this section.

"(B) Notwithstanding any other provision of law, a recipient may use its capital apportionment under section 5(a)(4) of this Act in fiscal year 1983 for purposes of carrying out a transfer under this subsection. No source of capital assistance under this Act (other than under section 5(a)(4)) may be used for such a transfer in such fiscal year.

"(2) Any recipient that intends to carry out a transfer under this subsection shall, at the time it submits a proposed program of projects to the Secretary under subsection (e)(2)—

Public notice.

"(A) certify that it has provided public notice of its intent to transfer its capital apportionment (including notice of the funding reductions resulting from utilization of this subsection and other requirements of this subsection) and provided an opportunity for public comment; and

Three-year plan.

"(B) certify that it has developed a three-year plan to assure that in the fiscal year ending September 30, 1985, it will not need to use and will not use its capital apportionment for operating assistance.

Discretionary grants.

"(3) Whenever any recipient transfers its capital apportionment for operating assistance in accordance with the requirements of this subsection, two-thirds of the amount transferred shall be available to the recipient for operating assistance and the remaining one-third amount shall be available to the Secretary to make discretionary grants under this section. In making such discretionary grants, first priority shall be given to any urbanized area that is apportioned an amount under this section in fiscal year 1983 which is less than the amount such urbanized area was apportioned under section 5 of this Act for the fiscal year ending September 30, 1982. Any amounts remaining shall be available for discretionary construction grants under this section subject to the second and third sentences of section 4(a).

49 USC 1603.

Authority termination.

"(4) The authority of recipients to use the provisions of this paragraph shall terminate on September 30, 1984.

49 USC 1607.

"(m)(1) The Governor, responsible local officials, and publicly owned operators of mass transportation services in accordance with the planning process required under section 8 of this Act shall designate a recipient or recipients to receive and dispense the funds appropriated under this section that are attributable to urbanized areas of 200,000 or more population. In any case in which a statewide or regional agency or instrumentality is responsible under State laws for the financing, construction and operation, directly, by lease, contract, or otherwise, of public transportation services, such agency or instrumentality shall be the recipient to receive and dispense such funds. As used in this section, the term 'designated recipient' shall refer to a recipient selected according to the procedures required by this section or to a recipient designated in accordance with section 5(b)(1) of this Act prior to the date of enactment of this section.

"Designated recipient."

49 USC 1604.

"(2) Sums apportioned under this subsection not made available for expenditure by designated recipients in accordance with the terms of paragraph (1) shall be made available to the Governor for expenditure in urbanized areas with populations of less than 200,000.

49 USC 1614.

"(n)(1) The Governor may transfer an amount of the State's apportionment under subsection (d) to supplement funds apportioned to the State under section 18(a) of this Act, or to supplement funds apportioned to urbanized areas with populations of 300,000 or less under this subsection. The Governor may make such transfers only after consultation with responsible local officials and publicly owned operators of mass transportation services in each area to which the funding was originally apportioned pursuant to subsection (d). The Governor may transfer an amount of the State's apportionment under section 18(a) to supplement funds apportioned to the State under subsection (d). Amounts transferred shall be subject to the capital and operating assistance limitations applicable to the original apportionments of such amounts.

Distribution to urbanized areas.

"(2) A designated recipient for an urbanized area of 200,000 or more population may transfer its apportionment under this section, or a portion thereof, to the Governor. The Governor shall distribute any such apportionment to urbanized areas in the State, including areas of 200,000 or more population, in accordance with this section. Amounts transferred shall be subject to the capital and operating assistance limitations applicable to the original apportionment of such amounts.

"(o) Sums apportioned under this section shall be available for obligation by the recipient for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under this section for the succeeding fiscal year.

"MASS TRANSIT ACCOUNT DISTRIBUTION

49 USC 1607a-1.

Ante, p. 2140.

"SEC. 9A. (a)(1) Of the amount made available from the Mass Transit Account of the Highway Trust Fund under section 21(a) of this Act in fiscal year 1983, 8.64 per centum shall be available for expenditure under this section in such fiscal year only in urbanized areas with a population of less than 200,000.

"(2) Of the amount made available from the Mass Transit Account of the Highway Trust Fund under section 21(a) of this Act in fiscal year 1983, 88.43 per centum shall be available for expenditure under this section in such fiscal year only in urbanized areas with 200,000 population or more.

96 STAT. 2148

"(b)(1) Of the funds available under subsection (a)(2) of this section, 66.71 per centum shall be apportioned among urbanized areas with 200,000 population or more as follows:

"(A) 73.39 per centum shall be made available for expenditure in only those urbanized areas with a population of 1,000,000 or more, and on the basis of a formula under which such urbanized area will be entitled to receive an amount equal to the sum of—

"(i) 50 per centum of the amount available under this subparagraph multiplied by the ratio which the total bus revenue vehicle miles operated in or directly serving such urbanized area bears to the total bus revenue vehicle miles in all such urbanized areas;

"(ii) 25 per centum of such amount multiplied by the ratio which the population of such urbanized area bears to the total population of all such urbanized areas as shown by the latest Federal census; and

"(iii) 25 per centum of such amount multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary; and

"(B) 26.61 per centum shall be made available for expenditure in only those urbanized areas with a population of less than 1,000,000 and on the basis of a formula under which such urbanized area will be entitled to receive an amount equal to the sum of—

"(i) 50 per centum of the amount available under this subparagraph multiplied by the ratio which the total bus revenue vehicle miles operated in or directly serving such urbanized area bears to the total bus revenue vehicle miles in all such urbanized areas;

"(ii) 25 per centum of such amount multiplied by the ratio which the population of such urbanized area bears to the total population of all such urbanized areas as shown by the latest available Federal census; and

"(iii) 25 per centum of such amount multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

"(2) Of the funds available under subsection (a)(2) of this section, 33.29 per centum shall be apportioned among urbanized areas of 200,000 population or more as follows:

"(A) 60 per centum of the amount so apportioned multiplied by the ratio which the number of fixed guideway revenue vehicle miles attributable to the urbanized area, as determined by the Secretary, bears to the total number of all fixed guideway revenue vehicle miles attributable to all such urbanized areas; and

"(B) 40 per centum of the amount so apportioned multiplied by the ratio which the number of fixed guideway route miles attributable to the urbanized area, as determined by the Secretary, bears to the total number of all fixed guideway route miles attributable to all such urbanized areas.

96 STAT. 2149

No urbanized area in which commuter rail service is provided and which has a population of 750,000 or more shall receive less than 0.75 per centum of the sums made available under this paragraph. Under this paragraph, fixed guideway revenue vehicle or route miles provided, and passengers served thereby, in an urbanized area of less than 200,000 population, where such revenue vehicle miles or route miles and passengers served would otherwise be attributable to an urbanized area with a population of 1,000,000 or more in an adjacent State, shall be attributable to the public body in the State in which such urbanized area of less than 200,000 population is located as if the public body were an urbanized area of 200,000 or more so long as such public body contracts, directly or indirectly, for such service. For the purpose of this paragraph, the terms 'fixed guideway revenue vehicle miles' and 'fixed guideway route miles' shall include ferry boat operations directly or under contract by the designated recipient.

Definitions.

"(c) Funds available under subsection (a)(1) of this section shall be apportioned on the basis of a formula under which urbanized areas of less than 200,000 population shall be entitled to receive an amount equal to the sum of—

"(1) one-half of the total amount so apportioned multiplied by the ratio which the population of such urbanized area bears to the total population of all such urbanized areas in all the States as shown by the latest available Federal census; and

"(2) one-half of the total amount so apportioned multiplied by a ratio for that urbanized area determined on the basis of population weighted by a factor of density, as determined by the Secretary.

As used in this section, the term 'density' means the number of inhabitants per square mile.

"Density."

"(d)(1) The provisions of subsections (e), (f), (g), (h), (i), (m), and (n) of section 9 of this Act shall apply to grants made under this section.

Grants.
Ante, p. 2141.

"(2)(A) Grants under this section shall be made for the purposes described in subsection (j) of section 9 of this Act, except that such grants may not be used for payment of operating expenses.

"(B) The Federal grant for any project under this section shall not exceed 80 per centum of the net project cost of such project.

"(3) The provisions of subsection (o) of section 9 shall apply to grants made under this section, except that amounts remaining unobligated at the end of the 3-year period shall be added to the amount available under section 3 for the succeeding fiscal year.".

EXISTING CAPITAL GRANT PROGRAM

SEC. 304. (a) Section 3(a)(2)(A) of the Urban Mass Transportation Act of 1964 is amended—

49 USC 1602.

(1) by striking out "and" at the end of clause (i);

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(iii) sufficient capability to maintain the facilities and equipment.".

(b) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"(5) The Secretary shall take into account the adverse effect of decreased commuter rail service in considering applications for 96 STAT. 2150 assistance under this section for the acquisition of rail lines and all related facilities used in providing commuter rail service which are owned by a railroad subject to reorganization under title 11, United States Code.

"(6) In making grants under this section in fiscal year 1983, the Secretary shall, to the extent practicable, emphasize projects that are labor intensive and that can begin construction or manufacturing within the shortest possible time.".

49 USC 1611. (c) Section 15(b) of the Urban Mass Transportation Act of 1964 is amended by striking out "section 5" and inserting in lieu thereof "section 5 or 9". 49 USC 1604. *Ante*, p. 2141.

LETTERS OF INTENT

SEC. 305. Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended— 49 USC 1602.

(1) by inserting after the first sentence thereof the following: "At least thirty days prior to the issuance of a letter of intent under this paragraph, the Secretary shall notify, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, of the proposed issuance of such letter of intent.";

(2) by striking out "in section 4(c)" and inserting in lieu thereof the following "to carry out section 3"; and

(3) by adding at the end thereof the following: "Funding for projects covered by letters of intent or letters of commitment issued, and full funding contracts executed, prior to the date of *Ante*, p. 2140. enactment of the Federal Public Transportation Act of 1982 should be funded under this section while not precluding the funding of a portion of such projects using section 9 capital funds unless such funding would impair the recipient's ability to fund routine capital projects under such section. Notwithstanding the provisions of section 4(a), the Federal share of the total project cost of any project under this section covered by a full funding contract, letter of intent, or letter of commitment in effect on the date of enactment of the Federal Public Transportation Act of 1982, or those projects within the federally agreed upon scope for the Washington, District of Columbia, metropolitan area transit system (as of such date), shall not be altered.".

RESEARCH AND TRAINING GRANTS

SEC. 306. (a) Section 4(d) of the Urban Mass Transportation Act of 49 USC 1603. 1964 is amended by striking out "September 30, 1981, and September 30, 1982" and inserting in lieu thereof "and September 30, 1981, $5,000,000 for the fiscal year ending September 30, 1984, and $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986".

49 USC 1607c. (b) Section 11(b)(5) of such Act is amended to read as follows: "(5) As a condition to project approval, the amount of the Federal grant must be equally matched from other than Federal funds.".

(c) The first sentence of section 11(b)(7) of such Act is amended by inserting ", which include bona fide research and training in urban 96 STAT. 2151 transportation" before the period.

AVAILABILITY OF FUNDS—URBAN MASS TRANSIT PROGRAM

SEC. 307. Section 5 of the Urban Mass Transportation Act of 1964 49 USC 1604. is amended—

(1) by adding immediately after subsection (c)(4) the following: "(5) Apportionments under this section for fiscal year 1975 shall be deemed to have lapsed on September 30, 1977, and apportionments under this section for fiscal year 1976 shall be deemed to have lapsed on September 30, 1978."; and

(2) by adding at the end thereof the following new subsection:

"(o) Notwithstanding any other provision of this section, any sums apportioned under this section before October 1, 1982, and available for expenditure in any urbanized area or part thereof on such date shall remain available for expenditure in such area or part in accordance with the provisions of this section until September 30, 1985. Any sums so apportioned remaining unobligated on October 1, 1985, shall be added to amounts available for apportionment under section 9 of this Act for the fiscal year ending September 30, 1986.".

Ante, p. 2141

COMPETITIVE PROCUREMENT

49 USC 1608.

SEC. 308. Paragraph (2) of subsection (b) of section 12 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

Report to Congress.

Ante, p. 2140.

"(2) In lieu of requiring that contracts for the acquisition of rolling stock be awarded based on consideration of performance, standardization, life-cycle costs and other factors, or on the basis of lowest initial capital cost, such contracts may be awarded based on a competitive procurement process. The Secretary shall report to Congress within a year of enactment of the Federal Public Transportation Act of 1982 on any legislative or administrative revisions required to ensure that procurement procedures are fair and competitive.".

DEFINITIONS

49 USC 1608.

SEC. 309. (a) Section 12(c)(1) of the Urban Mass Transportation Act of 1964 is amended by inserting before the semicolon at the end thereof the following: ", and such term also means any bus rehabilitation project which extends the economic life of a bus five years or more".

(b) Section 12(c)(2) of the Urban Mass Transportation Act of 1964 is amended by inserting "or rails" immediately after "separate right-of-way" and by striking out the semicolon at the end of such section and inserting in lieu thereof a comma and the following: "and also means a public transportation facility which uses a fixed catenary system and utilizes a right-of-way usable by other forms of transportation;".

PERFORMANCE REPORTS

Submittal to Congress.
49 USC 1601c.

SEC. 310. (a) The Secretary of Transportation shall report to Congress in January of 1984 and in January of every second year thereafter his estimates of the current performance and condition of public mass transportation systems together with recommendations for any necessary administrative or legislative revisions.

Public transportation facilities, assessment.

(b) In reporting to Congress pursuant to this section, the Secretary shall prepare a comprehensive assessment of public transportation facilities in the United States. The Secretary shall also assess future needs for such facilities and estimate future capital requirements

96 STAT. 2152

and operation and maintenance requirements for one-, five-, and ten-year periods at specified levels of service.

CONSTRUCTION CONDITION

Financial assistance.

SEC. 311. The Secretary of Transportation shall only make available Federal financial assistance to the Metropolitan Atlanta Rapid Transit Authority for the construction of the proposed fixed rail line from Doraville, Georgia, to the Atlanta Hartsfield International Airport on the condition that the portion of such line extending north from Lenox Station to Doraville and the portion of such line extending south from Lakewood Station to the Atlanta Hartsfield International Airport will be constructed simultaneously in usable segments so that revenue passenger service to Doraville and such airport shall commence at approximately the same time. This section shall apply until priorities different from those set forth in the preceding sentence are adopted after September 30, 1983, by a valid act of the Georgia General Assembly and by a valid resolution of the Board of the Metropolitan Atlanta Rapid Transit Authority.

LOAN REPAYMENT

SEC. 312. (a) The Massachusetts Bay Transportation Authority shall have no obligation to repay the United States 80 per centum of the principal and the interest owed on the following loans entered into with the Secretary of Transportation under the Urban Mass Transportation Act of 1964 for the acquisition of rights-of-way: the loan numbered MA03-9001 entered into on January 26, 1973, and the loan numbered MA23-9010 entered into on December 20, 1976.

49 USC 1601 note.

(b)(1) The Secretary of Transportation may convert the remaining 20 per centum of the principal and interest owed on the loans described in subsection (a) to grants under the conditions set forth in paragraph (2).

(2) In lieu of the local matching share otherwise required, the grant agreement may provide that State or local funds shall be committed to public transportation projects in the urbanized area, on a schedule acceptable to the Secretary of Transportation, in an amount equal to the local share that would have been required had the amount of principal and interest forgiven under subsection (a) been the Federal share of a capital grant made when the original loan was made. The State or local funds contributed under the terms of the preceding sentence shall be made available for capital projects eligible for funding under section 3(a) of the Urban Mass Transportation Act of 1964 and may not be used to satisfy the local matching requirements for any other grant project.

49 USC 1602.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

49 USC 1602.

SEC. 313. Section 3(a)(1)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" the second place it appears and by inserting immediately before the semicolon at the end thereof the following: ", and the acquisition of rights-of-way, and relocation, for fixed guideway corridor development for projects in advanced stages of any such detailed alternatives analyses or preliminary engineering".

96 STAT. 2153

FEASIBILITY STUDY

Grant.

SEC. 314. (a) The Secretary of Transportation shall make a grant to the Massachusetts Bay Transportation Authority to conduct a feasibility study to examine the possibility of replacing either any or all three of the existing electric trolley bus lines (and thereby eliminating the overhead power lines) in Cambridge, Massachusetts, with the more advanced and equally environmentally sound electric bus technology that is being developed in the State of California for the Santa Barbara transit system.

(b) Notwithstanding section 21(a)(2) of the Urban Mass Transportation Act of 1964, of the amount made available by such section 21(a)(2) for the fiscal year ending September 30, 1983, $500,000 shall be available only to carry out this section and such amount shall remain available until expended.

Ante, p. 2140.

STUDY OF LONG-TERM LEVERAGE FINANCING

SEC. 315. The Secretary of Transportation shall conduct a study on the feasibility of providing an assured flow of Federal funds under long-term contracts with local or State transit authorities for use in leveraging further capital assistance from State or local government or private sector sources. Within six months of the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Public Works and Transportation of the House a report of such study.

Report to congressional committees.

FORMULA GRANTS FOR NONURBANIZED AREAS

SEC. 316. (a) Section 18(a) of the Urban Mass Transportation Act of 1964 is amended by striking out "appropriated pursuant to section 4(e) of this Act" and inserting in lieu thereof "made available under section 21(a) of this Act to carry out this section".

49 USC 1614.

Ante, p. 2140.

(b) Section 18(c) of the Urban Mass Transportation Act of 1964 is amended by striking out "three years" in the first sentence and inserting in lieu thereof "two years".

ASSISTANCE TO MEET SPECIAL NEEDS OF ELDERLY AND HANDICAPPED PERSONS

SEC. 317. (a) Section 16(b) of the Urban Mass Transportation Act of 1964 is amended by striking out "section 4(c)(3) of this Act, 2 per centum" and inserting in lieu thereof "section 21(a)(2) of this Act, 3.5 per centum".

49 USC 1612.

(b) The amendment made by subsection (a) of this section shall take effect October 1, 1983.

Effective date.
49 USC 1612 note.

(c) Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

Publication in Federal Register.
23 USC 142 note.
29 USC 794.

"(c) In carrying out subsection (a) of this section, section 165(b) of the Federal-Aid Highway Act of 1973, and section 504 of the Rehabilitation Act of 1973 (consistent with any applicable Government-wide standards for the implementation of such section 504), the Secretary shall, not later than ninety days after the date of the enactment of this subsection, publish in the Federal Register for public comment, proposed regulations and, not later than one hundred and eighty days after the date of such enactment, promulgate final regulations, establishing (1) minimum criteria for the provision of transportation services to handicapped and elderly individuals by recipients of Federal financial assistance under this Act or under any provision of law referred to in section 165(b) of the Federal-Aid Highway Act of 1973, and (2) procedures for the Secretary to monitor recipients' compliance with such criteria. Such regulations shall include provisions for ensuring that organizations and groups representing such individuals are given adequate notice of and opportunity to comment on the proposed activities of recipients for the purpose of achieving compliance with such regulations.".

96 STAT. 2154

23 USC 142 note.

REPEAL OF SAFETY AUTHORITY

SEC. 318. (a) Section 107 of the National Mass Transportation Assistance Act of 1974 (Public Law 93-503) is repealed.

Repeal.
49 USC 1604a.

(b) The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"SAFETY AUTHORITY

"SEC. 22. The Secretary may investigate conditions in any facility, equipment, or manner of operation financed under this Act which the Secretary believes creates a serious hazard of death or injury. The investigation should determine the nature and extent of such conditions and the means which might best be employed to correct or eliminate them. If the Secretary determines that such conditions do create such a hazard, he shall require the local public body which has received funds under this Act to submit a plan for correcting or eliminating such condition. The Secretary may withhold further financial assistance under this Act from the local public body until he approves such plan and the local public body implements such plan.".

49 USC 1618.

TITLE IV

PART A—COMMERCIAL MOTOR VEHICLE SAFETY

DEFINITIONS

49 USC 2301.

SEC. 401. For purposes of this part, unless the context otherwise requires, the term—

(1) "commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

(A) if such vehicle has a gross vehicle weight rating of ten thousand or more pounds;

(B) if such vehicle is designed to transport more than ten passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. 1801 et seq.);

(2) "employee" means—

(A) a driver of a commercial motor vehicle (including an independent contractor while in the course of personally operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; or

(D) any individual other than an employer;

who is employed by a commercial motor carrier and who in the course of his employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any State, or a political subdivision of a State who is acting within the course of such employment, nor does such term include an individual employed by a commercial motor carrier engaged in the transportation of passengers;

(3) "employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States, any State, or a political subdivision of a State;

(4) "person" means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals;

(5) "Secretary" means the Secretary of Transportation; and

(6) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas.

GRANTS TO STATES

49 USC 2302.

SEC. 402. (a) Under the terms and conditions of this section, subject to the availability of funds, the Secretary is authorized to make grants to States for the development or implementation of programs for the enforcement of Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety and compatible State rules, regulations, standards, and orders.

Enforcement plan.

(b)(1) The Secretary shall formulate procedures for any State to submit a plan whereby the State agrees to adopt, and to assume responsibility for enforcing Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety, or compatible State rules, regulations, standards, and orders. Such plan shall be approved by the Secretary if, in the Secretary's judgment, the plan is adequate to promote the objectives of this section, and the plan—

Plan objectives.

(A) designates the State motor vehicle safety agency responsible for administering the plan throughout the State;

(B) contains satisfactory assurances that such agency has or will have the legal authority, resources, and qualified personnel necessary for the enforcement of such rules, regulations, standards, and orders;

(C) gives satisfactory assurances that such State will devote adequate funds to the administration of such plan and enforcement of such rules, regulations, standards, and orders;

(D) provides a right of entry and inspection sufficient to enforce such rules, regulations, standards, and orders;

(E) provides that all reports required pursuant to this section be submitted to the State agency, and that such agency make available upon request to the Secretary all such reports;

(F) provides that such State agency will adopt such uniform reporting requirements and use such uniform forms for recordkeeping, inspections, and investigations as may be established and required by the Secretary; and

96 STAT. 2156

(G) requires registrants of commercial motor vehicles to make a declaration of knowledge of applicable Federal and State safety rules, regulations, standards, and orders.

(2) If a plan submitted under paragraph (1) of this subsection is rejected, the Secretary shall provide the State a written explanation of the Secretary's action and shall permit the State to modify and resubmit its proposed plan for approval, in accordance with the procedures formulated in such paragraph.

Continuing evaluation.

Disapproval notice.

(c) The Secretary shall, on the basis of reports submitted by the State agency, and on the Secretary's own inspections, make a continuing evaluation of the manner in which each State with a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for comment, that a State plan previously approved is not being followed or that it has become inadequate to assure the enforcement of Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety or compatible State rules, regulations, standards, or orders, he shall notify the State of withdrawal of approval of such plan. Upon receipt of such notice such plan shall cease to be in effect. Any State aggrieved by a determination of the Secretary pursuant to this subsection may seek judicial review pursuant to chapter 7 of title 5, United States Code. The State may, however, retain jurisdiction in any administrative or judicial enforcement proceeding commenced before the withdrawal of the plan whenever the issues involved do not directly relate to the reasons for the withdrawal of approval of the plan.

Judicial review.

5 USC 701 *et seq.*

(d) The Secretary shall not approve any plan under this section which does not provide that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditure for its last two full fiscal years preceding the date of enactment of this section.

FEDERAL SHARE OF COSTS

49 USC 2303.

SEC. 403. By grants authorized under this part, the Secretary shall reimburse any State an amount not to exceed 80 per centum of the costs incurred by that State in that fiscal year in the development and implementation of programs to enforce commercial motor vehicle rules, regulations, standards, or orders adopted pursuant to this title. The funds of the State and political subdivisions thereof which are required to be expended under section 402(d) of this title shall not be considered to be part of the non-Federal share. The Secretary is authorized to allocate, among the States whose applications for grants have been approved, those amounts appropriated for grants to support such programs, pursuant to such criteria as may be established.

AUTHORIZATIONS

49 USC 2304.

SEC. 404. To carry out the purposes of section 402 of this title, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $10,000,000 in the fiscal year ending September 30, 1984, not to exceed $20,000,000 in the fiscal year ending September 30, 1985, not to exceed $30,000,000 in the fiscal year ending September 30, 1986, not to exceed $40,000,000 in the fiscal year ending September 30, 1987, and not to exceed $50,000,000 in the fiscal year ending September 30, 1988. Appropriated funds authorized by this section shall be used to reimburse States pro rata for the Federal share of costs incurred. Grants made pursuant to the authority of this part shall be for periods not to exceed one fiscal year, ending at the end of a fiscal year.

96 STAT. 2157

Reimbursement to States.

PROTECTION OF EMPLOYEES

Discrimination. 49 USC 2305.

SEC. 405. (a) No person shall discharge, discipline, or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because such employee (or any person acting pursuant to a request of the employee) has filed any complaint or instituted or caused to be instituted any proceeding relating to a violation of a commercial motor vehicle safety rule, regulation, standard, or order, or has testified or is about to testify in any such proceeding.

(b) No person shall discharge, discipline, or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions, or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury, or serious impairment of health, resulting from the unsafe condition. In order to qualify for protection under this subsection, the employee must have sought from his employer, and have been unable to obtain, correction of the unsafe condition.

Unsafe conditions.

Filing of complaint.

(c)(1) Any employee who believes he has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (a) or (b) of this section may, within one hundred and eighty days after such alleged violation occurs, file (or have filed by any person on the employee's behalf) a complaint with the Secretary of Labor alleging such discharge, discipline, or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify the person named in the complaint of the filing of the complaint.

Investigation.

(2)(A) Within sixty days of receipt of a complaint filed under paragraph (1) of this subsection, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify the complainant and the person alleged to have committed a violation of this section of his findings. Where the Secretary of Labor has concluded that there is reasonable cause to believe that a violation has occurred, he shall accompany his findings with a preliminary order providing the relief prescribed by subparagraph (B) of this paragraph. Thereafter, either the person alleged to have committed the violation or the complainant may, within thirty days, file objections to the findings or preliminary order, or both, and request a hearing on the record, except that the filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be expeditiously conducted. Where a hearing is not timely requested, the preliminary order

Hearing request.

shall be deemed a final order which is not subject to judicial review. Upon the conclusion of such hearing, the Secretary of Labor shall issue a final order within one hundred and twenty days. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

Final order.

(B) If, in response to a complaint filed under paragraph (1) of this subsection, the Secretary of Labor determines that a violation of subsection (a) or (b) of this section has occurred, the Secretary of Labor shall order (i) the person who committed such violation to take affirmative action to abate the violation, (ii) such person to reinstate the complainant to the complainant's former position together with the compensation (including back pay), terms, conditions, and privileges of the complainant's employment, and (iii) compensatory damages. If such an order is issued, the Secretary of Labor, at the request of the complainant may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

Complainant, reinstatement to former position.

(d)(1) Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) of this section may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred, or the circuit in which such person resided on the date of such violation. The petition for review must be filed within sixty days from the issuance of the Secretary of Labor's order. Such review shall be in accordance with the provisions of chapter 7 of title 5, United States Code, and shall be heard and decided expeditiously.

Review.

5 USC 701 *et seq.*

(2) An order of the Secretary of Labor, with respect to which review could have been obtained under this section, shall not be subject to judicial review in any criminal or other civil proceeding.

(e) Whenever a person has failed to comply with an order issued under subsection (c)(2) of this section, the Secretary of Labor shall file a civil action in the United States district court for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement, and compensatory damages. Civil actions brought under this subsection shall be heard and decided expeditiously.

Civil action.

MINIMUM FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

SEC. 406. (a) Section 30 of the Motor Carrier Act of 1980 is amended in subsections (a) and (b) by striking out "two-year period" each place it appears and inserting in lieu thereof "three and one-half year period".

49 USC 10927 note.

(b) Section 30(c) of the Motor Carrier Act of 1980 is amended by striking out "(c) Financial" and inserting in lieu thereof "(c)(1) Subject to paragraph (2) of this subsection, financial" and by adding at the end thereof the following new paragraph:

"(2)(A) Any person domiciled in any contiguous foreign country who provides transportation by motor vehicle to which any of the minimal levels of financial responsibility established under this section apply shall have evidence of such financial responsibility in such motor vehicle at any time such person is providing such transportation.

96 STAT. 2159

"(B) The Secretary of Transportation and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not evidence of financial responsibility required to be in such vehicle under subparagraph (A) of this paragraph.".

49 USC 10927 note.

(c) Section 30(g) of the Motor Carrier Act of 1980 is amended by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"Interstate commerce."

"(1) 'Interstate commerce' includes transportation between a place in a State and a place outside the United States, to the extent such transportation is in the United States;".

(d) Section 30(f) of the Motor Carrier Act of 1980 is amended to read as follows:

"(f) This section shall not apply to any motor vehicle having a gross vehicle weight rating of less than ten thousand pounds, if such vehicle is not used to transport any quantity of class A or B explosives, any quantity of poison gas, or a large quantity of radioactive materials in interstate or foreign commerce.".

PART B—COMMERCIAL MOTOR VEHICLE LENGTH LIMITATION

LENGTH LIMITATIONS ON FEDERALLY ASSISTED HIGHWAYS

49 USC 2311.

SEC. 411. (a) No State shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle length limitation of less than forty-eight feet on the length of the semitrailer unit operating in a truck tractor-semitrailer combination, and of less than twenty-eight feet on the length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary, pursuant to subsection (e) of this section.

(b) Length limitations established, maintained, or enforced by the States under subsection (a) of this section shall apply solely to the semitrailer or trailer or trailers and not to a truck tractor. No State shall establish, maintain, or enforce any regulation of commerce which imposes an overall length limitation on commercial motor vehicles operating in truck-tractor semitrailer or truck tractor semitrailer, trailer combinations. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State on December 1, 1982. No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of existing trailers or semitrailers, of up to twenty-eight and one-half feet in length, in a truck tractor-semitrailer-trailer combination if those trailers or semitrailers were actually and lawfully operating on December 1, 1982, within a sixty-five-foot overall length limit in any State.

(c) No State shall prohibit commercial motor vehicle combinations consisting of a truck tractor and two trailing units on any segment

of the National System of Interstate and Defense Highways, and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary pursuant to subsection (e) of this section.

Specialized equipment accommodations.

(d) The Secretary is authorized to establish rules to implement the provisions of this section, and to make such determinations as are necessary to accommodate specialized equipment (including, but not limited to, automobile transporters) subject to subsections (a) and (b) of this section.

(e)(1) The Secretary shall designate as qualifying Federal-aid Primary System highways subject to the provisions of subsections (a) and (c) those Primary System highways that are capable of safely accommodating the vehicle lengths set forth therein.

(2) The Secretary shall make an initial determination of which classes of highways shall be designated pursuant to paragraph (1) within 90 days of the date of enactment of this section.

Final rules.

(3) The Secretary shall enact final rules pursuant to paragraph (1) no later than two hundred and seventy days from the date of

enactment of this section and may revise such rules from time to time thereafter.

"Truck tractor."

(f) For the purposes of this section, "truck tractor" shall be defined as the noncargo carrying power unit that operates in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit.

Effective date.

(g) The provisions of this section shall take effect ninety days after the date of enactment of this title.

Exclusions.

(h) The length limitations described in this section shall be exclusive of safety and energy conservation devices, such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors and other devices, which the Secretary may interpret as necessary for safe and efficient operation of commercial motor vehicles, except that no device excluded under this subsection from the limitations of this section shall have by its design or use the capability to carry cargo.

ACCESS TO THE INTERSTATE SYSTEM

Commercial motor vehicles.
49 USC 2312.

SEC. 412. No State may enact or enforce any law denying reasonable access to commercial motor vehicles subject to this title between (1) the Interstate and Defense Highway System and any other qualifying Federal-aid Primary System highways, as designated by the Secretary, and (2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers.

ENFORCEMENT

Civil action.
49 USC 2313.

SEC. 413. The Secretary, or, on the request of the Secretary, the Attorney General of the United States, is authorized and directed to institute any civil action for injunctive relief as may be appropriate to assure compliance with the provisions of this title. Such action may be instituted in any district court of the United States in any State where such relief is required to assure compliance with the terms of this title. In any action under this section, the court shall, upon a proper showing, issue a temporary restraining order or preliminary or permanent injunction. In any such action, the court may also issue a mandatory injunction commanding any State or person to comply with any applicable provision of this title, or any rule issued under authority of this title.

96 STAT. 2161

SPLASH AND SPRAY SUPPRESSANT DEVICES

49 USC 2314.

SEC. 414. (a) The Congress declares that visibility on wet roadways on the Interstate System should be improved by reducing, by a practicable and reliable means, splash and spray from truck tractors, semitrailers, and trailers.

(b) The Secretary shall by regulation—

Minimum standards, establishment.

(1) within one year after the date of the enactment of this title, establish minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, or trailers;

(2) within two years after the date of the enactment of this title, require that all new truck tractors, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection; and

(3) within five years after the date of the enactment of this title, require that all truck trailers, semitrailers, and trailers operated on the Interstate System be equipped with any splash and spray suppression device which satisfies the standards established pursuant to paragraph (1) of this subsection.

Definitions.

(c) For the purposes of this section, the term—

(1) "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer(s);

(2) "semitrailer" and "trailer" mean any semitrailer or trailer, respectively, with respect to which section 422 of this title applies; and

(3) "Interstate System" has the same meaning provided in section 101 of title 23, United States Code.

REPORT REGARDING LONGER COMBINATION COMMERCIAL MOTOR VEHICLES

Submittal to Congress.
49 USC 2315.

SEC. 415. (a) Within 18 months after the date of enactment of this title, the Secretary, after consultation with the transportation officials and Governors of the several States and after an opportunity for public comment, shall submit to Congress a detailed report on the potential benefits and costs if any, to shippers, receivers, operators of commercial motor vehicles, and the general public, that reasonably may be anticipated from the establishment of a National intercity truck route network for the operation of a special class of longer combination commercial motor vehicles.

Definitions.

(b) For the purposes of this section, the term—

(1) "longer combination commercial motor vehicles" means multiple-trailer combinations consisting of (A) truck tractor-semitrailer-full trailer, and (B) truck tractor-semitrailer-full trailer-full trailer combinations with an overall length not in excess of one hundred and ten feet; and

(2) "national intercity truck route network" means a network consisting of a number of controlled-access, interconnecting segments of the National System of Interstate and Defense Highways and other highways of comparable design and traffic capacity including, but not limited to, all such highways where the operation of longer combination commercial motor vehicles is authorized on the date of enactment of this section.

(c) The detailed report mandated by this section shall include, but need not be limited to, the following—

(1) a specific plan for the establishment of a national intercity truck route network, including the designation of those specific highway segments which would be required to connect the major distribution centers and markets for long-haul intercity freight service, except that the Secretary shall not include in the plan any highway segment which, because of design limitations or other factors, cannot accommodate the safe operation of longer combination commercial motor vehicles;

(2) an analysis of the intercity motor freight volume that reasonably can be anticipated to be transported by longer combination commercial motor vehicles over the national intercity truck route network if such network is established by Congress;

(3) an analysis of the fuel savings that reasonably can be anticipated in the transportation of freight by commercial motor vehicle if such network is established by Congress;

(4) an analysis of the productivity gains that reasonably can be anticipated to be achieved in the transportation of freight by commercial motor vehicle if such network is established by Congress;

(5) an analysis of the fuel conservation and productivity gains historically achieved by operators of longer combination commercial motor vehicles; and

(6) an analysis of the safety record of longer combination commercial motor vehicle operations that have been conducted prior to the date of enactment of this section.

Weight limits.

(d) In making the findings and determinations required by subsection (c) of this section, and in making the detailed report to Congress required by this section, the Secretary shall assume that the longer combination commercial motor vehicles operating on the national intercity truck route network, if and when established by Congress, would be subject to the single- and tandem-axle weight limits imposed by section 127 of title 23, United States Code. The Secretary shall further assume that the overall gross weight of such vehicles on a group of two or more consecutive axles shall be limited by the formula set forth in such section, and only by such formula.

(e) In making the detailed report to Congress required by this section, the Secretary shall assume that longer combination commercial motor vehicles operating on the national intercity truck route network will have reasonable access to terminals, combination breakup areas, and food and fuel facilities consistent with safe operations of such vehicles.

Part C—Other Provisions

STATE RECREATIONAL BOATING

Sec. 421. (a) The Federal Boat Safety Act of 1971 (Public Law 92-75; 85 Stat. 213) is amended as follows:

(1) By inserting "contract with, and" immediately after "The Secretary may" in the second sentence of section 25(a) (46 U.S.C. 1474(a)) and in section 26(a) (46 U.S.C. 1475(a)) immediately after "promulgate, may". 96 STAT. 2163

(2) In section 26 (b) and (c) (46 U.S.C. 1475 (b) and (c))—

(A) by striking "appropriated" and inserting "authorized to be expended"; and

(B) by adding at the end thereof the following: "His action in doing so shall be deemed a contractual obligation of the United States for the payment of the proportional share of the cost of implementing the program.".

(3) In section 26(d) (46 U.S.C. 1475(d))—

(A) by striking "appropriated" in the third and fourth sentences and inserting in lieu thereof "authorized to be expended";

(B) by inserting immediately after the third sentence the following: "Approval of those elements of a combined program shall be deemed a contractual obligation of the United States for the payment of the proportional share of the cost of implementing State recreational boating safety programs pursuant to this Act."; and

(C) by adding at the end thereof the following: "Approval of those elements of a combined program shall be deemed a contractual obligation of the United States for the payment of the proportional share of the cost of implementing State recreational boating facilities programs pursuant to this Act.".

(4) In section 30 (46 U.S.C. 1479) by striking the section heading and all that follows thereafter and inserting in lieu thereof the following:

"AUTHORIZATION OF CONTRACT SPENDING AUTHORITY FOR STATE RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT PROGRAMS

"Sec. 30. For the purposes of providing financial assistance for State recreational boating safety and facilities improvement programs, the Secretary is authorized to expend, subject to such amounts as are provided in appropriations Acts for liquidation of contract authority, an amount equal to the revenues accruing each fiscal year from the taxes under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel in motor boats and under section 4081 of such Code with respect to gasoline used as fuel in motor boats. Of the funds available for allocations and distribution for recreational boating safety and facilities improvement programs, one-third shall be allocated for recreational boating safety programs and two-thirds shall be allocated for recreational boating facilities improvement programs beginning with fiscal year 1983. Any funds authorized to be expended for State

26 USC 4041.
26 USC 4081.

recreational and boating safety improvement programs shall remain available until expended and shall be deemed to have been expended only if a sum equal to the total amounts authorized to be expended under this section for the fiscal year in question and all previous fiscal years have been obligated. Any funds that were previously obligated but are released by payment of a final voucher or modification of a program acceptance shall be credited to the balance of unobligated funds and shall be immediately available for expenditure.".

96 STAT. 2164

REFORESTATION

16 USC 1606a.

SEC. 422. (a) Section 303 (d) and (e) of the Act of October 14, 1980 (P.L. 96-451, 16 U.S.C. 160a (d) and (e)), are amended to read as follows:

"(d) During each of the fiscal years 1983, 1984, and 1985, the Secretary of Agriculture shall expend all amounts available in the Trust Fund (including any amounts not expended in previous fiscal years) for—

"(1) reforestation and timber stand improvement as set forth in the Congressional policy in section 3(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(d)); and

"(2) administrative costs of the Federal Government properly allocatable to the activities described in paragraph (1).

In no event may the Secretary expend less than $104,000,000 out of the Trust Fund in fiscal year 1983 for the purposes of this subsection.

"(e) It is the intent of Congress that the Secretary shall expend all of the funds available in the Trust Fund in each fiscal year. Any such funds which are not expended in a given fiscal year shall remain available for expenditure without fiscal year limitation; except that any funds not expended prior to October 1, 1985, shall, no later than April 30, 1986, be distributed to the States for use in State forestry programs pursuant to the formula set forth in the Act of May 23, 1908 (16 U.S.C. 500, Public Law 136, Sixtieth Congress.".

(b) In section 303(b)(1) of such Act, strike out "and before October 1, 1985,".

SALTONSTALL-KENNEDY ACT AMENDMENT

SEC. 423. (a) Section 2(e) of the Act of August 11, 1939, commonly referred to as the Saltonstall-Kennedy Act (15 U.S.C. 713c-3 (e)), is amended to read as follows:

"(e) ALLOCATION OF FUND MONEYS.—(1) Notwithstanding any other provision of law, all moneys in the fund shall be used exclusively for the purpose of promoting United States fisheries in accordance with the provisions of this section, and no such moneys shall be transferred from the fund for any other purpose. With respect to any fiscal year, all moneys in the fund, including the sum of all unexpended moneys carried over into that fiscal year and all moneys transferred to the fund under subsection (b) or any other provision of law with respect to that fiscal year, shall be allocated as follows:

"(A) the Secretary shall use no less than 60 per centum of such moneys to make direct industry assistance grants to develop the United States fisheries and to expand domestic and foreign markets for United States fishery products pursuant to subsection (c) of this section; and

"(B) the Secretary shall use the balance of the moneys in the fund to finance those activities of the National Marine Fisheries Service which are directly related to development of the United States fisheries pursuant to subsection (d) of this section.

"(2) The Secretary shall, consistent with the number of meritorious applications received with respect to any fiscal year, obligate or expend all of the moneys in the fund described in paragraph (1). Any such moneys which are not expended in a given fiscal year shall remain available for expenditure in accordance with this section without fiscal year limitation, except that the Secretary shall not obligate such moneys at a rate less than that necessary to prevent the balance of moneys in the fund from exceeding $3,000,000 at the end of any fiscal year.".

(b) The amendment made by subsection (a) of this section shall take effect on October 1, 1983.

Effective date.
15 USC 713c-3 note.

OCEAN DUMPING

SEC. 424. (a) Section 104 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1431(b)) is amended by adding the following new subsections at the end thereof:

33 USC 1414.

"(h) Notwithstanding any provision of title I of the Marine Protection, Research, and Sanctuaries Act of 1972 to the contrary, during the two-year period beginning on the date of enactment of this subsection, no permit may be issued under such title I that authorizes the dumping of any low-level radioactive waste unless the Administrator of the Environmental Protection Agency determines—

Permit issuance.
33 USC 1414.

"(1) that the proposed dumping is necessary to conduct research—

"(A) on new technology related to ocean dumping, or

"(B) to determine the degree to which the dumping of such substance will degrade the marine environment;

"(2) that the scale of the proposed dumping is limited to the smallest amount of such material and the shortest duration of time that is necessary to fulfill the purposes of the research, such that the dumping will have minimal adverse impact upon human health, welfare, and amenities, and the marine environment, ecological systems, economic potentialities, and other legitimate uses;

"(3) after consultation with the Secretary of Commerce, that the potential benefits of such research will outweigh any such adverse impact; and

"(4) that the proposed dumping will be preceded by appropriate baseline monitoring studies of the proposed dump site and its surrounding environment.

Each permit issued pursuant to this subsection shall be subject to such conditions and restrictions as the Administrator determines to be necessary to minimize possible adverse impacts of such dumping.

"(i)(1) Two years after the date of enactment of this subsection, the Administrator may not issue a permit under this title for the disposal of radioactive waste material until the applicant, in addition to complying with all other requirements of this title, prepares, with respect to the site at which the disposal is proposed, a Radioactive Material Disposal Impact Assessment which shall include—

Radioactive Material Disposal Impact Assessment.

"(A) a listing of all radioactive materials in each container to be disposed, the number of containers to be dumped, the structural diagrams of each container, the number of curies of each material in each container, and the exposure levels in rems at the inside and outside of each container;

"(B) an analysis of the environmental impact of the proposed action, at the site at which the applicant desires to dispose of the material, upon human health and welfare and marine life;

"(C) any adverse environmental effects at the site which cannot be avoided should the proposal be implemented;

"(D) an analysis of the resulting environmental and economic conditions if the containers fail to contain the radioactive waste material when initially deposited at the specific site;

"(E) a plan for the removal or containment of the disposed nuclear material if the container leaks or decomposes;

"(F) a determination by each affected State whether the proposed action is consistent with its approved Coastal Zone Management Program;

"(G) an analysis of the economic impact upon other users of marine resources;

"(H) alternatives to the proposed action;

Consultation and public hearing results.

"(I) comments and results of consultation with State officials and public hearings held in the coastal States that are nearest to the affected areas;

Comprehensive monitoring plan.

"(J) a comprehensive monitoring plan to be carried out by the applicant to determine the full effect of the disposal on the marine environment, living resources, or human health, which plan shall include, but not be limited to, the monitoring of exterior container radiation samples, the taking of water and sediment samples, and fish and benthic animal samples, adjacent to the containers, and the acquisition of such other information as the Administrator may require; and

"(K) such other information which the Administrator may require in order to determine the full effects of such disposal.

"(2) The Administrator shall include, in any permit to which paragraph (1) applies, such terms and conditions as may be necessary to ensure that the monitoring plan required under paragraph (1)(J) is fully implemented, including the analysis by the Administrator of the samples required to be taken under the plan.

Assessment, copy to congressional committees.

"(3) The Administrator shall submit a copy of the assessment prepared under paragraph (1) with respect to any permit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Recommendation to Congress.

"(4) (A) Upon a determination by the Administrator that a permit to which this subsection applies should be issued, the Administrator shall transmit such a recommendation to the House of Representatives and the Senate.

Ocean dumping permit, restricted issuance.

"(B) No permit may be issued by the Administrator under this Act for the disposal of radioactive materials in the ocean unless the Congress, by approval of a resolution described in paragraph (D) within 90 days of continuous session of the Congress beginning on the date after the date of receipt by the Senate and the House of Representatives of such recommendation, authorizes the Administrator to grant a permit to dispose of radioactive material under this Act.

"(C) For purposes of this subsection—

"(1) continuity of session of the Congress is broken only by an adjournment sine die;

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the 90 day calendar period.

"Resolution."

"(D) For the purposes of this subsection, the term 'resolution' means a joint resolution, the resolving clause of which is as follows: 'That the House of Representatives and the Senate approve and authorize the Administrator of the Environmental Protection Agency to grant a permit under the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of radioactive materials in the ocean as recommended by the Administrator to the Congress on __________, 19__.'; the first blank space therein to be filled with the appropriate applicant to dispose of nuclear material and the second blank therein to be filled with the date on which the Administrator submits the recommendation to the House of Representatives and the Senate.".

33 USC 1401 note.

96 STAT. 2167

THE MERCHANT MARINE ACT, 1936

SEC. 425. Section 1103(f) of the Merchant Marine Act, 1936 (46 U.S.C. 1273(f)), is amended by adding at the end thereof the following new sentence: "No additional limitations may be imposed on new commitments to guarantee loans for any fiscal year, except in such amounts as established in advance in annual authorization Acts. No vessel eligible for guarantees under this title shall be denied eligibility because of its type.".

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

49 USC 2206.

SEC. 426. (a) Section 507(a) of the Airport and Airway Improvement Act of 1982 (title V, Public Law 97-248, 96 Stat. 679) is amended by redesignating paragraph (3) as paragraph (3)(A) and adding immediately thereafter a new subparagraph (B) as follows:

Supplementary discretionary fund.
Distribution.

"(B) There is hereby established a supplementary discretionary fund consisting of those amounts to be credited to such fund pursuant to section 505(a) of this title. Amounts in the supplementary discretionary fund shall be distributed by the Secretary in the same manner and for the same purposes as funds distributed pursuant to subparagraph (A) except that (i) such amounts may only be distributed for projects involving construction, reconstruction, or repair begun after the date of enactment of this subparagraph and not to pay for any such work begun before such date, and (ii) the Secretary shall give preference to those projects that increase the safety or capacity of the airport receiving such funds. If any Act of Congress has the effect of limiting or reducing the amount authorized or available to be obligated for any fiscal year for the purposes of section 505, the Secretary shall implement such limitation or reduction by deferring the distribution of a corresponding amount of supplementary discretionary funds until a subsequent fiscal year. In no event may the Secretary reduce any other apportionment or distribution under this section in order to comply with any such Congressional limitation or reduction unless all of the supplementary discretionary funds available for distribution in such year have been deferred until a subsequent fiscal year.".

Limitation or reduction.

Ante, p. 676.

(b) Section 505(a) of such Act is amended by—

(1) striking out "$1,050,000,000" and inserting in lieu thereof $1,250,000,000, of which $200,000,000 shall be credited to the supplementary discretionary fund established by paragraph (3)(B) of section 507(a) of this title";

(2) striking out "$1,843,500,000" and inserting in lieu thereof "$2,243,500,000, of which $400,000,000 shall be credited to such fund";

96 STAT. 2168

(3) striking out "$2,755,500,000" and inserting in lieu thereof "$3,230,500,000, of which $475,000,000 shall be credited to such fund";

(4) striking out "$3,772,500,000" and inserting in lieu thereof "$4,247,500,000, of which $475,000,000 shall be credited to such fund";

(5) striking out "$4,789,700,000" and inserting in lieu thereof "$5,264,700,000 of which $475,000,000 shall be credited to such fund"; and

(6) adding at the end thereof the following new sentence: "Those amounts credited to the supplementary discretionary fund pursuant to this subsection shall not be subject to any of the apportionments or distributions set forth in sections 507(a)(1), (2), (3)(A), or 508(d) of this title.".

Ante, p. 677.

(c) The first sentence of section 506(c)(2) of such Act is amended by striking out everything after "section 505" and inserting in lieu thereof "for that fiscal year multiplied by a factor equal to 1.83 in the case of fiscal year 1983; 1.25 in the case of fiscal year 1984; 1.28 in the case of fiscal year 1985; 1.28 in the case of fiscal year 1986; and 1.34 in the case of fiscal year 1987.".

Ante, p. 679.

(d) The second sentence of section 507(a)(1)(E) of such Act is amended by inserting ", after complying with the provisions of paragraph (3)(B) of this subsection," immediately after "the Secretary".

26 USC 9502.

(e) Section 9502(d)(1)(A) of the Internal Revenue Code of 1954 is amended by striking out "the Airport and Airway Improvement Act of 1982", the second time it appears therein, and inserting in lieu thereof "the Surface Transportation Assistance Act of 1982".

CODIFICATION CORRECTIONS

SEC. 427. Section 11909(b) of title 49, United States Code, is amended by inserting after "chapter 105 of this title" the following: ", or subject to the jurisdiction of the Commission prior to enactment of the Department of Transportation Act,".

(b) Section 11914(b) of title 49, United States Code, is amended by inserting after "chapter 105 of this title," the following: "or subject to the jurisdiction of the Commission prior to enactment of the Department of Transportation Act,".

Highway Revenue Act of 1982.

TITLE V—HIGHWAY REVENUE ACT OF 1982

Subtitle A—Short Title; Table of Contents; Amendment of 1954 Code

SEC. 501. SHORT TITLE; TABLE OF CONTENTS.

26 USC 1 note.

(a) SHORT TITLE.—This title may be cited as the "Highway Revenue Act of 1982".

(b) TABLE OF CONTENTS.—

TITLE V—HIGHWAY REVENUE ACT OF 1982

Subtitle A—Short Title; Table of Contents; Amendment of 1954 Code

96 STAT. 2169

Sec. 501. Short title; table of contents.
Sec. 502. Amendment of 1954 Code.

Subtitle B—Tax Changes

Sec. 511. Motor fuel taxes.
Sec. 512. Excise tax on heavy trucks.
Sec. 513. Heavy truck use tax.
Sec. 514. Taxes on heavy truck tires.
Sec. 515. Repeal of tax on lubricating oil.
Sec. 516. Period taxes and exemptions in effect.
Sec. 517. Treatment of certain motor carrier operating authorities acquired by taxpayers other than corporations.
Sec. 518. Extension of payment due date for certain fuel taxes.

Subtitle C—Floor Stocks Provisions

Sec. 521. Floor stocks taxes.
Sec. 522. Floor stocks refunds.
Sec. 523. Definitions and special rules.

Subtitle D—Highway Trust Fund; Mass Transit Account

Sec. 531. 4-year extension of Highway Trust Fund; codification of Trust Fund in Internal Revenue Code of 1954; establishment of Mass Transit Account.

Subtitle E—Miscellaneous Provisions

Sec. 541. Tax treatment of public utility property.
Sec. 542. No return required of individual whose only gross income is grant of $1,000 from State.
Sec. 543. Deduction for conventions on cruise ships.
Sec. 544. Additional weeks of Federal supplemental compensation.
Sec. 545. Exclusion of certain home energy assistance from income under SSI and AFDC.
Sec. 546. Modifications to chlor-alkali electrolytic cells.
Sec. 547. Interest exempt other than under the Internal Revenue Code of 1954.

SEC. 502. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided therein, whenever in subtitle B an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

Subtitle B—Tax Changes

SEC. 511. MOTOR FUEL TAXES.

(a) Taxes on Gasoline, Diesel Fuel, and Special Motor Fuels Increased From 4 Cents a Gallon to 9 Cents a Gallon.—

(1) Gasoline tax.—Subsection (a) of section 4081 (relating to tax on gasoline) is amended by striking out "4 cents a gallon" and inserting in lieu thereof "9 cents a gallon". 26 USC 4081.

(2) Diesel fuel and special motor fuels.—Section 4041 (relating to tax on diesel fuel and special motor fuels) is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following: 26 USC 4041.

"(a) Diesel Fuel and Special Motor Fuels.—

"(1) Diesel fuel.—There is hereby imposed a tax of 9 cents a gallon on any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle for use as a fuel in such vehicle, or

96 STAT. 2170

"(B) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under subparagraph (A).

"(2) Special motor fuels.—There is hereby imposed a tax of 9 cents a gallon on benzol, benzene, naphtha, liquefied petroleum gas, casing head and natural gasoline, or any other liquid (other than kerosene, gas oil, or fuel oil, or any product taxable under section 4081 or paragraph (1) of this subsection)—

"(A) sold by any person to an owner, lessee, or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat, or

"(B) used by any person as a fuel in a motor vehicle or motorboat unless there was a taxable sale of such liquid under subparagraph (A)."

(b) Exemption for Methanol and Ethanol Fuels.—

(1) In general.—Section 4041 is amended by adding at the end of the subsection (b) inserted by subsection (c) of this section the following new paragraph: 26 USC 4041.

"(2) Qualified methanol and ethanol fuel.—

"(A) In general.—No tax shall be imposed by subsection (a) on any qualified methanol or ethanol fuel.

"(B) Qualified methanol or ethanol fuel.—The term 'qualified methanol or ethanol fuel' means any liquid at least 85 percent of which consists of methanol, ethanol, or other alcohol produced from a substance other than petroleum or natural gas.

"(C) Termination.—On and after October 1, 1988, subparagraph (A) shall not apply."

(2) Coordination with credit.—Subsection (c) of section 44E (relating to coordination of credit for alcohol used as a fuel with exemption from excise tax) is amended by striking out "section 4041(k) or 4081(c)" and inserting in lieu thereof "subsection (b)(2) or (k) of section 4041 or section 4081(c)". 26 USC 44E.

(c) Exemption for Off-Highway Business Use.—

(1) Gasoline.—Subsection (a) of section 6421 (relating to nonhighway use of gasoline) is amended by striking out the first sentence and inserting in lieu thereof the following: "Except as provided in subsection (i), if gasoline is used in an off-highway business use, the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to the amount determined by multiplying the number of gallons so used by the rate at which tax was imposed on such gasoline under section 4081." 26 USC 6421.

(2) Diesel fuel and special motor fuels.—Section 4041 is amended by inserting after subsection (a) the following new subsection: 26 USC 4041.

"(b) EXEMPTION FOR OFF-HIGHWAY BUSINESS USE; EXEMPTION FOR QUALIFIED METHANOL AND ETHANOL FUEL.—

"(1) EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—

"(A) IN GENERAL.—No tax shall be imposed by subsection (a) on liquids sold for use or used in an off-highway business use.

"(B) TAX WHERE OTHER USE.— If a liquid on which no tax was imposed by reason of subparagraph (A) is used otherwise than in an off-highway business use, a tax shall be imposed by paragraph (1)(B) or (2)(B) of subsection (a) (whichever is appropriate).

96 STAT. 2171

"(C) OFF-HIGHWAY BUSINESS USE DEFINED.—For purposes of this subsection, the term 'off-highway business use' has the meaning given to such term by section 6421(d)(2)."

(3) CLERICAL AMENDMENTS.—

26 USC 6421.

(A) Subparagraphs (A) and (B) of section 6421(d)(2) are each amended by striking out "qualified business use" and inserting in lieu thereof "off-highway business use".

(B) The heading for paragraph (2) of section 6421(d) is amended by striking out "QUALIFIED" and inserting in lieu thereof "OFF-HIGHWAY".

(d) RATES OF TAX FOR GASOHOL.—

26 USC 4081.

(1) AMENDMENTS OF SECTION 4081.—

(A) IN GENERAL.—Paragraph (1) of section 4081(c) (relating to gasoline mixed with alcohol) is amended by striking out "no tax shall be imposed by this section on the sale of any gasoline" and inserting in lieu thereof "subsection (a) shall be applied by substituting '4 cents' for '9 cents' in the case of the sale of any gasoline".

(B) TREATMENT OF LATER SEPARATION.—

(i) Paragraph (2) of section 4081(c) is amended by striking out "tax was not imposed by reason of this subsection" and inserting in lieu thereof "tax was imposed under subsection (a) at the rate of 4 cents a gallon by reason of this subsection".

(ii) Paragraph (2) of section 4081(c) is amended by adding at the end thereof the following new sentence: "The amount of tax imposed on any sale of such gasoline by such person shall be 5 cents a gallon."

26 USC 4041.

(2) AMENDMENT OF SECTION 4041.—Subsection (k) of section 4041 (relating to fuels containing alcohol) is amended to read as follows:

"(k) FUELS CONTAINING ALCOHOL.—

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of the sale or use of any liquid fuel at least 10 percent of which consists of alcohol (as defined in section 4081(c)(3))—

"(A) subsection (a) shall be applied by substituting '4 cents' for '9 cents' each place it appears, and

"(B) no tax shall be imposed by subsection (c).

"(2) LATER SEPARATION.—If any person separates the liquid fuel from a mixture of the liquid fuel and alcohol to which paragraph (1) applied, such separation shall be treated as a sale of the liquid fuel. Any tax imposed on such sale shall be reduced by the amount (if any) of the tax imposed on the sale of such mixture.

"(3) TERMINATION.—Paragraph (1) shall not apply to any sale or use after December 31, 1992."

26 USC 44E.

(3) CREDIT FOR ALCOHOL USED AS A FUEL.—Section 44E (relating to alcohol used as a fuel) is amended—

(A) by striking out "40 cents" each place it appears and inserting in lieu thereof "50 cents", and

(B) by striking out "30 cents" each place it appears and inserting in lieu thereof "37.5 cents".

26 USC 6427.

(4) AMENDMENTS OF SECTION 6427.—Subsection (f) of section 6427 is amended to read as follows:

"(f) GASOLINE USED TO PRODUCE CERTAIN ALCOHOL FUELS.—

96 STAT. 2172

"(1) IN GENERAL.—Except as provided in subsection (i), if any gasoline on which a tax is imposed by section 4081 at the rate of 9 cents a gallon is used by any person in producing a mixture described in section 4081(c) which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the amount determined at the rate of 5 cents a gallon. The preceding sentence shall not apply with respect to any mixture sold or used after December 31, 1992.

"(2) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under paragraph (1) with respect to any gasoline with respect to which an amount is payable under subsection (d) or (e) of this section or under section 6420 or 6421."

(5) TARIFF ON ALCOHOL IMPORTED FOR USE AS A FUEL.—Item 901.50 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "40 cents per gal." each place it appears and inserting in lieu thereof "50 cents per gal."

(e) USE IN CERTAIN TAXICABS.—

(1) IN GENERAL.—Paragraph (1) of section 6427(e) (relating to use in certain taxicabs) is amended by striking out "an amount equal to the aggregate amount of the tax imposed on such gasoline or fuel" and inserting in lieu thereof "an amount determined at the rate of 4 cents a gallon". 26 USC 6427.

(2) EXTENSION OF REPAYMENT.—Paragraph (3) of section 6427(e) (relating to termination) is amended by striking out "December 31, 1982" and inserting in lieu thereof "September 30, 1984".

(3) SUSPENSION OF SHARED TRANSPORTATION REQUIREMENT.—Clause (ii) of section 6427(e)(2)(A) (relating to qualified taxicab services) is amended to read as follows:

"(ii) is not prohibited by company policy from furnishing (with the consent of the passengers) shared transportation."

(4) STUDY.—The Secretary of the Treasury or his delegate shall conduct a study of the reduced rate of fuels taxes provided for taxicabs by section 6427(e) of the Internal Revenue Code of 1954. Not later than January 1, 1984, the Secretary shall transmit a report on the study conducted under the preceding sentence to the Congress, together with such recommendations as he may deem advisable.

Report and recommendations to Congress. 26 USC 6427 note.

(f) REFUND OF MOTOR FUEL TAXES TO AERIAL AND OTHER APPLICATORS OF AGRICULTURAL SUBSTANCES.—Paragraph (4) of section 6420(c) (defining use on a farm for farming purposes) is amended to read as follows: 26 USC 6420.

"(4) CERTAIN FARMING USE OTHER THAN BY OWNER, ETC.—In applying paragraph (3)(A) to a use on a farm for any purpose described in paragraph (3)(A) by any person other than the owner, tenant, or operator of such farm—

"(A) the owner, tenant, or operator of such farm shall be treated as the user and ultimate purchaser of the gasoline, except that

"(B) if—

"(i) the person so using the gasoline is an aerial or other applicator of fertilizers or other substances and is the ultimate purchaser of the gasoline, and

96 STAT. 2173

"(ii) the person described in subparagraph (A) waives (at such time and in such form and manner as the Secretary shall prescribe) his right to be treated as the user and ultimate purchaser of the gasoline,

then subparagraph (A) of this paragraph shall not apply and the aerial or other applicator shall be treated as having used such gasoline on a farm for farming purposes."

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

26 USC 4041.

(1) Gasoline used in noncommercial aviation.—Paragraph (3) of section 4041(c) (relating to noncommercial aviation) is amended to read as follows:

"(3) Rate of tax.—The rate of tax imposed by paragraph (2) on any gasoline is the excess of 12 cents a gallon over the rate at which tax was imposed on such gasoline under section 4081."

(2) Comforming amendments.—

26 USC 6416.

(A) Paragraph (2) of section 6416(b) is amended by striking out "section 4041 (a)(1) or (b)(1)" and inserting in lieu thereof "paragraph (1)(A) or (2)(A) of section 4041(a)".

26 USC 6427.

(B) Subsection (a) of section 6427 is amended by striking out "section 4041 (a), (b), or (c)" and inserting in lieu thereof "section 4041 (a) or (c)".

(C) Paragraph (1) of section 6427(b) is amended by striking out "subsection (a) or (b) of section 4041" each place it appears and inserting in lieu thereof "subsection (a) of section 4041".

(D) Subsection (c) of section 6427 is amended by striking out "section 4041 (a), (b) or (c)" and inserting in lieu thereof "section 4041 (a) or (c)".

26 USC 4041 note.

(h) Effective Date.—

(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on April 1, 1983.

(2) Tariff on imported alcohol.—The amendment made by subsection (d)(5) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after March 31, 1983.

(3) For subsection (e)(2).—The amendment made by subsection (e)(2) shall take effect on January 1, 1983.

(4) Shared transportation requirement.—The amendment made by subsection (e)(3) shall apply with respect to fuel purchased after December 31, 1982, and before January 1, 1984.

SEC. 512. EXCISE TAX ON HEAVY TRUCKS.

(a) Changes in Existing Manufacturers Excise Tax.—

26 USC 4061.

(1) Increase in threshold weights.—Paragraph (2) of section 4061(a) (relating to exclusion for light-duty trucks, etc.) is amended to read as follows:

"(2) Exclusion for trucks with gross vehicle weight of 33,000 pounds or less, and certain trailers.—

"(A) The tax imposed by paragraph (1) shall not apply to automobile truck chassis and automobile truck bodies, suitable for use with a vehicle which has a gross vehicle weight of 33,000 pounds or less (as determined under regulations prescribed by the Secretary).

"(B) The tax imposed by paragraph (1) shall not apply to truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer which has a gross vehicle weight of 26,000 pounds or less (as determined under regulations prescribed by the Secretary)."

96 STAT. 2174

26 USC 4061.

(2) Repeal of tax on parts and accessories, termination of tax imposed at manufactures level.—Section 4061 is amended by adding at the end thereof the following new subsection:

"(c) Termination.—

"(1) Tax on parts and accessories.—On and after the day after the date of the enactment of this subsection, the tax imposed by subsection (b) shall not apply.

"(2) Tax on trucks.—On and after April 1, 1983, the tax imposed by subsection (a) shall not apply."

26 USC 4063.

(3) Exemption of certain rail trailers and vans.—Subsection (a) of section 4063 (relating to exemptions for specified articles) is amended by adding at the end thereof the following new paragraph:

"(8) Rail trailers and rail vans.—The tax imposed under section 4061 shall not apply in the case of—

"(A) any chassis or body of a trailer or semitrailer which is designed for use both as a highway vehicle and a railroad car, and

"(B) any parts or accessories designed primarily for use on or in connection with an article described in subparagraph (A).

For purposes of this paragraph, a piggy-back trailer or semitrailer shall not be treated as designed for use as a railroad car."

(4) Effective date.—The amendments made by this subsection shall take effect on the day after the date of the enactment of this Act. 26 USC 4061 note.

(b) Imposition of Retail Tax on Sale of Heavy Trucks and Trailers.—

(1) In general.—Chapter 31 is amended by adding at the end thereof the following new subchapter:

"Subchapter B—Heavy Trucks and Trailers

"Sec. 4051. Imposition of tax on heavy trucks and trailers sold at retail.
"Sec. 4052. Definitions and special rules.
"Sec. 4053. Exemptions.

"SEC. 4051. IMPOSITION OF TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.

26 USC 4051.

"(a) Imposition of Tax.—

"(1) In general.—There is hereby imposed on the first retail sale of the following articles (including in each case parts or accessories sold on or in connection therewith or with the sale thereof) a tax of 12 percent of the amount for which the article is so sold:

"(A) Automobile truck chassis.
"(B) Automobile truck bodies.
"(C) Truck trailer and semitrailer chassis.
"(D) Truck trailer and semitrailer bodies.
"(E) Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

"(2) Exclusion for trucks weighing 33,000 pounds or less.—The tax imposed by paragraph (1) shall not apply to automobile truck chassis and automobile truck bodies, suitable for use with a vehicle which has a gross vehicle weight of 33,000 pounds or less (as determined under regulations prescribed by the Secretary).

96 STAT. 2175

"(3) Exclusion for trailers weighing 26,000 pounds or less.—The tax imposed by paragraph (1) shall not apply to truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer which has a gross vehicle weight of 26,000 pounds or less (as determined under regulations prescribed by the Secretary.

"(4) Sale of trucks, etc., treated as sale of chassis and body.—For purposes of this subsection, a sale of an automobile truck or truck trailer or semitrailer shall be considered to be a sale of a chassis and of a body described in paragraph (1).

"(b) Separate Purchase of Truck or Trailer and Parts and Accessories Therefor.—Under regulations prescribed by the Secretary—

"(1) In general.—If—

"(A) the owner, lessee, or operator of any vehicle which contains an article taxable under subsection (a) installs (or causes to be installed) any part or accessory on such vehicle, and

"(B) such installation is not later than the date 6 months after the date such vehicle (as it contains such article) was first placed in service,

then there is hereby imposed on such installation a tax equal to 12 percent of the price of such part or accessory and its installation.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply if—

"(A) the part or accessory installed is a replacement part or accessory, or

"(B) the aggregate price of the parts and accessories (and their installation) described in paragraph (1) with respect to any vehicle does not exceed $200 (or such other amount or amounts as the Secretary may by regulations prescribe).

"(3) INSTALLERS SECONDARILY LIABLE FOR TAX.—In addition to the owner, lessee, or operator of the vehicle, the owner of the trade or business installing the part or accessory shall be liable for the tax imposed by paragraph (1).

"(c) TERMINATION.—On and after October 1, 1988, the taxes imposed by this section shall not apply.

"(d) TRANSITIONAL RULE.—In the case of any article taxable under subsection (a) on which tax was imposed under section 4061(a), subsection (a) shall be applied by substituting '2 percent' for '12 percent'.

26 USC 4052.

"SEC. 4052. DEFINITIONS AND SPECIAL RULES.

"(a) FIRST RETAIL SALE.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'first retail sale' means the first sale, for a purpose other than for resale, after manufacture, production, or importation.

"(2) LEASES CONSIDERED AS SALES.—Rules similar to the rules of section 4217 shall apply.

"(3) USE TREATED AS SALE.—

"(A) IN GENERAL.—If any person uses an article taxable under section 4051 before the first retail sale of such article, then such person shall be liable for tax under section 4051 in the same manner as if such article were sold at retail by him.

96 STAT. 2176

"(B) EXEMPTION FOR USE IN FURTHER MANUFACTURE.—Subparagraph (A) shall not apply to use of an article as material in the manufacture or production of, or as a component part of, another article to be manufactured or produced by him.

"(C) COMPUTATION OF TAX.—In the case of any person made liable for tax by subparagraph (A), the tax shall be computed on the price at which similar articles are sold at retail in the ordinary course of trade, as determined by the Secretary.

"(b) DETERMINATION OF PRICE.—

"(1) IN GENERAL.—In determining price for purposes of this subchapter—

"(A) there shall be included any charge incident to placing the article in condition ready for use,

"(B) there shall be excluded—

"(i) the amount of the tax imposed by this subchapter,

"(ii) if stated as a separate charge, the amount of any retail sales tax imposed by any State or political subdivision thereof or the District of Columbia, whether the liability for such tax is imposed on the vendor or vendee, and

"(iii) the fair market value (including any tax imposed by section 4071) at retail of any tires (not including any metal rim or rim base), and

"(C) the price shall be determined without regard to any trade-in.

"(2) SALES NOT AT ARM'S LENGTH.—In the case of any article sold (otherwise than through an arm's-length transaction) at less than the fair market price, the tax under this subchapter shall be computed on the price for which similar articles are sold at retail in the ordinary course of trade, as determined by the Secretary.

"(c) Certain Combinations Not Treated as Manufacture.—For purposes of this subchapter (other than subsection (a)(3)(B)), a person shall not be treated as engaged in the manufacture of any article by reason of merely combining such article with any equipment or other item listed in section 4063(d).

"(d) Certain Other Rules Made Applicable.—Under regulations prescribed by the Secretary, rules similar to the rules of—

"(1) subsections (c) and (d) of section 4216 (relating to partial payments), and

"(2) section 4222 (relating to registration),

shall apply for purposes of this subchapter.

"SEC. 4053. EXEMPTIONS.

26 USC 4053.

"(a) Exemption of Specified Articles.—No tax shall be imposed under section 4051 on any article specified in subsection (a) of section 4063.

"(b) Certain Exemptions Made Applicable.—The exemptions provided by section 4221(a) are hereby extended to the tax imposed by section 4051."

96 STAT. 2177

(2) Technical and conforming amendments.—

(A) Chapter 31 is amended by striking out the chapter heading and inserting in lieu thereof the following:

"CHAPTER 31—RETAIL EXCISE TAXES

"Subchapter A. Special fuels.
"Subchapter B. Heavy trucks and trailers.

"Subchapter A—Special Fuels".

(B) The table of chapters for subtitle D is amended by striking out the item relating to chapter 31 and inserting in lieu thereof the following new item:

"Chapter 31. Retail excise taxes."

(C) Paragraph (2) of section 6416(b), as amended by this Act, is amended by inserting "or under section 4051" after "section 4041(a)".

26 USC 6416.

(D) Paragraph (1) of section 6416(a) is amended by striking out "chapter 31 (special fuels)" and inserting in lieu thereof "chapter 31 (relating to retail excise taxes)".

(3) Effective date.—The amendments made by this subsection shall take effect on April 1, 1983.

26 USC 4051 note.

SEC. 513. HEAVY TRUCK USE TAX.

(a) Increase in Rate of Tax.—Subsection (a) of section 4481 (relating to imposition of tax) is amended to read as follows:

26 USC 4481.

"(a) Imposition of Tax.—A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of at least 33,000 pounds at the rate specified in the following table:

"(1) In general.—

"Taxable gross weight		
At least	But less than	Rate of tax
33,000 pounds	55,000 pounds	$50 a year, plus $25 for each 1,000 pounds or fraction thereof in excess of 33,000 pounds.
55,000 pounds	80,000 pounds	$600 a year, plus the applicable rate for each 1,000 pounds or fraction thereof in excess of 55,000 pounds.
80,000 pounds or more		The maximum tax a year."

"(2) DEFINITIONS.—For purposes of paragraph (1)—

"In the case of the taxable period beginning on July 1 of:	The applicable rate is:	The maximum tax is:
1984	$40	$1,600
1985	40	1,600
1986	44	1,700
1987	48	1,800
1988 or thereafter	52	1,900."

(b) EXEMPTION WHERE TRUCK USED FOR LESS THAN 5,000 MILES ON PUBLIC HIGHWAYS.—Section 4483 (relating to exemptions from highway use tax) is amended by adding after subsection (c) thereof the following new subsection:

26 USC 4483.

96 STAT. 2178

"(d) EXEMPTION FOR TRUCKS USED FOR LESS THAN 5,000 MILES ON PUBLIC HIGHWAYS.—

"(1) SUSPENSION OF TAX.—

"(A) IN GENERAL.—If—

"(i) it is reasonable to expect that the use of any highway motor vehicle on public highways during any taxable period will be less than 5,000 miles, and

"(ii) the owner of such vehicle furnishes such information as the Secretary may by forms or regulations require with respect to the expected use of such vehicle,

26 USC 4481.

then the collection of the tax imposed by section 4481 with respect to the use of such vehicle shall be suspended during the taxable period.

"(B) SUSPENSION CEASES TO APPLY WHERE USE EXCEEDS 5,000 MILES.—Subparagraph (A) shall cease to apply with respect to any highway motor vehicle whenever the use of such vehicle on public highways during the taxable period exceeds 5,000 miles.

"(2) EXEMPTION.—If—

"(A) the collection of the tax imposed by section 4481 with respect to any highway motor vehicle is suspended under paragraph (1),

"(B) such vehicle is not used during the taxable period on public highways for more than 5,000 miles, and

"(C) except as otherwise provided in regulations, the owner of such vehicle furnishes such information as the Secretary may require with respect to the use of such vehicle during the taxable period,

then no tax shall be imposed by section 4481 on the use of such vehicle for the taxable period.

"(3) REFUND WHERE TAX PAID AND VEHICLE NOT USED FOR MORE THAN 5,000 MILES.—If—

"(A) the tax imposed by section 4481 is paid with respect to any highway motor vehicle for any taxable period, and

"(B) the requirements of subparagraphs (B) and (C) of paragraph (2) are met with respect to such taxable period,

the amount of such tax shall be credited or refunded (without interest) to the person who paid such tax.

"(4) RELIEF FROM LIABILITY FOR TAX UNDER CERTAIN CIRCUMSTANCES WHERE TRUCK IS TRANSFERRED.—Under regulations prescribed by the Secretary, the owner of a highway motor vehicle with respect to which the collection of the tax imposed by section 4481 is suspended under paragraph (1) shall not be liable for the tax imposed by section 4481 (and the new owner shall be liable for such tax) with respect to such vehicle if—

"(A) such vehicle is transferred to a new owner,

"(B) such suspension is in effect at the time of such transfer, and

"(C) the old owner furnishes such information as the Secretary by forms and regulations requires with respect to the transfer of such vehicle.

"(5) OWNER DEFINED.—For purposes of this subsection, the term 'owner' means, with respect to any highway motor vehicle, the person described in section 4481(b)."

96 STAT. 2179

(c) CLARIFICATION OF TRAILERS CUSTOMARILY USED IN CONNECTION WITH HIGHWAY MOTOR VEHICLES.—

(1) Subsection (c) of section 4482 is amended by adding at the end thereof the following new paragraph: 26 USC 4482.

"(5) CUSTOMARY USE.—A semitrailer or trailer shall be treated as customarily used in connection with a highway motor vehicle if such vehicle is equipped to tow such semitrailer or trailer."

(2) The heading for subsection (c) of section 4482 is amended by inserting "AND SPECIAL RULE" after "DEFINITIONS".

(d) PRORATION OF TAX WHERE VEHICLE DESTROYED.—Subsection (c) of section 4481 (relating to proration of tax) is amended to read as follows: 26 USC 4481.

"(c) PRORATION OF TAX.—

"(1) WHERE FIRST USE OCCURS AFTER FIRST MONTH.—If in any taxable period the first use of the highway motor vehicle is after the first month in such period, the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the last day in such taxable period.

"(2) WHERE VEHICLE DESTROYED OR STOLEN.—

"(A) IN GENERAL.—If in any taxable period a highway motor vehicle is destroyed or stolen before the first day of the last month in such period and not subsequently used during such taxable period, the tax shall be reckoned proportionately from the first day of the month in such period in which the first use of such highway motor vehicle occurs to and including the last day of the month in which such highway motor vehicle was destroyed or stolen.

"(B) DESTROYED.—For purposes of subparagraph (A), a highway motor vehicle is destroyed if such vehicle is damaged by reason of an accident or other casualty to such an extent that it is not economic to rebuild."

(e) SPECIAL RULE FOR TAXABLE PERIOD IN WHICH TERMINATION DATE OCCURS.—Section 4482 is amended by adding at the end thereof the following new subsection: 26 USC 4482.

"(d) SPECIAL RULE FOR TAXABLE PERIOD IN WHICH TERMINATION DATE OCCURS.—In the case of the taxable period which ends on September 30, 1988, the amount of the tax imposed by section 4481 with respect to any highway motor vehicle shall be determined by reducing each dollar amount in the table contained in section 4481(a) by 75 percent." *Ante*, p. 2177.

(f) EFFECTIVE DATE.— 26 USC 4481 note.

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on July 1, 1984.

(2) SPECIAL RULE IN THE CASE OF CERTAIN OWNER-OPERATORS.—

(A) IN GENERAL.—In the case of a small owner-operator, paragraph (1) of this subsection and paragraph (2) of section 4481(a) of the Internal Revenue Code of 1954 (as added by this section) shall be applied by substituting for each date contained in such paragraphs a date which is 1 year after the date so contained.

(B) SMALL OWNER-OPERATOR.—For purposes of this paragraph, the term "small owner-operator" means any person who owns and operates at any time during the taxable period no more than 5 highway motor vehicles with respect to which a tax is imposed by section 4481 of such Code for such taxable period.

96 STAT. 2180

(D) AGGREGATION OF VEHICLE OWNERSHIPS.—For purposes of subparagraph (B), all highway motor vehicles with respect to which a tax is imposed by section 4481 of such Code which are owned by—

(i) any trade or business (whether or not incorporated) which is under common control with the taxpayer (within the meaning of section 52 (b)), or

(ii) any member of any controlled groups of corporations of which the taxpayer is a member, for any

taxable period shall be treated as being owned by the taxpayer during such period. The Secretary shall prescribe regulations which provide attribution rules that take into account, in addition to the persons and entities described in the preceding sentence, taxpayers who own highway motor vehicles through partnerships, joint ventures, and corporations.

(E) CONTROLLED GROUPS OF CORPORATIONS.—For purposes of this paragraph, the term "controlled group of corporations" has the meaning given to such term by section 1563(a), except that—

(i) "more than 50 percent" shall be substituted for "at least 80 percent" each place it appears in section 1563(a)(1), and

26 USC 1563.

(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

(F) HIGHWAY MOTOR VEHICLES.—For purposes of this paragraph, the term "highway motor vehicle" has the meaning given to such term by section 4482(a) of such Code.

26 USC 4481 note.

(g) STUDY OF ALTERNATIVES TO TAX ON USE OF HEAVY TRUCKS.—

(1) IN GENERAL.—The Secretary of Transportation (in consultation with the Secretary of the Treasury) shall conduct a study of—

(A) alternatives to the tax on heavy vehicles imposed by section 4481(a) of the Internal Revenue Code of 1954, and

Ante, p. 2177.

(B) plans for improving the collecting and enforcement of such tax and alternatives to such tax.

(2) ALTERNATIVES INCLUDED.—The alternatives studied under paragraph (1) shall include taxes based either singly or in suitable combinations on vehicle size or configuration; vehicle weight, both registered and actual operating weight; and distance traveled. Plans for improving tax collection and enforcement shall, to the extent practical, provide for Federal and State co-operation in such activities.

(3) CONSULTATION WITH STATE OFFICIALS AND OTHER AFFECTED PARTIES.—The study required under subsection (a) shall be conducted in consultation with State officials, motor carriers, and other affected parties.

(4) REPORT.—Not later than January 1, 1985, the Secretary of Transportation shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under paragraph (1) together with such recommendations as he may deem advisable.

96 STAT. 2181

SEC. 514. TAXES ON HEAVY TRUCK TIRES.

26 USC 4071.

(a) GENERAL RULE.—Subsection (a) of section 4071 (relating to imposition and rate of tax on tires and tubes) is amended to read as follows:

"(a) IMPOSITION AND RATE OF TAX.—There is hereby imposed on tires of the type used on highway vehicles, if wholly or in part made of rubber, sold by the manufacturer, producer, or importer a tax at the following rates:

"If the tire weighs:	The rate of tax is:
Not more than 40 lbs.	No tax.
More than 40 lbs. but not more than 70 lbs.	15 cents per lb. in excess of 40 lbs.
More than 70 lbs. but not more than 90 lbs.	$4.50 plus 30 cents per lb. in excess of 70 lbs.
More than 90 lbs.	$10.50 plus 50 cents per lb. in excess of 90 lbs."

26 USC 4071 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to articles sold on or after January 1, 1984.

SEC. 515. REPEAL OF TAX ON LUBRICATING OIL.

(a) General Rule.—Subpart B of part III of subchapter A of chapter 32 (relating to tax on lubricating oil) is hereby repealed. 26 USC 4091-4094.

(b) Technical Amendments.—

(1) Subsection (c) of section 4221 is amended by striking out "4083, or 4093" and inserting in lieu thereof "or 4083". 26 USC 4221.

(2) Subsection (d) of section 4222 is amended by striking out "4093,". 26 USC 4222.

(3)(A) Section 6206 is amended by striking out "4091 (with respect to payments under section 6424)," and by striking out "6424," each place it appears in the heading and the text. 26 USC 6206.

(B) The table of sections for subchapter A of chapter 63 is amended by striking out "6424," in the item relating to section 6206.

(4) Paragraph (2) of section 6416(b) is amended— 26 USC 6416.

(A) by striking out subparagraph (N),

(B) by striking out the next to the last sentence,

(C) by inserting "or" at the end of subparagraph (L), and

(D) by striking out "; or" at the end of subparagraph (M) and inserting in lieu thereof a period.

(5) Section 6424 (relating to lubricating oil used for certain nontaxable purposes) is hereby repealed. 26 USC 6424.

(6)(A) Subsection (a) of section 39 is amended by striking out paragraph (3), by redesignating paragraph (4) as paragraph (3), and by inserting "and" at the end of paragraph (2). 26 USC 39.

(B) Subsection (b) of section 39 is amended—

(i) by striking out "section 6421, 6424, or 6427" and inserting in lieu thereof "section 6421 or 6427", and

(ii) by striking out "section 6421(i), 6424(f), or 6427(i)" and inserting in lieu thereof "section 6421(i) or 6427(i)".

(C) The heading for section 39 is amended by striking out ", SPECIAL FUELS, AND LUBRICATING OIL" and inserting in lieu thereof "AND SPECIAL FUELS".

(D) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking out ", special fuels, and lubricating oil" in the item relating to section 39 and inserting in lieu thereof "and special fuels".

96 STAT. 2182

(E) Sections 874(a) and 6201(a)(4) are each amended by striking out ", special fuels, and lubricating oil" and inserting in lieu thereof "and special fuels". 26 USC 874, 6201.

(F) Paragraph (2) of section 882(c) is amended by striking out "and lubricating oil". 26 USC 882.

(7) Subparagraph (C) of section 6421(d)(2) is amended by striking out ", special motor fuels, and lubricating oil" and inserting in lieu thereof "and special motor fuels". 26 USC 6421.

(8) Section 4101 is amended by striking out "or section 4091". 26 USC 4101.

(9) Section 4102 is amended by striking out "or lubricating oils". 26 USC 4102.

(10) Paragraph (9) of section 6504 is amended by striking out "6424 (relating to lubricating oil used for certain nontaxable purposes)," and by striking out "6424,". 26 USC 6504.

(11)(A) Subsection (a) of section 6675 is amended by striking out "6424 (relating to lubricating oil used for certain nontaxable purposes),". 26 USC 6675.

(B) Paragraph (1) of section 6675(b) is amended by striking out "6424,".

(C) The heading for section 6675 is amended by striking out "OR LUBRICATING OIL.".

(D) The table of sections for subchapter B of chapter 68 is amended by striking out "or lubricating oil" in the item relating to section 6675.

(12) Sections 7210, 7603, 7604, 7605, 7609(c)(1), and 7610(c) are each amended by striking out "6424(d)(2)," each place it appears. 26 USC 7210, 7603-7605, 7609, 7610.

(13) The table of subparts for part III of subchapter A of chapter 32 is amended by striking out the item relating to subpart B.

(14) The table of sections for subchapter B of chapter 65 is amended by striking out the item relating to section 6424.

26 USC 39 note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles sold after the date of the enactment of this Act.

SEC. 516. PERIOD TAXES AND EXEMPTIONS IN EFFECT.

(a) PERIOD TAXES IN EFFECT.—

(1) SPECIAL FUELS TAX.—

Ante, p. 2169. (A) Subsection (a) of section 4041 (as amended by this Act) is amended by adding at the end thereof the following new paragraph:

"(3) TERMINATION.—On and after October 1, 1988, the taxes imposed by this subsection shall not apply."

(B) Subsection (e) of section 4041 is hereby repealed.

26 USC 4071. (2) TIRES AND TREAD RUBBER.—Subsection (d) of section 4071 is amended to read as follows:

"(d) TERMINATION.—On and after October 1, 1988, the taxes imposed by subsection (a) shall not apply."

26 USC 4081. (3) GASOLINE.—Subsection (b) of section 4081 is amended to read as follows:

"(b) TERMINATION.—On and after October 1, 1988, the taxes imposed by this section shall not apply."

26 USC 4481, 4482. (4) HIGHWAY USE TAX.—Sections 4481(e) and 4482(c)(4) are each amended by striking out "1984" each place it appears and inserting in lieu thereof "1988".

26 USC 6412. (5) FLOOR STOCKS TAXES.—Paragraph (1) of section 6412(a) (relating to floor stocks refunds) is amended—

(A) by striking out "1985" each place it appears and inserting in lieu thereof "1989", and

(B) by striking out "1984" each place it appears and inserting in lieu thereof "1988".

26 USC 6156, 6421. (6) OTHER PROVISIONS.—Paragraph (2) of section 6156(e) (relating to installment payments of tax on use of highway motor vehicles) and subsection (h) of section 6421 (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems) are each amended by striking out "1984" and inserting in lieu thereof "1988".

(b) TERMINATION OF EXEMPTIONS.—

26 USC 4041. (1)(A) Subsection (f) of section 4041 is amended by adding at the end thereof the following new paragraph:

"(3) TERMINATION.—On and after October 1, 1988, paragraph (1) shall not apply."

(B) Subsection (g) of section 4041 is amended by adding at the end thereof the following new sentence: "Paragraphs (2) and (4) shall not apply on and after October 1, 1988."

26 USC 4221 (2) Subsection (a) of section 4221 (relating to certain tax resales) is amended by adding at the end thereof the following new sentence: "In the case of taxes imposed by section 4051, 4071, or 4081, paragraphs (4) and (5) shall not apply on and after October 1, 1988."

26 USC 4483. (3) Section 4483 (relating to exemption for highway use tax) is amended by adding after subsection (d) thereof the following new subsection:

"(e) TERMINATION OF EXEMPTIONS.—Subsections (a) and (c) shall not apply on and after October 1, 1988."

26 USC 6420. (4) Section 6420 (relating to gasoline used on farms) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) TERMINATION.—This section shall apply only with respect to gasoline purchased before October 1, 1988."

26 USC 6427. (5) Section 6427 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) Termination of Subsections (a), (b), (c), and (d).—Subsections (a), (b), (c), and (d) shall only apply with respect to fuels purchased before October 1, 1988."

SEC. 517. TREATMENT OF CERTAIN MOTOR CARRIER OPERATING AUTHORITIES ACQUIRED BY TAXPAYERS OTHER THAN CORPORATIONS.

26 USC 165 note.

(a) General Rule.—Paragraph (2) of section 266(c) of the Economic Recovery Tax Act of 1981 (relating to stock acquisitions of motor carrier operating authorities) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) Treatment of certain noncorporate taxpayers.—Under regulations prescribed by the Secretary of the Treasury or his delegate, and at the election of the holder of the authority, in any case in which—

"(i) a noncorporate taxpayer or group of noncorporate taxpayers on or before July 1, 1980, acquired in one purchase stock in a corporation which held, directly or

96 STAT. 2184

indirectly, any motor carrier operating authority at the time of such acquisition, and

"(ii) the acquisition referred to in clause (i) would have satisfied the requirements of subparagraph (A) if the stock had been acquired by a corporation,

then, for purposes of subparagraphs (A) and (C), the noncorporate taxpayer or group of noncorporate taxpayers referred to in clause (i) shall be treated as a corporation. The preceding sentence shall apply only if such noncorporate taxpayer (or group of noncorporate taxpayers) on July 1, 1980, held stock constituting control (within the meaning of section 368(c) of the Internal Revenue Code of 1954) of the corporation holding (directly or indirectly) the motor carrier operating authority."

26 USC 368.

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years ending after July 30, 1980.

26 USC 165 note.

SEC. 518. EXTENSION OF PAYMENT DUE DATE FOR CERTAIN FUEL TAXES.

26 USC 4081 note.

(a) 14-Day Extension.—The Secretary shall prescribe regulations which permit any qualified person whose liability for tax under section 4081 of the Internal Revenue Code of 1954 is payable with respect to semi-monthly periods to pay such tax on or before the day which is 14 days after the close of such semi-monthly period if such payment is made by wire transfer to any government depository authorized under section 6302 of such Code.

26 USC 6302.

(b) Qualified Person Defined.—For purposes of this section—

(1) In general.—The term "qualified person" means—

(A) any person other than any person whose average daily production of crude oil for the preceding calendar quarter exceeds 1,000 barrels, and

(B) any independent refiner (within the meaning of section 4995(b)(4) of such Code).

26 USC 4995.

(2) Aggregation rules.—For purposes of paragraph (1), in determining whether any person's production exceeds 1,000 barrels per day, rules similar to the rules of section 4992(e) of the Internal Revenue Code of 1954 shall apply.

26 USC 4992.

(c) Special Rule Where 14th Day Falls on Saturday, Sunday, or Holiday.—If, but for this subsection, the due date under subsection (a) would fall on a Saturday, Sunday, or a holiday in the District of Columbia, such due date shall be deemed to be the immediately preceding day which is not a Saturday, Sunday, or such a holiday.

Subtitle C—Floor Stock Provisions

SEC. 521. FLOOR STOCKS TAXES.

26 USC 4061 note.

(a) 1983 Tax on Gasoline.—On gasoline subject to tax under section 4081 which, on April 1, 1983, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of 5 cents a gallon.

Ante, p. 2181.

(b) 1984 TAX ON TIRES.—On any article which would be subject to tax under section 4071(a) if sold by the manufacturer, producer, or importer on or after January 1, 1984, which on January 1, 1984, is held by a dealer and has not been used and is intended for sale, there shall be imposed a floor stocks tax equal to the excess of the amount of tax which would be imposed on such article if it were sold

Ante, p. 2181.

by the manufacturer, producer, or importer after January 1, 1984, over the amount of tax imposed under section 4071(a) on the sale of such article by the manufacturer, producer, or importer.

(c) OVERPAYMENT OF FLOOR STOCKS TAXES.—Section 6416 shall apply in respect of the floor stocks taxes imposed by this section, so as to entitle, subject to all provisions of section 6416, any person paying such floor stocks taxes to a credit or refund thereof for any of the reasons specified in section 6416.

(d) DUE DATE OF TAXES.—The taxes imposed by this section shall be paid at such time after—

(1) May 15, 1983, in the case of the tax imposed by subsection (a), or

(2) February 15, 1984, in the case of the tax imposed by subsection (b),

as may be prescribed by the Secretary of the Treasury or his delegate.

(e) TRANSFER OF FLOOR STOCKS TAXES TO HIGHWAY TRUST FUND.—For purposes of determining the amount transferred to the Highway Trust Fund for any period, the taxes imposed by this section shall be treated as if they were imposed by section 4081 or 4071 of the Internal Revenue Code of 1954, whichever is appropriate.

26 USC 4081, 4071.

26 USC 4061 note.

SEC. 522. FLOOR STOCKS REFUNDS.

(a) GENERAL RULE.—

(1) IN GENERAL.—Where, before the day after the date of the enactment of this Act, any tax-repealed article has been sold by the manufacturer, producer, or importer and on such day is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the tax paid by such manufacturer, producer, or importer on his sale of the article if—

(A) claim for such credit or refund is filed with the Secretary of the Treasury or his delegate before October 1, 1983, based on a request submitted to the manufacturer, producer, or importer before July 1, 1983, by the dealer who held the article in respect of which the credit or refund is claimed, and

(B) on or before October 1, 1983, reimbursement has been made to the dealer by the manufacturer, producer, or importer in an amount equal to the tax paid on the article or written consent has been obtained from the dealer to allowance of the credit or refund.

(2) LIMITATION ON ELIGIBILITY FOR CREDIT OR REFUND.—No manufacturer, producer, or importer shall be entitled to credit or refund under paragraph (1) unless he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed by the Secretary of the Treasury or his delegate under this subsection.

(3) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4061, 4071, or 4091 (whichever is appropriate) shall, insofar as applicable and not inconsistent with paragraphs (1) and (2) of this subsection, apply in respect of the credits and refunds provided for in paragraph (1) to the same extent as if the credits or refunds constituted overpayments of the tax.

96 STAT. 2186

(b) Refunds With Respect to Certain Consumer Purchases of Trucks and Trailers.—

(1) In general.—Except as otherwise provided in paragraph (2), where after December 2, 1982, and before the day after the date of the enactment of this Act, a tax-repealed article on which tax was imposed by section 4061(a) has been sold to an ultimate purchaser, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer of such article an amount equal to the tax paid by such manufacturer, producer, or importer on his sale of the article.

(2) Limitation of eligibility for credit or refund.—No manufacturer, producer, or importer shall be entitled to a credit or refund under paragraph (1) with respect to an article unless—

(A) he has in his possession such evidence of the sale of the article to an ultimate purchaser, and of the reimbursement of the tax to such purchaser, as may be required by regulations prescribed by the Secretary of the Treasury or his delegate under this subsection.

(B) claim for such credit or refund is filed with the Secretary of the Treasury or his delegate before October 1, 1983, based on information submitted to the manufacturer, producer, or importer before July 1, 1983, by the person who sold the article (in respect of which the credit or refund is claimed) to the ultimate purchaser, and

(C) on or before October 1, 1983, reimbursement has been made to the ultimate purchaser in an amount equal to the tax paid on the article.

(3) Other laws applicable.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4061(a) shall, insofar as applicable and not inconsistent with paragraph (1) or (2) of this subsection, apply in respect of the credits and refunds provided for in paragraph (1) to the same extent as if the credits or refunds constituted overpayments of the tax.

(c) Certain Uses by Manufacturer, Etc.—In the case of any article which was subject to the tax imposed by section 4061(a) (as in effect on the day before the date of the enactment of this Act), any tax paid by reason of section 4218(a) (relating to use by manufacturer or importer considered sale) with respect to a tax-repealed article shall be deemed to be an overpayment of such tax if tax was imposed on such article after December 2, 1982, by reason of section 4218(a).

(d) Transfer of Floor Stocks Refunds From Highway Trust Fund.—The Secretary of the Treasury shall pay from time to time from the Highway Trust Fund into the general fund of the Treasury amounts equivalent to the floor stocks refunds made under this section.

SEC. 523. DEFINITIONS AND SPECIAL RULE.

26 USC 4061 note.

(a) In General.—For purposes of this subtitle—

(1) The term "dealer" includes a wholesaler, jobber, distributor, or retailer.

(2) An article shall be considered as "held by a dealer" if title thereto has passed to such dealer (whether or not delivery to him has been made) and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

96 STAT. 2187

(3) The term "tax-repealed article" means any article on which a tax was imposed by section 4061(a), 4061(b), or section 4091 as in effect on the day before the date of the enactment of this Act, and which will not be subject to tax under section 4061(a), 4061(b), or 4091 as in effect on the day after the date of the enactment of this Act.

(4) Except as otherwise expressly provided herein, any reference in this subtitle to a section or other provision shall be

treated as a reference to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

(b) 1984 Extension of Floor Stocks Refund to Tires.—

(1) In general.—In the case of an article on which a tax was imposed by section 4071(a) as in effect on December 31, 1983, and which will not be subject to tax under such section as in effect on January 1, 1984, such article shall be treated as a tax-repealed article for purposes of subsection (a) of section 522.

(2) Allowance of refund.—In the case of a tax-repealed article to which paragraph (1) applies, subsection (a) of section 522 shall be applied—

(A) by treating January 1, 1984, as the day after the date of the enactment of this Act, and

(B) by substituting "1984" for "1983" each place it appears in paragraph (1) of such subsection (a).

Subtitle D—Highway Trust Fund; Mass Transit Account

SEC. 531. 4-YEAR EXTENSION OF HIGHWAY TRUST FUND; CODIFICATION OF TRUST FUND IN INTERNAL REVENUE CODE OF 1954; ESTABLISHMENT OF MASS TRANSIT ACCOUNT.

(a) General Rule.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to Trust Fund Code) is amended by adding at the end thereof the following new section:

26 USC 9503.

"SEC. 9503. HIGHWAY TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the 'Highway Trust Fund', consisting of such amounts as may be appropriated or credited to the Highway Trust Fund as provided in this section or section 9602(b).

"(b) Transfer to Highway Trust Fund of Amounts Equivalent to Certain Taxes.—

Appropriaion authorization.

"(1) In general.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the taxes received in the Treasury before October 1, 1988, under the following provisions—

"(A) section 4041 (relating to taxes on diesel fuels and special motor fuels),

"(B) section 4051 (relating to retail tax on heavy trucks and trailers),

"(C) section 4061 (relating to tax on trucks and truck parts),

96 STAT. 2188

"(D) section 4071 (relating to tax on tires and tread rubber),

"(E) section 4081 (relating to tax on gasoline),

"(F) section 4091 (relating to tax on lubricating oil), and

"(G) section 4481 (relating to tax on use of certain vehicles).

"(2) Liabilities incurred before October 1, 1988.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the taxes which are received in the Treasury after September 30, 1988, and before July 1, 1989, and which are attributable to liability for tax incurred before October 1, 1988, under the provisions described in paragraph (1).

"(3) Adjustments for aviation uses.—The amounts described in paragraphs (1) and (2) with respect to any period shall (before the application of this subsection) be reduced by appropriate amounts to reflect any amounts transferred to the Airport and Airway Trust Fund under section 9502(b) with respect to such period.

"(c) Expenditures From Highway Trust Fund.—

"(1) FEDERAL-AID HIGHWAY PROGRAM.—Except as provided in subsection (e), amounts in the Highway Trust Fund shall be available, as provided by appropriation Acts, for making expenditures before October 1, 1988, to meet those obligations of the United States heretofore or hereafter incurred which are—

"(A) authorized by law to be paid out of the Highway Trust Fund established by section 209 of the Highway Revenue Act of 1956, 23 USC 120 note.

"(B) authorized to be paid out of the Highway Trust Fund under title I or II of the Surface Transportation Assistance Act of 1982, or *Ante*, pp. 2097, 2137.

"(C) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A) or (B) as in effect on December 31, 1982.

"(2) TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDITS.—

"(A) IN GENERAL.—The Secretary shall pay from time to time from the Highway Trust Fund into the general fund of the Treasury amounts equivalent to—

"(i) the amounts paid before July 1, 1989, under—

"(I) section 6420 (relating to amounts paid in respect of gasoline used on farms),

"(II) section 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems),

"(III) section 6424 (relating to amounts paid in respect of lubricating oil used for certain nontaxable purposes), and

"(IV) section 6427 (relating to fuels not used for taxable purposes),

on the basis of claims filed for periods ending before October 1, 1988, and

"(ii) the credits allowed under section 39 (relating to credit for certain uses of gasoline, special fuels, and lubricating oil) with respect to gasoline, special fuels, and lubricating oil used before October 1, 1988.

96 STAT. 2189

"(B) TRANSFERS BASED ON ESTIMATES.—Transfers under subparagraph (A) shall be made on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

"(C) EXCEPTION FOR USE IN AIRCRAFT AND MOTORBOATS.—This paragraph shall not apply to amounts estimated by the Secretary as attributable to use of gasoline and special fuels in motorboats or in aircraft.

"(3) 1988 FLOOR STOCKS REFUNDS.—The Secretary shall pay from time to time from the Highway Trust Fund into the general fund of the Treasury amounts equivalent to the floor stocks refunds made before July 1, 1989, under section 6412(a).

"(4) TRANSFERS FROM THE TRUST FUND FOR MOTORBOAT FUEL TAXES.—

"(A) TRANSFER TO NATIONAL RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT FUND.—

"(i) IN GENERAL.—The Secretary shall pay from time to time from the Highway Trust Fund into the National Recreational Boating Safety and Facilities Improvement Fund established by section 202 of the Recreational Boating Fund Act amounts (as determined by him) equivalent to the motorboat fuel taxes received on or after October 1, 1980, and before October 1, 1988. 46 USC 1479a.

"(ii) LIMITATIONS.—

"(I) LIMIT ON TRANSFERS DURING ANY FISCAL YEAR.—The aggregate amount transferred under this subparagraph during any fiscal year shall not exceed $45,000,000.

"(II) LIMIT ON AMOUNT IN FUND.—No amount shall be transferred under this subparagraph if the Secretary determines that such transfer would result in increasing the amount in the National Recreational Boating Safety and Facilities Improvement Fund to a sum in excess of $45,000,000.

"(B) EXCESS FUNDS TRANSFERRED TO LAND AND WATER CONSERVATION FUND.—Any amount received in the Highway Trust Fund which is attributable to motorboat fuel taxes and which is not transferred from the Highway Trust Fund under subparagraph (A) shall be transferred by the Secretary from the Highway Trust Fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965.

16 USC 460*l*-4 and note.

"(C) MOTORBOAT FUEL TAXES.—For purposes of this paragraph, the term 'motorboat fuel taxes' means the taxes under section 4041(a)(2) with respect to special motor fuels used as fuel in motorboats and under section 4081 with respect to gasoline used as fuel in motorboats.

Ante, p. 2169.

"(d) ADJUSTMENTS OF APPORTIONMENTS.—

"(1) ESTIMATES OF UNFUNDED HIGHWAY AUTHORIZATIONS AND NET HIGHWAY RECEIPTS.—The Secretary of the Treasury, not less frequently than once in each calendar quarter, after consultation with the Secretary of Transportation, shall estimate—

"(A) the amount which would (but for this subsection) be the unfunded highway authorizations at the close of the next fiscal year, and

"(B) the net highway receipts for the 24-month period beginning at the close of such fiscal year.

"(2) PROCEDURE WHERE THERE IS EXCESS UNFUNDED HIGHWAY AUTHORIZATIONS.—If the Secretary of the Treasury determines for any fiscal year that the amount described in paragraph (1)(A) exceeds the amount described in paragraph (1)(B)—

"(A) he shall so advise the Secretary of Transportation, and

"(B) he shall further advise the Secretary of Transportation as to the amount of such excess.

"(3) ADJUSTMENT OF APPORTIONMENTS WHERE UNFUNDED AUTHORIZATIONS EXCEED 2 YEARS' RECEIPTS.—

"(A) DETERMINATION OF PERCENTAGE.—If, before any apportionment to the States is made, in the most recent estimate made by the Secretary of the Treasury there is an excess referred to in paragraph (2)(B), the Secretary of Transportation shall determine the percentage which—

"(i) the excess referred to in paragraph (2)(B), is of

"(ii) the amount authorized to be appropriated from the Trust Fund for the fiscal year for apportionment to the States.

If, but for this sentence, the most recent estimate would be one which was made on a date which will be more than 3 months before the date of the apportionment, the Secretary of the Treasury shall make a new estimate under paragraph (1) for the appropriate fiscal year.

"(B) ADJUSTMENT OF APPORTIONMENTS.—If the Secretary of Transportation determines a percentage under subparagraph (A) for purposes of any apportionment, notwithstanding any other provision of law, the Secretary of Transportation shall apportion to the States (in lieu of the amount which, but for the provisions of this subsection, would be so apportioned) the amount obtained by reducing the amount authorized to be so apportioned by such percentage.

"(4) APPORTIONMENT OF AMOUNTS PREVIOUSLY WITHHELD FROM APPORTIONMENT.—If, after funds have been withheld from apportionment under paragraph (3)(B), the Secretary of the Treasury determines that the amount described in paragraph (1)(A) does not exceed the amount described in paragraph (1)(B) or that the excess described in paragraph (1)(B) is less than the amount previously determined, he shall so advise the Secretary of Transportation. The Secretary of Transportation shall apportion to the States such portion of the funds so withheld from apportionment as the Secretary of the Treasury has advised him may be so apportioned without causing the amount described in paragraph (1)(A) to exceed the amount described in paragraph (1)(B). Any funds apportioned pursuant to the preceding sentence shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned pursuant to the preceding sentence.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) UNFUNDED HIGHWAY AUTHORIZATIONS.—The term 'unfunded highway authorizations' means, at any time, the excess (if any) of—

"(i) the total potential unpaid commitments at such time as a result of the apportionment to the States of the amounts authorized to be appropriated from the Highway Trust Fund, over

"(ii) the amount available in the Highway Trust Fund at such time to defray such commitments (after all other unpaid commitments at such time which are payable from the Highway Trust Fund have been defrayed).

"(B) NET HIGHWAY RECEIPTS.—The term 'net highway receipts' means, with respect to any period, the excess of—

"(i) the receipts (including interest) of the Highway Trust Fund during such period, over

"(ii) the amounts to be transferred during such period from such Fund under subsection (c) (other than paragraph (1) thereof).

Submittal to congressional committees.

"(6) REPORTS.—Any estimate under paragraph (1) and any determination under paragraph (2) shall be reported by the Secretary of the Treasury to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committees on the Budget of both Houses, the Committee on Public Works and Transportation of the House of Representatives, and the Committee on Environment and Public Works of the Senate.

"(e) ESTABLISHMENT OF MASS TRANSIT ACCOUNT.—

"(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate account to be known as the 'Mass Transit Account' consisting of such amounts as may be transferred or credited to the Mass Transit Account as provided in this subsection or section 9602(b).

"(2) TRANSFERS TO MASS TRANSIT ACCOUNT.—The Secretary of the Treasury shall transfer to the Mass Transit Account one-ninth of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after March 31, 1983.

"(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Mass Transit Account shall be available, as provided by appropriation Acts, for making capital expenditures before October 1, 1988 (including capital expenditures for new projects) in accordance with section 21(a)(2) of the Urban Mass Transportation Act of 1964.

49 USC 1617.

"(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account except that subsection (d)(1) shall be applied by substituting '12-month' for '24-month'."

26 USC 120 note.

(b) Repeal of Section 209 of the Highway Revenue Act of 1956.—Section 209 of the Highway Revenue Act of 1956 (other than subsection (b) thereof) is hereby repealed.

16 USC 460l-11.

(c) Conforming Amendments to Land and Water Conservation Fund.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out "1985" each place it appears and inserting in lieu thereof "1989"; and

96 STAT. 2192

(2) by striking out "1984" and inserting in lieu thereof "1988".

(d) Clerical Amendment.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

"Sec. 9503. Highway Trust Fund."

26 USC 9503 note.

(e) Effective Date; Saving Provision.—

(1) In general.—The amendments made by this section shall take effect on January 1, 1983.

23 USC 120 note.

(2) New highway trust fund treated as continuation of old.—The Highway Trust Fund established by the amendments made by this section shall be treated for all purposes of law as the continuation of the Highway Trust Fund established by section 209 of the Highway Revenue Act of 1956. Any reference in any law to the Highway Trust Fund established by such section 209 shall be deemed to include (wherever appropriate) a reference to the Highway Trust Fund established by the amendments made by this section.

Subtitle E—Miscellaneous Provisions

26 USC 168.

SEC. 541. TAX TREATMENT OF PUBLIC UTILITY PROPERTY.

(a) Normalization Method for Purposes of Depreciation.—

(1) In general.—Paragraph (3) of section 168(e) (relating to special rule for certain public utility property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) Use of inconsistent estimates and projections, etc.—

"(i) In general.—One way in which the requirements of subparagraph (B) are not met is if the taxpayer, for ratemaking purposes, uses a procedure or adjustment which is inconsistent with the requirements of subparagraph (B).

"(ii) Use of inconsistent estimates and projections.—The procedures and adjustments which are to be treated as inconsistent for purposes of clause (i) shall include any procedure or adjustment for ratemaking purposes which uses an estimate or projection of the taxpayer's tax expense, depreciation expense, or reserve for deferred taxes under subparagraph (B)(ii) unless such estimate or projection is also used, for ratemaking purposes, with respect to the other 2 such items and with respect to the rate base.

"(iii) Regulatory authority.—The Secretary may by regulations prescribe procedures and adjustments (in addition to those specified in clause (ii)) which are to be treated as inconsistent for purposes of clause (i).".

26 USC 167.

(2) Amendment to section 167 (l).—Subparagraph (G) of section 167(l)(3) (defining normalization method of accounting) is amended by adding at the end thereof the following new sentence: "For purposes of this subparagraph, rules similar to the rules of section 168(e)(3)(C) shall apply."

26 USC 46.

(b) Computations for Purposes of Investment Credit.—Subsection (f) of section 46 (relating to limitation in case of certain regulated companies) is amended by adding at the end thereof the following new paragraph:

96 STAT. 2193

"(10) USE OF INCONSISTENT ESTIMATES AND PROJECTIONS, ETC., FOR PURPOSES OF PARAGRAPHS (1) AND (2).—

"(A) IN GENERAL.—One way in which the requirements of paragraph (1) or (2) are not met is if the taxpayer, for ratemaking purposes, uses a procedure or adjustment which is inconsistent with the requirements of paragraph (1) or paragraph (2), as the case may be.

"(B) USE OF INCONSISTENT ESTIMATES AND PROJECTIONS.—The procedures and adjustments which are to be treated as inconsistent for purposes of subparagraph (A) shall include any procedure or adjustment for ratemaking purposes which uses an estimate or projection of the taxpayer's qualified investment for purposes of the credit allowable by section 38 unless such estimate or projection is consistent with the estimates and projections of property which are used, for ratemaking purposes, with respect to the taxpayer's depreciation expense and rate base.

"(C) REGULATORY AUTHORITY.—The Secretary may by regulations prescribe procedures and adjustments (in addition to those specified in subparagraph (B)) which are to be treated as inconsistent for purposes of subparagraph (A)."

(c) EFFECTIVE DATES.— 26 USC 46 note.

(1) GENERAL RULE.—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1979.

(2) SPECIAL RULE FOR PERIODS BEGINNING BEFORE MARCH 1, 1980.—

(A) IN GENERAL.—Subject to the provisions of paragraphs (3) and (4), notwithstanding the provisions of sections 167(l) and 46(f) of the Internal Revenue Code of 1954 and of any regulations prescribed by the Secretary of the Treasury (or his delegate) under such sections, the use for ratemaking purposes or for reflecting operating results in the taxpayer's regulated books of account, for any period before March 1, 1980, of—

26 USC 167, 46.

(i) any estimates or projections relating to the amounts of the taxpayer's tax expense, depreciation expense, deferred tax reserve, credit allowable under section 38 of such code, or rate base, or

(ii) any adjustments to the taxpayer's rate of return,

shall not be treated as inconsistent with the requirements of subparagraph (G) of such section 167(l)(3) nor inconsistent with the requirements of paragraph (1) or (2) of such section 46(f), where such estimates or projections, or such rate of return adjustments, were included in a qualified order.

Ante, p. 2192.

(B) QUALIFIED ORDER DEFINED.—For purposes of this subsection, the term "qualified order" means an order—

(i) by a public utility commission which was entered before March 13, 1980,

(ii) which used the estimates, projections, or rate of return adjustments referred to in subparagraph (A) to determine the amount of the rates to be collected by the taxpayer or the amount of a refund with respect to rates previously collected, and

96 STAT. 2194

(iii) which ordered such rates to be collected or refunds to be made (whether or not such order actually was implemented or enforced).

(3) LIMITATIONS ON APPLICATION OF PARAGRAPH (2).—

(A) PARAGRAPH (2) NOT TO APPLY TO AMOUNTS ACTUALLY FLOWED THROUGH.—Paragraph (2) shall not apply to the amount of any—

(i) rate reduction, or

(ii) refund,

which was actually made pursuant to a qualified order.

(B) Taxpayer must enter into closing agreement before paragraph (2) applies.—Paragraph (2) shall not apply to any taxpayer unless, before the later of—

(i) July 1, 1983, or

(ii) 6 months after the refunds or rate reductions are actually made pursuant to a qualified order,

26 USC 7121.

the taxpayer enters into a closing agreement (within the meaning of section 7121 of the Internal Revenue Code of 1954) which provides for the payment by the taxpayer of the amount of which paragraph (2) does not apply by reason of subparagraph (A).

(4) Special rules relating to payment of refunds or interest by the United States or the taxpayer.—

(A) Refund defined.—For purposes of this subsection, the term "refund" shall include any credit allowed by the taxpayer under a qualified order but shall not include interest payable with respect to any refund (or credit) under such order.

26 USC 6611.

(B) No interest payable by United States.—No interest shall be payable under section 6611 of the Internal Revenue Code of 1954 on any overpayment of tax which is attributable to the application of paragraph (2).

(C) Payments may be made in two equal installments.—

(i) In general.—The taxpayer may make any payment required by reason of paragraph (3) in 2 equal installments, the first installment being due on the last date on which a taxpayer may enter into a closing agreement under paragraph (3)(B), and the second payment being due 1 year after the last date for the first payment.

(ii) Interest payments.—For purposes of section 6601 of such Code, the last date prescribed for payment with respect to any payment required by reason of paragraph (3) shall be the last date on which such payment is due under clause (i).

Ante, p. 2192.

(5) No inference.—The application of subparagraph (G) of section 167(l)(3) of the Internal Revenue Code of 1954, and the application of paragraphs (1) and (2) of section 46(f) of such Code, to taxable years beginning before January 1, 1980, shall be determined without any inference drawn from the amendments made by subsections (a) and (b) of this section or from the rules contained in paragraphs (2), (3), and (4). Nothing in the preceding sentence shall be construed to limit the relief provided by paragraphs (2), (3), and (4).

96 STAT. 2195

26 USC 6012 note.

SEC. 542. NO RETURN REQUIRED OF INDIVIDUAL WHOSE ONLY GROSS INCOME IS GRANT OF $1,000 FROM STATE.

(a) In General.—Nothing in section 6012(a) of the Internal Revenue Code of 1954 shall be construed to require the filing of a return with respect to income taxes under subtitle A of such code by an individual whose only gross income for the taxable year is a grant of $1,000 received from a State which made such grants generally to residents of such State.

(b) Effective Date.—Subsection (a) shall apply to taxable years beginning after December 31, 1981.

SEC. 543. DEDUCTION FOR CONVENTIONS ON CRUISE SHIPS.

26 USC 274.

(a) In General.—Subsection (h) of section 274 (relating to disallowance of certain entertainment, etc., expenses) is amended—

(1) by striking out the period at the end of paragraph (2) and

inserting in lieu thereof a comma and the following: "unless the taxpayer meets the requirements of paragraph (5) and establishes that the meeting is directly related to the active conduct of his trade or business or to an activity described in section 212 and that—

"(A) the cruise ship is a vessel registered in the United States; and

"(B) all ports of call of such cruise ship are located in the United States or in possessions of the United States.

With respect to cruises beginning in any calendar year, not more than $2,000 of the expenses attributable to an individual attending one or more meetings may be taken into account under section 162 or 212 by reason of the preceding sentence.", and

(2) by adding at the end thereof the following new paragraph:

"(5) Reporting Requirements.—No deduction shall be allowed under section 162 or 212 for expenses allocable to attendance at a convention, seminar, or similar meeting on any cruise ship unless the taxpayer claiming the deduction attaches to the return of tax on which the deduction is claimed—

Written statement.

"(A) a written statement signed by the individual attending the meeting which includes—

"(i) information with respect to the total days of the trip, excluding the days of transportation to and from the cruise ship port, and the number of hours of each day of the trip which such individual devoted to scheduled business activities,

"(ii) a program of the scheduled business activities of the meeting, and

"(iii) such other information as may be required in regulations prescribed by the Secretary; and

"(B) a written statement signed by an officer of the organization or group sponsoring the meeting which includes—

"(i) a schedule of the business activities of each day of the meeting,

"(ii) the number of hours which the individual attending the meeting attended such scheduled business activities, and

"(iii) such other information as may be required in regulations prescribed by the Secretary."

96 STAT. 2196

Effective date.
26 USC 274 note.

(b) The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

SEC. 544. ADDITIONAL WEEKS OF FEDERAL SUPPLEMENTAL COMPENSATION.

Ante, p. 702.

(a) Section 602(e) of the Tax Equity and Fiscal Responsibility Act of 1982 is amended—

(1) in paragraph (2)(A)(i), by striking out "50" and inserting in lieu thereof "65";

(2) in paragraph (2)(A)(ii), by striking out "6" and inserting in lieu thereof "8"; and

(3) by striking out subparagraphs (B) and (C) of paragraph (2) and inserting in lieu thereof the following:

"(B) In the case of any State, subparagraph (A) shall be applied—

"(i) with respect to weeks during a higher unemployment period, by substituting '16' for '8' in clause (ii) thereof;

"(ii) with respect to weeks which are not during a higher unemployment period and which are weeks beginning on or after the first week of an extended benefit period (which was in effect under the Federal-State Extended Unemployment Compensation Act of 1970 for any week beginning on or after June 1, 1982, on or before the date of the enactment of the Highway Revenue Act of 1982, and before the week for which the compensation is paid), by substituting '14' for '8' in clause (ii) thereof;

26 USC 3304 note.

Ante, p. 2168.

"(iii) with respect to weeks during a high unemployment period, or which would be weeks described in clause (ii) except that the extended benefit period began after the date of enactment of the Highway Revenue Act of 1982, by substituting '12' for '8' in clause (ii) thereof; and

"(iv) with respect to weeks during an intermediate unemployment period, by substituting '10' for '8'.

"Higher unemployment period."

"(C) For purposes of subparagraph (B), the term 'higher unemployment period' means, with respect to any State, the period—

"(i) which begins with the third week after the first week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks equals or exceeds 6.0 percent, and

"(ii) which ends with the third week after the first week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks is less than 6.0 percent;

except that no higher unemployment period shall last for a period of less than 4 weeks.

"High unemployment period."

"(D) For purposes of subparagraph (B), the term 'high unemployment period' means, with respect to any State, the period—

"(i) which begins with the third week after the first week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks equals or exceeds 4.5 percent but is less than 6.0 percent, and

"(ii) which ends with the third week after the first week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks is less than 4.5 percent or equals or exceeds 6.0 percent;

96 STAT. 2197

except that no high unemployment period shall last for a period of less than 4 weeks unless such State enters a higher unemployment period or a period described in subparagraph (B)(ii).

"Intermediate unemployment period."

"(E) For purposes of subparagraph (B), the term 'intermediate unemployment period' means with respect to any State, the period—

"(i) which begins with the third week after the first week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks equals or exceeds 3.5 percent but is less than 4.5 percent, and

"(ii) which ends with the third week after the first week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks is less than 3.5 percent or equals or exeeds 4.5 percent;

except that no intermediate unemployment period shall last for a period of less that 4 weeks unless such State enters a high unemployment period, a higher unemployment period, or a period described in subparagraph (B) (ii) or (iii).

"(F) For purposes of this subsection, the rate of insured unemployment for any period shall be determined in the same manner as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

26 USC 3304 note.

"(3) The amount of Federal supplemental compensation payable to an eligible individual shall not exceed the amount in such individual's account established under this subsection."

26 USC 3304 note.

(b) The amendments made by subsection (a) shall apply to Federal supplemental compensation payable for weeks beginning on or after the date of the enactment of this Act. In the case of any eligible individual to whom any Federal supplemental compensation was payable for any week beginning prior to such date of enactment and who exhausted his rights to such compensation (by reason of the payment of all the amount in his Federal supplemental compensation account) prior to the first week beginning on or after such date of enactment, such individual's eligibility for additional weeks of compensation by reason of the amendments made by this section shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and prior to the date of the enactment of this Act (and such weeks shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Tax Equity and Fiscal Responsibility Act of 1982).

Ante, p. 702.

(c) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Tax Equity and Fiscal Responsibility Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by this Act. Notwithstanding any other provision of law, if any State fails or refuses, within the three-week period beginning on the date the Secretary of Labor proposes such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before such three-week period.

96 STAT. 2198

(d) Paragraph (3) of section 602(d) of the Tax Equity and Fiscal Responsibility Act of 1982 (as added by section 310 of the Technical Corrections Act of 1982) is amended by striking out "the number '6', '8', or '10', whichever is applicable" and inserting in lieu thereof "the number applicable".

Post, p. 2411.

SEC. 545. EXCLUSION OF CERTAIN HOME ENERGY ASSISTANCE FROM INCOME UNDER SSI AND AFDC.

42 USC 1382a.

(a) Section 1612(b) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (11);

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(13) any assistance received to assist in meeting the costs of home energy, including both heating and cooling, which (as determined under regulations of the Secretary by such State agency as the chief executive officer of the State may designate) (A) is based on need for such assistance, and (B) is (i) assistance furnished in kind by a private nonprofit agency, or (ii) assistance furnished by a supplier of home heating oil or gas, by an entity providing home energy whose revenues are primarily derived on a rate-of-return basis regulated by a State or Federal governmental entity, or by a municipal utility providing home energy."

42 USC 602.

(b) Section 402(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (34);

(2) by striking out the period at the end of paragraph (35) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(36) provide, at the option of the State, that in making the determination for any month under paragraph (7) the State agency shall not include as income any assistance received to assist in meeting the costs of home energy, including both heating and cooling, which (as determined under regulations of the Secretary by such State agency as the chief executive officer of the State may designate) (A) is based on need for such assistance, and (B) is (i) assistance furnished in kind by a private nonprofit agency, or (ii) assistance furnished by a supplier of home heating oil or gas, by an entity whose revenues are primarily derived on a rate-of-return basis regulated by a State or Federal governmental entity, or by a municipal utility providing home energy.".

Effective date.
42 USC 602 note.

(c) The amendments made by subsections (a) and (b) shall be effective with respect to home energy assistance received in months beginning on or after the date of the enactment of this Act and prior to July 1, 1985.

Report to Congress.
42 USC 602 note.
42 USC 1382a, 602.

(d) The Secretary of Health and Human Services shall submit a report to the Congress, prior to April 1, 1985, on the implementation and results of the provisions of sections 1612(b)(13) and 402(a)(36) of the Social Security Act, including any recommendations with respect to whether such provisions should be extended in the same or modified form or allowed to expire.

SEC. 546. MODIFICATIONS TO CHLOR-ALKALI ELECTROLYTIC CELLS.

26 USC 48.

(a) Paragraph (5) of section 48(l) (defining specially defined energy property) is amended—

96 STAT. 2199

(1) by striking out "or" at the end of subparagraph (L),

(2) by redesignating subparagraph (M) as subparagraph (N) and by inserting after subparagraph (L) the following new subparagraph:

"(M) modifications to chlor-alkali electrolytic cells, or"; and

(3) by striking out "(M)" in the second sentence and inserting in lieu thereof "(N)".

26 USC 46.

(b) The table contained in clause (i) of section 46(a)(2)(C) (relating to amount of credit) is amended by adding at the end thereof the following new subsection:

"VII. CHLOR-ALKALI ELECTROLYTIC CELLS—Property described in section 48(l)(5)(M)	10 percent	Jan. 1, 1980	Dec. 31, 1982."

SEC. 547. INTEREST EXEMPT OTHER THAN UNDER THE INTERNAL REVENUE CODE OF 1954.

Ante, p. 469.

(a) IN GENERAL.—Section 103 (relating to interest on certain governmental obligations) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) OBLIGATIONS EXEMPT OTHER THAN UNDER THIS TITLE.—

"(1) PRIOR EXEMPTIONS.—For purposes of this title, notwithstanding any provisions of this section or section 103A any obligation the interest on which is exempt from taxation under this title under any provision of law which is in effect on the date of the enactment of this subsection (other than a provision of this title) shall be treated as an obligation described in subsection (a).

"(2) NO OTHER INTEREST TO BE EXEMPT EXCEPT AS PROVIDED BY THIS TITLE.—Notwithstanding any other provision of law, no interest on any obligation shall be exempt from taxation under this title unless such interest—

"(A) is on an obligation described in paragraph (1), or

"(B) is exempt from taxation under any provision of this title.".

(b) CONFORMING AMENDMENTS.—

26 USC 851.

(1) Section 851(b) (relating to definition of regulated investment company) is amended by striking out "103(a)(1)" and inserting in lieu thereof "103(a)".

26 USC 852.

(2) Section 852 (relating to taxation of regulated investment companies and their shareholders) is amended by striking out "103(a)(1)" each place it appears and inserting in lieu thereof "103(a)".

Ante, p. 580.
96 STAT. 2200

(3) Section 3454(a)(2)(B) (relating to definitions of interest, dividend, and patronage dividends) is amended by striking out "law" and inserting in lieu thereof "this title".

Ante, p. 591.

(4) Section 6049(b)(2)(B) (relating to returns regarding payments of interest) is amended by striking out "law" and inserting in lieu thereof "this title".

26 USC 6362.

(5) Section 6362(b)(4)(A) (relating to qualified State individual income taxes) is amended by striking out "103(a)(1)" and inserting in lieu thereof "103(a)".

Approved January 6, 1983.

LEGISLATIVE HISTORY—H.R. 6211:

HOUSE REPORTS: No. 97-555 (Comm. on Public Works and Transportation) and No. 97-987 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Dec. 6, considered and passed House.
Dec. 10, 13-16, 19-21, considered and passed Senate, amended.
Dec. 21, House agreed to conference report.
Dec. 21, 23, Senate considered and agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 1 (1983):
Jan. 6, Presidential statement.

Public Law 97-468
97th Congress

96 STAT. 2543

An Act

Making technical corrections to the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes.

Jan. 14, 1983
[H.R. 3420]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That titles II through VII of this Act may be cited as the "Rail Safety and Service Improvement Act of 1982".

Rail Safety and Service Improvement Act of 1982.
45 USC 421 note.

TITLE I—NATURAL GAS PIPELINE SAFETY

SEC. 101. Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1673(b)) and section 204(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2003(b)) are each amended by striking "once every 6 months." and substituting "twice each calendar year.".

SEC. 102. Section 8(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1675(a)) is amended by striking "sixtieth day" and substituting "90th day".

SEC. 103. Section 206(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2005(a)) is amended by striking "60th day" and substituting "90th day".

SEC. 104. Section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)) is amended by striking "(other than subsection (a)(3) thereof)" and substituting "(other than subsection (a)(2) thereof)".

TITLE II—BANKRUPT RAILROADS

SHORT TITLE

SEC. 201. This title may be referred to as the "Bankrupt Railroad Service Preservation and Employee Protection Act of 1982".

Bankrupt Railroad Service Preservation and Employee Protection Act of 1982.
45 USC 901 note.

Subtitle A—Service Preservation

PURPOSE

SEC. 211. It is the purpose of this subtitle to continue the effort by Congress to assure service over the lines of rail carriers subject to liquidation in instances where rail carriers are willing to provide service over such lines and financially responsible persons are willing to purchase the lines for continued rail operations.

45 USC 901 note.

FINDINGS

SEC. 212. The Congress finds that—

45 USC 901 note.

(1) it is necessary to establish procedures to facilitate and expedite the acquisition of rail lines of carriers subject to liquidation by financially responsible persons in instances where service is not being provided over the line by the carrier and where the financially responsible person seeks to provide rail service over the line;

96 STAT. 2544

(2) procedures set forth in the amendments made by this title represent an exercise of the powers of the Congress under the Constitution to regulate commerce among the several States which will provide a practicable means for preserving rail service, thus benefiting shippers, employees, and the economies of the States in which such carriers subject to liquidation have operated service, and for facilitating interstate commerce, while at the same time providing safeguards to protect the interest of the estates of such carriers by requiring compensation which is not less than the constitutionally required minimum; and

(3) it is in the public interest that the Interstate Commerce Commission's authority to issue orders involving temporary authority to operate service over lines of carriers subject to liquidation be clarified.

AMENDMENTS TO THE MILWAUKEE RAILROAD RESTRUCTURING ACT

SEC. 213. Section 17(b) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 915(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) If a person has made or makes an offer to acquire from a carrier subject to liquidation a rail line or lines over which no service is provided by that carrier, and that offer has been or is rejected by the trustee in bankruptcy of such carrier, such person may submit an application to the Commission seeking approval of such person's acquisition of such line or lines. A copy of any such application shall be filed simultaneously with the court.

"(B) The Commission shall, within 15 days after the filing of an application under subparagraph (A) of this paragraph, determine whether the applicant—

"(i) is a financially responsible person; and

"(ii) has made a bona fide offer to acquire the line or lines under reasonable terms.

"(C)(i) If the Commission's determination under subparagraph (B) of this paragraph is affirmative with respect to the matters referred to in clauses (i) and (ii) of such subparagraph, the applicant and the trustee in bankruptcy (hereafter in this paragraph referred to collectively as the 'parties') shall enter into negotiations with respect to terms for the acquisition of the line or lines applied for. If the parties at any time agree on such terms, a request for approval of the acquisition shall be filed with the Commission and the court. If the parties are unable to agree to such terms within 30 days after the date of the Commission's determination under subparagraph (B) of this paragraph, either party may, within 60 days after the expiration of such 30-day period, request the Commission to prescribe terms for such acquisition, including compensation for the line or lines to be acquired. The Commission shall prescribe such terms within 60 days after any such request is made. The terms prescribed by the Commission shall be binding upon both parties, subject to court review as provided in subparagraph (D) of this paragraph, except that the applicant may withdraw its offer within 10 days after the Commission prescribes such terms.

96 STAT. 2545

"(ii) If more than one applicant has requested under this subparagraph that the Commission prescribe the terms of acquisition for the same or overlapping lines or portions of such lines, the Commission shall prescribe terms for such acquisition which it determines best serve the public interest.

"(D)(i) Within 15 days after the Commission prescribes terms under subparagraph (C) of this paragraph, the Commission shall transmit such terms to the court, unless the offer is withdrawn under such subparagraph. Notwithstanding any other provision of law, the court shall, within 60 days after such transmittal, approve the acquisition under terms prescribed by the Commission if the compensation for the line or lines is not less than that required as a constitutional minimum.

"(ii) Except as provided in this subparagraph, no action shall be taken by the court which would prejudice the acquisition which is the subject of an application under this paragraph.

"(E) The Commission shall require that any person acquiring a line or lines under this paragraph use, to the maximum extent practicable, employees or former employees of the carrier subject to liquidation in the operation of service on such line or lines.

"(F) No person acquiring a line under this paragraph may transfer or discontinue service on such line prior to the expiration of 4 years after such acquisition.

"(G) The Commission shall, within 45 days after the date of enactment of the Bankrupt Railroad Service Preservation and Employee Protection Act of 1982, prescribe such regulations and procedures as are necessary to carry out the provisions of this paragraph.

"(H) As used in this paragraph, the term— Definitions.

"(i) 'carrier subject to liquidation' means a carrier which, on the date of enactment of the Bankrupt Railroad Service Preservation and Employee Protection Act of 1982, was the subject of a proceeding pending under section 77 of the Bankruptcy Act or under subchapter IV of chapter 11 of title 11, United States Code, and which has been ordered by the court to liquidate its properties; *Ante*, p. 2543. 11 USC 1161.

"(ii) 'the court' means the court having bankruptcy jurisdiction over the carrier subject to liquidation; and

"(iii) 'financially responsible person' means a person capable of compensating the carrier subject to liquidation for the acquisition of the line or lines proposed to be acquired and able to cover expenses associated with providing service over such line or lines for a period of not less than 4 years.".

INTERSTATE COMMERCE COMMISSION AUTHORITY

SEC. 214. (a) Section 122(a) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1017(a)) is amended—

(1) by striking "the Rock Island Railroad or the Milwaukee Railroad" and inserting in lieu thereof the following: "a carrier which, on the date of enactment of the Bankrupt Railroad Service Preservation and Employee Protection Act of 1982, was the subject of a proceeding pending under section 77 of the Bankruptcy Act or under subchapter IV of chapter 11 of title 11, United States Code";

(2) by striking the last sentence of such section; and

(3) by adding at the end thereof the following: "The Commission shall have authority to authorize continued rail service under this section over the lines of any such carrier which has been ordered by the court having jurisdiction over such a carrier to liquidate its properties until the disposition of the properties of the estate of such carrier.".

(b) Section 122(c) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1017(c)) is repealed.

Subtitle B—Employee Protection

EMPLOYEE PROTECTION AGREEMENT

SEC. 231. Section 106 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1005) is amended to read as follows:

"EMPLOYEE PROTECTION AGREEMENT

"SEC. 106. (a) The Secretary and the representatives of the various classes and crafts of employees of the Rock Island Railroad shall, not later than 90 days after the date of enactment of the Bankrupt

Ante, p. 2543.

Railroad Service Preservation and Employee Protection Act of 1982, enter into an agreement providing protection for employees of the Rock Island Railroad who are adversely affected as a result of a reduction in service by such Railroad. Such agreement may provide for the use of funds described in subsection (c) of this section for the following purposes:

"(1) Subsistence allowances to employees.

"(2) Moving expenses for employees who must make a change in residence.

"(3) Retraining expenses for employees who are seeking employment in new areas.

"(4) Separation allowances for employees.

"(5) Health and welfare insurance premiums.

"(6) Such other purposes as may be agreed upon by the parties.

Schedule of benefits.

"(b) If the parties are unable to reach agreement within the time period specified in subsection (a) of this section, the Secretary shall, within 30 days after the expiration of such time period, prescribe a schedule of benefits for employee protection not inconsistent with the provisions of this Act.

Post, p. 2552.

"(c) Any agreement entered into under subsection (a) of this section, and any benefit schedule prescribed under subsection (b) of this section, shall not require the expenditure of funds in excess of amounts authorized to be appropriated under section 217(f)(1)(C) of the Regional Rail Reorganization Act of 1973, nor shall any individual employee receive benefits in excess of $20,000 under such agreement or benefit schedule. No benefits or assistance may be provided under any agreement entered into or benefit schedule prescribed under this section after April 1, 1984.

"(d) The Board shall, in such manner as it shall prescribe by regulation, administer the distribution of funds under any agreement entered into or benefit schedule prescribed under this section, and shall determine the amount for which each employee is eligible under such agreement or benefit schedule. Such regulation shall include procedures to resolve by final and binding arbitration any dispute over an employee's eligibility or claim.".

96 STAT. 2547

ELECTION

SEC. 232. Section 108 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1007) is amended—

(1) in subsections (a) and (d), by striking "or arrangement entered into" and inserting in lieu thereof "entered into or benefit schedule prescribed"; and

(2) in subsection (b), by striking "April 1, 1981" and inserting in lieu thereof "120 days after the effective date of any agreement entered into under section 106(a) of this title or of any benefit schedule prescribed under section 106(b) of this title, as the case may be".

NEW CAREER TRAINING ASSISTANCE

SEC. 233. Section 119(a) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1014(a)) is amended by striking "from the Rock Island Railroad under an employee protection agreement or arrangement entered into under section 106 of this title may" and inserting in lieu thereof "under an employee protection agreement entered into or a benefit schedule prescribed under section 106 of this title may, if so provided under such agreement or benefit schedule,".

REPEALS

SEC. 234. (a) Section 110 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1008) is repealed.

(b) The second sentence of section 14(b) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 913(b)) is repealed.

DISPUTE RESOLUTION

SEC. 235. (a) Section 704(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(c)) is amended by striking "3-year" and inserting in lieu thereof "4-year". 45 USC 797c.

(b) Section 704(g) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(g)) is amended by striking "this section or section 703 of this Act" wherever it appears and inserting in lieu thereof "this section, section 703 of this Act, section 8 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 907), or section 105 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1004)". 45 USC 797c.

RAILROAD HIRING

SEC. 236. (a) Section 8 of the Milwaukee Railroad Restructuring Act (45 U.S.C. 907) is amended by striking "April 1, 1981," and inserting in lieu thereof "April 1, 1984,".

(b) Section 105(a) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1004(a)) is amended by striking "January 1, 1981," and inserting in lieu thereof "January 1, 1984,".

TITLE III—NORTHEAST CORRIDOR

AMENDMENTS

SEC. 301. Title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.) is amended as follows: 96 STAT. 2548

(1) Section 703(1)(A)(ii) is amended by striking "and Albany, New York" and inserting in lieu thereof "Albany, New York, and Atlantic City, New Jersey". 45 USC 853.

(2) Section 704(a)(1) is amended to read as follows: 45 USC 854.

"(1) $2,313,000,000 to remain available until expended (A) in order to effectuate the goals of section 703(1)(A)(i) of this title, of which not less than $27,000,000 shall be available to finance the cost of the equipment modification and replacement which States (or local or regional transportation authorities) will be required to bear as a result of the electrification conversion system of the Northeast Corridor pursuant to this title; (B) of which, if the National Railroad Passenger Corporation receives notification on or before June 1, 1983, from the State of New Jersey that such State has approved a plan, developed in consultation with the National Railroad Passenger Corporation, for the operation of rail passenger service between the main line of the Northeast Corridor and Atlantic City, New Jersey, and if such Corporation determines that such plan is feasible, $30,000,000 shall be made available by the Secretary to the National Railroad Passenger Corporation for rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between such points, consistent with the plan for operation approved by the State, in order to ensure that such track will be of sufficient quality to permit safe rail passenger service at a minimum of 79 miles per hour not later than September 30, 1985, and to promote rail passenger use of such track; and (C) of which such sums as may be required shall be available for the following projects with respect to the main line of the Northeast Corridor: development of the Union Station in Washington, District of Columbia; installation of 189 track miles of concrete ties with continuously welded rail between Washington, District of Columbia, and New York, New York; renewal of 133 track miles of existing continuously welded rail on concrete tie track between Washington, District of Columbia, and New York, New York; installation of reverse signaling between Philadelphia, Pennsylvania, and Morrisville, Pennsylvania, on numbers 2 and

3 tracks; restoration of ditch drainage in concrete tie locations between Washington, District of Columbia, and New York, New York; undercutting of 83 track miles between Washington, District of Columbia, and New York, New York; rehabilitation of bridges between Washington, District of Columbia, and New York, New York (including Hi line); development of a maintenance-of-way equipment repair facility between Washington, District of Columbia, and New York, New York; roadbed stabilization at various locations between Washington, District of Columbia, and New York, New York; automation of Bush River Drawbridge at milepost 72.14; improvements to the New York Service Facility to develop rolling stock repair capability; construction of maintenance-of-way bases at Philadelphia, Pennsylvania, Sunnyside, New York, and Cedar Hill, Connecticut; installation of rail car washer facility at Philadelphia, Pennsylvania; restoration of storage tracks and buildings at the Washington Service Facility; installation of centralized traffic control from Landlith, Delaware, to Philadelphia, Pennsylvania; track improvements including high speed surfacing, ballast cleaning, and associated equipment repair and material distribution; rehabilitation of interlockings between Washington, District of Columbia, and New York, New York; painting of Connecticut River, Groton, and Pelham Bay bridges; additional catenary renewal and power supply upgrading between Washington, District of Columbia, and New York, New York; rehabilitation of structural, electrical, and mechanical systems at the 30th Street Station in Philadelphia, Pennsylvania; and installation of evacuation and fire protection facilities in tunnels at New York, New York;”.

96 STAT. 2549

45 USC 854.

(3) Section 704(a) is amended by adding at the end thereof the following new sentences: “Funds are authorized to be appropriated under this section in excess of limitations imposed under the preceding sentence with respect to a fiscal year, or for fiscal years after the fiscal year ending September 30, 1983, to the extent that the amount appropriated under the authority of this section for any previous fiscal year is less than the limitation under such sentence with respect to such previous fiscal year. The Secretary shall expend or reserve for expenditure funds from the yearly appropriations under this section for the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985, first (A) if the National Railroad Passenger Corporation receives the notification referred to in paragraph (1)(B) of this subsection, for the purposes under such paragraph; and (B) in the amount of $62,000,000 for track improvements with respect to the Southwest corridor project in Boston, Massachusetts, less any amounts obligated for such purpose from yearly appropriations for any fiscal year ending before October 1, 1982. The amount so expended or reserved for expenditure for the purposes of paragraph (1)(B) of this subsection for the fiscal year ending September 30, 1983 shall be $10,000,000.”.

(4) Section 704(b) is amended—

(A) by striking “LIMITATION.—” and inserting in lieu thereof “LIMITATIONS.—(1)”; and

(B) by adding at the end thereof the following:

“(2)(A) The projects for which funds are authorized to be appropriated under subsection (a)(1)(C) of this section shall be a part of the Northeast Corridor improvement project, and the goals of this title shall not be considered to be fulfilled until such projects are completed. Such projects shall not be undertaken or viewed as a substitute for any improvements specified in the document entitled Corridor Master Plan II, NECIP Restructured Program, dated January 1982, prepared for the United States Department of Transportation, Federal Railroad Administration, Northeast Corridor Improvement Project, in cooperation with the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak), by DeLeuw, Cather/Parsons, NECIP architect/engineer.

Deferrals.

"(B) For purposes of implementing the improvements and rehabilitation described in subsection (a)(1)(B) of this section, the Secretary may defer projects identified in the document referred to in subparagraph (A) of this paragraph. The aggregate cost of such projects as the Secretary may so defer shall not be substantially greater than the amount the Secretary is required to expend or reserve for expenditure for purposes of subsection (a)(1)(B) of this section.".

96 STAT. 2550

45 USC 855.

(5) Section 705 is amended—

(A) in subsection (a), by striking "the" after "reallocation to" and inserting in lieu thereof "such"; and

(B) in subsection (b), by inserting "National Railroad Passenger" immediately before "Corporation".

NEW SERVICE

45 USC 854 note.

SEC. 302. (a) If the National Railroad Passenger Corporation receives notification on or before June 1, 1983, from the State of New York that such State has approved a plan, developed in consultation with such Corporation, for the acquisition and rehabilitation of a line and construction necessary to facilitate improved rail passenger service between Spuyten Duyvil, New York, and the main line of the Northeast Corridor, and has approved a plan, developed in consultation with such Corporation and appropriate local governmental officials, for the rehabilitation of the Amtrak station at Syracuse, New York, such Corporation shall, by September 30, 1985, expend funds, not in excess of $30,000,000, authorized to be appropriated under section 601 of the Rail Passenger Service Act (45 U.S.C. 601) for such purposes.

45 USC 854 note.

(b) Notwithstanding the provisions of section 403 of the Rail Passenger Service Act (45 U.S.C. 563), the National Railroad Passenger Corporation may operate the service described in section 704(a)(1)(B) of the Railroad Revitalization and Regulatory Reform Act of 1976.

(c) Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended by adding at the end thereof the following new subsection:

"(e) Funds from the yearly appropriations under this section for the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985 shall, if the Corporation receives the notification referred to in section 302(a) of the Rail Safety and Service Improvement Act of 1982, be first expended or reserved for expenditure by the Corporation for the purposes under such section 302(a). The amount expended or reserved for expenditure for such purposes for the fiscal year ending September 30, 1983 shall be $10,000,000.".

TITLE IV—RAILROAD FINANCING

EXTENSION

SEC. 401. Sections 505(e), 507(a), 507(d), and 509(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(e), 827(a), 827(d), and 829(a)) are amended by striking "September 30, 1982" wherever it appears and inserting in lieu thereof "September 30, 1985".

TRANSACTION ASSISTANCE

45 USC 825a.

SEC. 402. Notwithstanding any other provision of law, any financially responsible person (including any government authority), except for a class I rail carrier, shall upon application be eligible for financial assistance made available in section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825) for the purchase, lease, or rehabilitation of rail lines of the Consolidated Rail Corporation which are to be used for common carrier rail service and with respect to which an application for a certificate of abandonment has been filed with the Interstate Commerce Commis-

96 STAT. 2551 sion under section 308(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 748(a)), or a notice of insufficient revenues has been filed with the Commission under section 308(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 748(c)).

AUTHORIZATION FOR RAIL FUND

SEC. 403. (a) Section 509(b) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 829(b)) is amended—

(1) in paragraph (2), by striking "Not less than" and inserting in lieu thereof "Not more than";

(2) by striking paragraph (3);

(3) by redesignating paragraph (4) as paragraph (3);

(4) in paragraph (3), as redesignated by paragraph (3) of this section—

(A) by striking ", (2) and (3)" and inserting in lieu thereof "and (2)"; and

(B) by inserting ", and not more than $55,000,000 are authorized to be appropriated for fiscal years 1983, 1984 and 1985" immediately before the period; and

(5) by adding at the end thereof the following new paragraphs:

"(4) $40,000,000 of the funds received by the Secretary of the Treasury from amounts appropriated under subsection (a) of this section shall be reserved and made available for meritorious applications regarding that restructuring of rail freight facilities and systems specified in section 505(b)(2)(ii) of this title.

"(5) $15,000,000 of the funds appropriated under subsection (a) of this section shall be available for the purchase, or for the refinancing of the purchase, of the rail line of the Chicago, Rock Island and Pacific Railroad Company between Fort Worth and Dallas, Texas, or of interests in such rail line, by a State or one or more political subdivisions thereof. To the extent that funds are made available for such purposes through appropriations for any Administration of the Department of Transportation, other than the Federal Railroad Administration, the amount of funds authorized under this section shall be reduced accordingly.".

(b) Section 505(b)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825(b)(2)) is amended—

(1) by inserting "(i)" immediately after "priorities"; and

(2) by inserting "(ii)" immediately after "in the private sector and".

TITLE V—MISCELLANEOUS PROVISIONS

LOCAL RAIL SERVICE

SEC. 501. Section 5(h)(2)(A) of the Department of Transportation Act (49 U.S.C. 1654(h)(2)(A)) is amended to read as follows:

"(A) two-thirds of the available funds, multiplied by a fraction the numerator of which is the sum of (i) total rail mileage in the State, other than rail mileage of the Consolidated Rail Corporation, which, in accordance with section 10904(e) of title 49, United States Code, either is 'potentially subject to abandonment' or with respect to which a carrier plans to file, or has filed, an application for a certificate under subsection (a) of such section, and (ii) the total rail mileage of the Consolidated Rail 96 STAT. 2552 Corporation in the State which such Corporation has certified to be in a situation comparable to 'potentially subject to abandonment' within the meaning of such term under such section 10904 or with respect to which the Consolidated Rail Corporation plans to file, or has filed, an application for a certificate under section 308 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 748) or under section 10904(a) of title 49, United States Code, and the denominator of which is the total of the rail mileage described in clauses (i) and (ii) in all the States; and". 95 Stat. 679.

CONTRACT RATES

Sec. 502. Section 10713(k)(1) of title 49, United States Code, is amended by striking "and paper)" and inserting in lieu thereof ", but not including wood pulp, wood chips, pulpwood or paper)".

BURNHAM CANAL

33 USC 59t.

Sec. 503. The portion of the Burnham Canal, in Milwaukee, Wisconsin, which is underneath and west of a point one hundred feet east of South Eleventh Street is declared to be not a navigable water of the United States within the meaning of the Constitution and laws of the United States. The right to alter, amend, or repeal this section is hereby expressly reserved.

COMMUTER TRANSITION FUNDING

Sec. 504. (a) Section 1139(b) of the Northeast Rail Service Act of 1981 is amended—

95 Stat. 652.
45 USC 744a note.

(1) by inserting "(1)"immediately after "(b)";

(2) by striking "in the fiscal year ending September 30, 1982,";

(3) by striking "contracting with Amtrak Commuter"; and

(4) by adding at the end thereof the following new paragraph:

"(2) Any funds appropriated under the authority of this subsection shall be distributed by the Secretary to Amtrak Commuter and commuter authorities according to the statutory provisions of paragraph (1) of this subsection within 60 days after receipt of an application by Amtrak Commuter or such commuter authorities or within 60 days after the date of enactment of the Rail Safety and Service Improvement Act of 1982, whichever is later.".

Ante, p. 2543.

(b) Section 216(g) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(g)) is amended—

(1) by inserting "(1)" immediately after "Appropriation.—"; and

(2) by adding at the end thereof the following new paragraph:

"(2) To the extent provided in appropriation Acts, any funds appropriated under the authority of paragraph (1) of this subsection prior to the date of enactment of the Rail Safety and Service Improvement Act of 1982 may be reappropriated to the Secretary, to facilitate the transfer of rail commuter services from the Corporation to other operators, for distribution under the statutory provisions of section 1139(b) of the Northeast Rail Service Act of 1981.".

(c)(1) Section 217(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 727(a)) is amended by striking "$262,000,000" and inserting in lieu thereof "$137,000,000".

(2) Section 217(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 727(f)) is amended to read as follows:

95 Stat. 653.

96 STAT. 2553

"(f) Authorization of Appropriations.—(1) There is authorized to be appropriated not to exceed $262,000,000—

"(A) of which not to exceed $137,000,000 shall be appropriated to the Association for purposes of purchasing securities and accounts receivable of the Corporation under this section, such sums to remain available until the Secretary transfers the Corporation under title IV of this Act;

45 USC 761.

"(B) of which not to exceed $75,000,000 shall be appropriated to the Secretary, to facilitate the transfer of rail commuter services from the Corporation to other operators, for distribution under the statutory provisions of section 1139(b) of the Northeast Rail Service Act of 1981;

95 Stat. 652.
45 USC 744a. note.

"(C) of which not to exceed $35,000,000 shall be appropriated to the Secretary to be allocated for employee protection under section 106 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1005); and

"(D) of which not to exceed $15,000,000 shall be appropriated to the Secretary to facilitate the transfer of rail commuter services from railroads that entered reorganization after calendar year 1974 to any commuter authority that was providing commuter service, operated by a railroad that entered reorganization after calendar year 1974, as of January 1, 1979.

"(2) All sums received on account of the holding or disposition of any securities or accounts receivable referred to in paragraph (1)(A) of this subsection shall be deposited in the general fund of the Treasury.

"(3) The amount authorized to be appropriated under paragraph (1)(B) of this subsection shall be reduced, in an amount equal to any amounts reappropriated under the authority of section 216(g)(2) of this Act, upon the date of enactment of any Act which reappropriates such amounts.".

45 USC 726.

INTERCITY PASSENGER SERVICE EMPLOYEE PROTECTION

95 Stat. 686.
45 USC 1113.

SEC. 505. (a) Section 1165 of the Northeast Rail Service Act of 1981 is amended—

(1) by inserting "(a)" immediately after "Sec. 1165."; and

(2) by adding at the end thereof the following new subsection:

"(b) Conrail employees who are deprived of employment by an assumption or discontinuance of intercity passenger service by Amtrak shall be eligible for employee protection benefits under section 701 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797), notwithstanding any other provision of law, agreement, or arrangement, and notwithstanding the inability of such employees otherwise to meet the eligibility requirements of such section. Such protection shall be the exclusive protection applicable to Conrail employees deprived of employment or adversely affected by any such assumption or discontinuance.".

95 Stat. 661.

RAILROAD DEVELOPMENT CRITERIA

SEC. 506. (a) Section 10910(b)(1)(A)(ii) of title 49, United States Code, is amended by striking "has been placed" and inserting in lieu thereof "is", and by inserting "before an application to purchase such line, or any required preliminary filing with respect to such application, is filed under this section" immediately after "10903 and 10904 of this title".

96 STAT. 2554

Effective date.
49 USC 10910 note.

(b) The amendment made by subsection (a) of this section shall be effective with respect to any application or preliminary filing with respect to which the Commission has made no final decision before May 1, 1982, except that such amendment shall not affect any line which has been removed from the carrier's system diagram map before the date of enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 507. There is authorized to be appropriated to the Secretary of Transportation $15,600,000 for the fiscal year ending September 30, 1983, for the Office of the Administrator of the Federal Railroad Administration, of which not to exceed $9,200,000 shall be used for executive direction and administration and not to exceed $6,400,000 shall be used for policy support.

NORTHEAST CORRIDOR COORDINATION

95 Stat. 650.

SEC. 508. Section 505 of the Rail Passenger Service Act (45 U.S.C. 585) is amended—

(1) by striking "Board of Directors of Amtrak Commuter" both places it appears and inserting in lieu thereof "Northeast Corridor Coordination Board"; and

(2) by adding at the end thereof the following new subsection:

"(c) The Northeast Corridor Coordination Board shall consist of (1) one member from each commuter authority, within the meaning of such term under section 1135(a)(3) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(a)(3)), which operates or contracts for the operation of rail commuter service over the main line of the North-

95 Stat. 645.

east Corridor; (2) two members to be named by Amtrak; and (3) one member to be named by the Consolidated Rail Corporation.".

APPLICABILITY OF LAWS

SEC. 509. Title V of the Rail Passenger Service Act (45 U.S.C. 581 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 511. APPLICABILITY OF LAWS. 45 USC 591.

"Any commuter authority operating commuter service under this title shall be subject to applicable laws with respect to such service, including, but not limited to, the Railway Labor Act (45 U.S.C. 151 et seq.), the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.), the Railroad Retirement Tax Act (26 U.S.C. 3201 et seq.), and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).".

COMMISSION PROCEEDINGS

SEC. 510. Section 1164(c) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1112(c)) is amended— 95 Stat. 685.

(1) in paragraph (1)—

(A) by striking "bankruptcy, substantial sale," and inserting in lieu thereof "bankruptcy or substantial sale"; and

(B) by amending the last sentence to read as follows: "The Secretary may substitute for the evidence of such debt contingency notes payable solely from the railroad operating assets then securing such debt, including reinvestments thereof, or such other contingency notes as the Secretary deems appropriate and which conform to the terms set forth in this subsection.";

(2) by amending paragraph (2) to read as follows:

"(2) If the interest of the United States is limited under paragraph (1), any new debt issued by such a railroad subsequent to the issuance of the debt described in paragraph (1) may have such higher priority in the event of bankruptcy, liquidation, or abandonment of the assets of such a railroad than the debt described in such paragraph as the Secretary and the railroad may agree."; and

(3) by adding at the end thereof the following new paragraph:

"(3) In carrying out the duties under this subsection, the Secretary may (A) enter into such agreements, (B) in accordance with any such agreements, cancel or cause to be cancelled or amend or cause to be amended any notes or securities currently held by agencies or instrumentalities of the United States, and (C) accept in exchange as substitution therefor such instruments evidencing the indebtedness owed to such agencies or instrumentalities as, in the Secretary's judgment, will effectuate the purposes of this subsection.".

FEEDER LINE TRANSFER

SEC. 511. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall provide Federal financial assistance, in accordance with the provisions of this section, for the acquisition and rehabilitation (including related new construction of sidings and connecting tracks) of the feeder line which the Illinois Central Gulf Railroad has abandoned extending between Milepost 72 near Herscher, Illinois and Milepost 135 near Barnes, Illinois (known as the "Bloomer Line").

(b) In carrying out this section, the Secretary shall provide assistance to a qualified applicant in an amount not to exceed 90 percent of the acquisition costs and 80 percent of the rehabilitation costs associated with the redevelopment of the feeder line. Any qualified applicant may provide the non-Federal share of the costs of such project.

(c) If an application is filed with the Secretary which is supported by a preponderance of the rail service users on the feeder line or segment of such line for which such an application is filed, the Secretary shall act expeditiously on such application. If the Secretary denies an application filed under this section, the Secretary must provide to the applicant a contemporaneous statement of reasons for the denial and a list of the specific amendments to the application which, if made, would cause the Secretary to approve such application.

(d) If the entity purchasing the line described in subsection (a) of this section petitions the Interstate Commerce Commission for joint rates applicable to traffic moving over through routes in which the purchasing carrier may practically participate, the Commission shall, within 30 days after the date such petition is filed and pursuant to section 10705(a) of title 49, United States Code, require the establishment of reasonable joint rates and divisions over such route.

Appropriation authorization.

(e) There is authorized to be appropriated $3,000,000 to carry out this section.

"Qualified applicant."

(f) As used in this section, the term "qualified applicant" means—

(1) a State or local governmental entity;

(2) a person who is able to assure that adequate transportation will be provided over a substantial portion of the feeder line described in subsection (a) of this section for a period of not less than 3 years; or

(3) any combination of members of the classes of applicants described in paragraphs (1) and (2) of this subsection.

Alaska Railroad Transfer Act of 1982.

TITLE VI—ALASKA RAILROAD TRANSFER

SHORT TITLE

45 USC 1201 note.

SEC. 601. This title may be cited as the "Alaska Railroad Transfer Act of 1982".

FINDINGS

45 USC 1201.

SEC. 602. The Congress finds that—

(1) the Alaska Railroad, which was built by the Federal Government to serve the transportation and development needs of the Territory of Alaska, presently is providing freight and passenger services that primarily benefit residents and businesses in the State of Alaska;

(2) many communities and individuals in Alaska are wholly or substantially dependent on the Alaska Railroad for freight and passenger service and provision of such service is an essential governmental function;

(3) continuation of services of the Alaska Railroad and the opportunity for future expansion of those services are necessary to achieve Federal, State, and private objectives; however, continued Federal control and financial support are no longer necessary to accomplish these objectives;

(4) the transfer of the Alaska Railroad and provision for its operation by the State in the manner contemplated by this title is made pursuant to the Federal goal and ongoing program of transferring appropriate activities to the States;

(5) the State's continued operation of the Alaska Railroad following the transfer contemplated by this title, together with such expansion of the railroad as may be necessary or convenient in the future, will constitute an appropriate public use of the rail system and associated properties, will provide an essential governmental service, and will promote the general welfare of Alaska's residents and visitors; and

(6) in order to give the State government the ability to determine the Alaska Railroad's role in serving the State's transportation needs in the future, including the opportunity to extend rail service, and to provide a savings to the Federal Government, the Federal Government should offer to transfer the railroad to the State, in accordance with the provisions of

this title, in the same manner in which other Federal transportation functions (including highways and airports) have been transferred since Alaska became a State in 1959.

DEFINITIONS

SEC. 603. As used in this title, the term— 45 USC 1202.

(1) "Alaska Railroad" means the agency of the United States Government that is operated by the Department of Transportation as a rail carrier in Alaska under authority of the Act of March 12, 1914 (43 U.S.C. 975 et seq.) (popularly referred to as the "Alaska Railroad Act") and section 6(i) of the Department of Transportation Act (49 U.S.C. 1655(i)), or, as the context requires, the railroad operated by that agency;

(2) "Alaska Railroad Revolving Fund" means the public enterprise fund maintained by the Department of the Treasury into which revenues of the Alaska Railroad and appropriations for the Alaska Railroad are deposited, and from which funds are expended for Alaska Railroad operation, maintenance and construction work authorized by law; Definitions.

(3) "claim of valid existing rights" means any claim to the rail properties of the Alaska Railroad on record in the Department of the Interior as of the day before the date of enactment of this Act;

(4) "date of transfer" means the date on which the Secretary delivers to the State the four documents referred to in section 604(b)(1) of this title;

(5) "employees" means all permanent personnel employed by the Alaska Railroad on the date of transfer, including the officers of the Alaska Railroad, unless otherwise indicated in this title;

(6) "exclusive-use easement" means an easement which affords to the easement holder the following:

(A) the exclusive right to use, possess, and enjoy the surface estate of the land subject to this easement for transportation, communication, and transmission purposes and for support functions associated with such purposes;

(B) the right to use so much of the subsurface estate of the lands subject to this easement as is necessary for the transportation, communication, and transmission purposes and associated support functions for which the surface of such lands is used;

(C) subjacent and lateral support of the lands subject to the easement; and

(D) the right (in the easement holder's discretion) to fence all or part of the lands subject to this easement and to affix track, fixtures, and structures to such lands and to exclude other persons from all or part of such lands;

(7) "Native Corporation" has the same meaning as such term has under section 102(6) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(6));

(8) "officers of the Alaska Railroad" means the employees occupying the following positions at the Alaska Railroad as of the day before the date of transfer: General Manager; Assistant General Manager; Assistant to the General Manager; Chief of Administration; and Chief Counsel;

(9) "public lands" has the same meaning as such term has under section 3(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(e));

(10) "rail properties of the Alaska Railroad" means all right, title, and interest of the United States to lands, buildings, facilities, machinery, equipment, supplies, records, rolling stock, trade names, accounts receivable, goodwill, and other real and personal property, both tangible and intangible, in which there is an interest reserved, withdrawn, appropriated, owned, administered or otherwise held or validly claimed for the Alaska Railroad by the United States or any agency or instrumentality

96 STAT. 2558

thereof as of the date of enactment of this Act, but excluding any such properties disposed of, and including any such properties acquired, in the ordinary course of business after that date but before the date of transfer, and also including the exclusive-use easement within the Denali National Park and Preserve conveyed to the State pursuant to this title and also excluding the following:

(A) the unexercised reservation to the United States for future rights-of-way required in all patents for land taken up, entered, or located in Alaska, as provided by the Act of March 12, 1914 (43 U.S.C. 975 et seq.);

(B) the right of the United States to exercise the power of eminent domain;

(C) any moneys in the Alaska Railroad Revolving Fund which the Secretary demonstrates, in consultation with the State, are unobligated funds appropriated from general tax revenues or are needed to satisfy obligations incurred by the United States in connection with the operation of the Alaska Railroad which would have been paid from such Fund but for this title and which are not assumed by the State pursuant to this title;

(D) any personal property which the Secretary demonstrates, in consultation with the State, prior to the date of transfer under section 604 of this title, to be necessary to carry out functions of the United States after the date of transfer; and

(E) any lands or interest therein (except as specified in this title) within the boundaries of the Denali National Park and Preserve;

(11) "right-of-way" means, except as used in section 609 of this title—

(A) an area extending not less than one hundred feet on both sides of the center line of any main line or branch line of the Alaska Railroad; or

(B) an area extending on both sides of the center line of any main line or branch line of the Alaska Railroad appropriated or retained by or for the Alaska Railroad that, as a result of military jurisdiction over, or non-Federal ownership of, lands abutting the main line or branch line, is of a width less than that described in subparagraph (A) of this paragraph;

(12) "Secretary" means the Secretary of Transportation;

(13) "State" means the State of Alaska or the State-owned railroad, as the context requires;

(14) "State-owned railroad" means the authority, agency, corporation or other entity which the State of Alaska designates or contracts with to own, operate or manage the rail properties of the Alaska Railroad or, as the context requires, the railroad owned, operated, or managed by such authority, agency, corporation, or other entity; and

(15) "Village Corporation" has the same meaning as such term has under section 3(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(j)).

96 STAT. 2559

TRANSFER AUTHORIZATION

45 USC 1203.

SEC. 604. (a) Subject to the provisions of this title, the United States, through the Secretary, shall transfer all rail properties of the Alaska Railroad to the State. Such transfer shall occur as soon as practicable after the Secretary has made the certifications required by subsection (d) of this section and shall be accomplished in the manner specified in subsection (b) of this section.

(b)(1) On the date of transfer, the Secretary shall simultaneously:

(A) deliver to the State a bill of sale conveying title to all rail properties of the Alaska Railroad except any interest in real property;

(B) deliver to the State an interim conveyance of the rail properties of the Alaska Railroad that are not conveyed pursuant to subparagraph (A) of this paragraph and are not subject to unresolved claims of valid existing rights;

(C) deliver to the State an exclusive license granting the State the right to use all rail properties of the Alaska Railroad not conveyed pursuant to subparagraphs (A) or (B) of this paragraph pending conveyances in accordance with the review and settlement or final administrative adjudication of claims of valid existing rights;

(D) convey to the State a deed granting the State (i) an exclusive-use easement for that portion of the right-of-way of the Alaska Railroad within the Denali National Park and Preserve extending not less than one hundred feet on either side of the main or branch line tracks, and eight feet on either side of the centerline of the "Y" track connecting the main line of the railroad to the power station at McKinley Park Station and (ii) title to railroad-related improvements within such right-of-way.

Prior to taking the action specified in subparagraphs (A) through (D) of this paragraph, the Secretary shall consult with the Secretary of the Interior. The exclusive-use easement granted pursuant to subparagraph (D) of this paragraph and all rights afforded by such easement shall be exercised only for railroad purposes, and for such other transportation, transmission, or communication purposes for which lands subject to such easement were utilized as of the date of enactment of this Act. In the event of reversion to the United States, pursuant to section 610 of this title, of the State's interests in all or part of the lands subject to such easement, such easement shall terminate with respect to the lands subject to such reversion, and no new exclusive-use easement with respect to such reverted lands shall be granted except by Act of Congress.

(2) The Secretary shall deliver to the State an interim conveyance of rail properties of the Alaska Railroad described in paragraph (1)(C) of this subsection that become available for conveyance to the State after the date of transfer as a result of settlement, relinquishment, or final administrative adjudication pursuant to section 606 of this title. Where the rail properties to be conveyed pursuant to this paragraph are surveyed at the time they become available for conveyance to the State, the Secretary shall deliver a patent therefor in lieu of an interim conveyance.

(3) The force and effect of an interim conveyance made pursuant to paragraphs (1)(B) or (2) of this subsection shall be to convey to and vest in the State exactly the same right, title, and interest in and to the rail properties identified therein as the State would have received had it been issued a patent by the United States. The Secretary of the Interior shall survey the land conveyed by an interim conveyance to the State pursuant to paragraphs (1)(B) or (2) of this subsection and, upon completion of the survey, the Secretary shall issue a patent therefor. 96 STAT. 2560

(4) The license granted pursuant to paragraph (1)(C) of this subsection shall authorize the State to use, occupy, and directly receive all benefits of the rail properties described in the license for the operation of the State-owned railroad in conformity with the Memorandum of Understanding referred to in section 606(b)(3) of this title. The license shall be exclusive, subject only to valid leases, permits, and other instruments issued before the date of transfer and easements reserved pursuant to subsection (c)(2) of this section. With respect to any parcel conveyed pursuant to this title, the license shall terminate upon conveyance of such parcel.

(c)(1) Interim conveyances and patents issued to the State pursuant to subsection (b) of this section shall confirm, convey and vest in the State all reservations to the United States (whether or not expressed in a particular patent or document of title), except the unexercised reservations to the United States for future rights-of-way made or required by the first section of the Act of March 12, 1914 (43 U.S.C. 975d). The conveyance to the State of such reservations shall not be affected by the repeal of such Act under section 615 of this title.

(2) In the license granted under subsection (b)(1)(C) of this section and in all conveyances made to the State under this title, there shall be reserved to the Secretary of the Interior, the Secretary of Defense and the Secretary of Agriculture, as appropriate, existing easements for administration (including agency transportation and utility purposes) that are identified in the report required by section 605(a) of this title. The appropriate Secretary may obtain, only after consent of the State, such future easements as are necessary for administration. Existing and future easements and use of such easements shall not interfere with operations and support functions of the State-owned railroad.

(3) There shall be reserved to the Secretary of the Interior the right to use and occupy, without compensation, five thousand square feet of land at Talkeetna, Alaska, as described in ARR lease numbered 69-25-0003-5165 for National Park Service administrative activities, so long as the use or occupation does not interfere with the operation of the State-owned railroad. This reservation shall be effective on the date of transfer under this section or the expiration date of such lease, whichever is later.

(d)(1) Prior to the date of transfer, the Secretary shall certify that the State has agreed to operate the railroad as a rail carrier in intrastate and interstate commerce.

(2)(A) Prior to the date of transfer, the Secretary shall also certify that the State has agreed to assume all rights, liabilities, and obligations of the Alaska Railroad on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, and accounts payable, except as otherwise provided by this title.

(B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the United States shall be solely responsible for—

(i) all claims and causes of action against the Alaska Railroad that accrue on or before the date of transfer, regardless of the date on which legal proceedings asserting such claims were or may be filed, except that the United States shall, in the case of any tort claim, only be responsible for any such claim against the United States that accrues before the date of transfer and results in an award, compromise, or settlement of more than $2,500, and the United States shall not compromise or settle any claim resulting in State liability without the consent of the State, which consent shall not be unreasonably withheld; and

(ii) all claims that resulted in a judgment or award against the Alaska Railroad before the date of transfer.

"Accrue."

(C) For purposes of subparagraph (B) of this paragraph, the term "accrue" shall have the meaning contained in section 2401 of title 28, United States Code.

(3)(A) Prior to the date of transfer, the Secretary shall also certify that the State-owned railroad has established arrangements pursuant to section 607 of this title to protect the employment interests of employees of the Alaska Railroad during the two-year period commencing on the date of transfer. These arrangements shall include provisions—

(i) which ensure that the State-owned railroad will adopt collective bargaining agreements in accordance with the provisions of subparagraph (B) of this paragraph;

(ii) for the retention of all employees, other than officers of the Alaska Railroad, who elect to transfer to the State-owned railroad in their same positions for the two-year period commencing on the date of transfer, except in cases of reassignment, separation for cause, resignation, retirement, or lack of work;

(iii) for the payment of compensation to transferred employees (other than employees provided for in subparagraph (E) of this paragraph), except in cases of separation for cause, resignation, retirement, or lack of work, for two years commencing on the date of transfer at or above the base salary levels in effect for such employees on the date of transfer, unless the parties otherwise agree during that two-year period;

(iv) for priority of reemployment at the State-owned railroad during the two-year period commencing on the date of transfer for transferred employees who are separated for lack of work, in accordance with subparagraph (C) of this paragraph (except for officers of the Alaska Railroad, who shall receive such priority for one year following the date of transfer);

(v) for credit during the two-year period commencing on the date of transfer for accrued annual and sick leave, seniority rights, and relocation and turnaround travel allowances which have been accrued during their period of Federal employment by transfered employees retained by the State-owned railroad (except for officers of the Alaska Railroad, who shall receive such credit for one year following the date of transfer);

(vi) for payment to transferred employees retained by the State-owned railroad during the two-year period commencing on the date of transfer, including for one year officers retained or separated under subparagraph (E) of this paragraph, of an amount equivalent to the cost-of-living allowance to which they are entitled as Federal employees on the day before the date of transfer, in accordance with the provisions of subparagraph (D) of this paragraph; and

(vii) for health and life insurance programs for transferred employees retained by the State-owned railroad during the two-year period commencing on the date of transfer, substantially equivalent to the Federal health and life insurance programs available to employees on the day before the date of transfer (except for officers of the Alaska Railroad, who shall receive such credit for one year following the date of transfer).

(B) The State-owned railroad shall adopt all collective bargaining agreements which are in effect on the date of transfer. Such agreements shall continue in effect for the two-year period commencing on the date of transfer, unless the parties agree to the contrary before the expiration of that two-year period. Such agreements shall be renegotiated during the two-year period, unless the parties agree to the contrary. Any labor-management negotiation impasse declared before the date of transfer shall be settled in accordance with chapter 71 of title 5, United States Code. Any impasse declared after the date of transfer shali be subject to applicable State law.

5 USC 7101 *et seq.*

(C) Federal service shall be included in the computation of seniority for transferred employees with priority for reemployment, as provided in subparagraph (A)(iv) of this paragraph.

(D) Payment to transferred employees pursuant to subparagraph (A)(vi) of this paragraph shall not exceed the percentage of any transferred employee's base salary level provided by the United States as a cost-of-living allowance on the day before the date of transfer, unless the parties agree to the contrary.

(E) Prior to the date of transfer, the Secretary shall also certify that the State-owned railroad has agreed to the retention, for at least one year from the date of transfer, of the offices of the Alaska Railroad, except in cases of separation for cause, resignation, retirement, or lack of work, at or above their base salaries in effect on the date of transfer, in such positions as the State-owned railroad may determine; or to the payment of lump-sum severance pay in an amount equal to such base salary for one year to officers not retained by the State-owned railroad upon transfer or, for officers separated within one year on or after the date of transfer, of a portion of such lump-sum severance payment (diminished pro rata for employment by the State-owned railroad within one year of the date of transfer prior to separation).

(4) Prior to the date of transfer, the Secretary shall also certify that the State has agreed to allow representatives of the Secretary adequate access to employees and records of the Alaska Railroad when needed for the performance of functions related to the period of Federal ownership.

(5) Prior to the date of transfer, the Secretary shall also certify that the State has agreed to compensate the United States at the value, if any, determined pursuant to section 605(d) of this title.

TRANSITION PERIOD

Report to Congress and State legislature.
45 USC 1204.

SEC. 605. (a) Within 6 months after the date of enactment of this Act, the Secretary and the Governor of Alaska shall jointly prepare and deliver to the Congress of the United States and the legislature of the State a report that describes to the extent possible the rail properties of the Alaska Railroad, the liabilities and obligations to be assumed by the State, the sum of money, if any, in the Alaska Railroad Revolving Fund to be withheld from the State pursuant to section 603(8)(C) of this title, and any personal property to be withheld pursuant to section 603(8)(D) of this title. The report shall separately identify by the best available descriptions (1) the rail properties of the Alaska Railroad to be transferred pursuant to section 604(b)(1) (A), (B), and (D) of this title; (2) the rail properties to be subject to the license granted pursuant to section 604(b)(1)(C) of this title; and (3) the easements to be reserved pursuant to section 604(c)(2) of this title. The Secretaries of Agriculture, Defense, and the Interior and the Administrator of the General Services Administration shall provide the Secretary with all information and assistance necessary to allow the Secretary to complete the report within the time required.

96 STAT. 2563

(b) During the period from the date of enactment of this Act until the date of transfer, the State shall have the right to inspect, analyze, photograph, photocopy and otherwise evaluate all of the rail properties of the Alaska Railroad and all records related to the rail properties of the Alaska Railroad maintained by any agency of the United States under conditions established by the Secretary to protect the confidentiality of proprietary business data, personnel records, and other information, the public disclosure of which is prohibited by law. During that period, the Secretary and the Alaska Railroad shall not, without the consent of the State and only in conformity with applicable law and the Memorandum of Understanding referred to in section 606(b)(3) of this title—

(1) make or incur any obligation to make any individual capital expenditure of money from the Alaska Railroad Revolving Fund in excess of $300,000;

(2) (except as required by law) sell, exchange, give, or otherwise transfer any real property included in the rail properties of the Alaska Railroad; or

(3) lease any rail property of the Alaska Railroad for a term in excess of five years.

(c) Prior to transfer of the rail properties of the Alaska Railroad to the State, the Alaska Railroad's accounting practices and systems shall be capable of reporting data to the Interstate Commerce Commission in formats required of comparable rail carriers subject to the jurisdiction of the Interstate Commerce Commission.

(d)(1) Within nine months after the date of enactment of this Act, the United States Railway Association (hereinafter in this section referred to as the "Association") shall determine the fair market value of the Alaska Railroad under the terms and conditions of this title, applying such procedures, methods and standards as are generally accepted as normal and common practice. Such determination shall include an appraisal of the real and personal property to be transferred to the State pursuant to this title. Such appraisal by the Association shall be conducted in the usual manner in accordance with generally accepted industry standards, and shall consider the current fair market value and potential future value if used in whole or in part for other purposes. The Association shall take into account all obligations imposed by this title and other applicable law upon operation and ownership of the State-owned railroad. In making such determination, the Association shall use to the maximum extent practicable all relevant data and information, including, if relevant, that contained in the report prepared pursuant to subsection (a) of this section.

(2) The determination made pursuant to paragraph (1) of this subsection shall not be construed to affect, enlarge, modify, or diminish any inventory, valuation, or classification required by the Interstate Commerce Commission pursuant to subchapter V of chapter 107 of title 49, United States Code (49 U.S.C. 10781 et seq.).

(e) Section 202(a) of the Regional Rail Reorganization Act of 1973 is amended—

45 USC 712.

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(11) determine the value of the Alaska Railroad, as required by section 605 of the Alaska Railroad Transfer Act of 1982.".

LANDS TO BE TRANSFERRED

SEC. 606. (a) Lands among the rail properties of the Alaska Railroad shall not be—

45 USC 1205.

(1) available for selection under section 12 of the Act of January 2, 1976, as amended (43 U.S.C. 1611, note), subject to the exception contained in section 12(b)(8)(i)(D) of such Act, as amended by subsection (d)(5) of this section;

Post, p. 2568.

(2) available for conveyance under section 1425 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2515);

(3) available for conveyance to Chugach Natives, Inc., under sections 1429 or 1430 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2531) or under sections 12(c) or 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c) and 1613(h)(8), respectively); or

(4) available under any law or regulation for entry, location, or for exchange by the United States, or for the initiation of a claim or selection by any party other than the State or other transferee under this title, except that this paragraph shall not prevent a conveyance pursuant to section 12(b)(8)(i)(D) of the Act of January 2, 1976 (43 U.S.C. 1611, note), as amended by subsection (d)(5) of this section.

(b)(1)(A) During the ten months following the date of enactment of this Act, so far as practicable consistent with the priority of preparing the report required pursuant to section 605(a) of this title, the Secretary of the Interior, Village Corporations with claims of valid existing rights, and the State shall review and make a good faith effort to settle as many of the claims as possible. Any agreement to settle such claims shall take effect and bind the United States, the State, and the Village Corporation only as of the date of transfer of the railroad.

(B) At the conclusion of the review and settlement process provided in subparagraph (A) of this paragraph, the Secretary of the Interior shall prepare a report identifying lands to be conveyed in accordance with settlement agreements under this title or applicable law. Such settlement shall not give rise to a presumption as to whether a parcel of land subject to such agreement is or is not public land.

(2) The Secretary of the Interior shall have the continuing jurisdiction and duty to adjudicate unresolved claims of valid existing rights pursuant to applicable law and this title. The Secretary of the Interior shall complete the final administrative adjudication required under this subsection not later than three years after the date of enactment of this Act, and shall complete the survey of all lands to be conveyed under this title not later than five years after the date of enactment of this Act, and after consulting with the Governor of the State of Alaska to determine priority of survey with

96 STAT. 2565 regard to other lands being processed for patent to the State. The Secretary of the Interior shall give priority to the adjudication of Village Corporation claims as required in this section. Upon completion of the review and settlement process required by paragraph (1)(A) of this subsection, with respect to lands not subject to an agreement under such paragraph, the Secretary of the Interior shall adjudicate which lands subject to claims of valid existing rights filed by Village Corporations, if any, are public lands and shall complete such final administrative adjudication within two years after the date of enactment of this Act.

(3) Pending settlement or final administrative adjudication of claims of valid existing rights filed by Village Corporations prior to the date of transfer or while subject to the license granted to the State pursuant to section 604(b)(1)(C) of this title, lands subject to such claims shall be managed in accordance with the Memorandum of Understanding among the Federal Railroad Administration, the State, Eklutna, Incorporated, Cook Inlet Region, Incorporated (as that term is used in section 12 of the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1150)), and Toghotthele Corporation, executed by authorized officers or representatives of each of these entities. Duplicate originals of the Memorandum of Understanding shall be maintained and made available for public inspection and copying in the Office of the Secretary, at Washington, District of Columbia, and in the Office of the Governor of the State of Alaska, at Juneau, Alaska.

(4) The following procedures and requirements are established to promote finality of administrative adjudication of claims of valid existing rights filed by Village Corporations, to clarify and simplify the title status of lands subject to such claims, and to avoid potential impairment of railroad operations resulting from joint or divided ownership in substantial segments of right-of-way:

(A)(i) Prior to final administrative adjudication of Village Corporation claims of valid existing rights in land subject to the license granted under section 604(b)(1)(C) of this title, the Secretary of the Interior may, notwithstanding any other provision of law, accept relinquishment of so much of such claims as involved lands within the right-of-way through execution of an agreement with the appropriate Village Corporation effective on or after the date of transfer. Upon such relinquishment, the interest of the United States in the right-of-way shall be conveyed to the State pursuant to section 604(b)(1)(B) or (2) of this title.

(ii) With respect to a claim described in clause (i) of this subparagraph that is not settled or relinquished prior to final administrative adjudication, the Congress finds that exclusive control over the right-of-way by the Alaska Railroad has been and continues to be necessary to afford sufficient protection for safe and economic operation of the railroad. Upon failure of the interested Village Corporation to relinquish so much of its claims as involve lands within the right-of-way prior to final adjudication of valid existing rights, the Secretary shall convey to the State pursuant to section 604(b)(1)(B) or (2) of this title all right, title and interest of the United States in and to the right-of-way free and clear of such Village Corporation's claim to and interest in lands within such right-of-way.

(B) Where lands within the right-of-way, or any interest in
96 STAT. 2566 such lands, have been conveyed from Federal ownership prior to the date of enactment of this Act, or is subject to a claim of valid existing rights by a party other than a Village Corporation, the conveyance to the State of the Federal interest in such properties pursuant to section 604(b)(1)(B) or (2) of this title shall grant not less than an exclusive-use easement in such properties. The foregoing requirements shall not be construed to permit the conveyance to the State of less than the entire Federal interest in the rail properties of the Alaska Railroad required to be conveyed by section 604(b) of this title. If an action is commenced against the State or the United States

contesting the validity or existence of a reservation of right-of-way for the use or benefit of the Alaska Railroad made prior to the date of enactment of this Act, the Secretary of the Interior, through the Attorney General, shall appear in and defend such action.

(c)(1) The final administrative adjudication pursuant to subsection (b) of this section shall be final agency action and subject to judicial review only by an action brought in the United States District Court for the District of Alaska. Review of agency action pursuant to this title shall be expedited to the same extent as the expedited review provided by section 1108 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3168).

(2) No administrative or judicial action under this title shall enjoin or otherwise delay the transfer of the Alaska Railroad pursuant to this title, or substantially impair or impede the operations of the Alaska Railroad or the State-owned railroad.

(3) Before the date of transfer, the State shall have standing to participate in any administrative determination or judicial review pursuant to this title. If transfer to the State does not occur pursuant to section 604 of this title, the State shall not thereafter have standing to participate in any such determination or review.

(d)(1) Section 12(b)(7)(i) of the Act of January 2, 1976 (Public Law 94-204) is amended— 43 USC 1611 note.

(A) by striking "subsection 12(b)(6)" and inserting in lieu thereof "section 12(b) (5) and (6)";

(B) by striking "12(b)(7)(ii)" and inserting in lieu thereof "12(b)(7)(iv)";

(C) by striking "crediting" and inserting in lieu thereof "using";

(D) by striking "this subsection 12(b)(7)(i)(b)" and inserting in lieu thereof "these subsections 12(b)(7) (i)(b) or (ii)";

(E) by striking "State" in the last sentence and inserting in lieu thereof "state"; and

(F) by striking the penultimate sentence.

(2) Section 12(b)(7) of such Act is amended—

(A) by redesignating subsections (ii) through (iv) as subsections (iv) through (vi), respectively; and

(B) by inserting immediately after subsection (i) the following:

"(ii) Subject to the exceptions stated in section 12(b)(9), and notwithstanding the foregoing subsection 12(b)(7)(i) and any provision of any other law or any implementing regulation inconsistent with this subsection, until the obligations of the Secretary and the Administrator of General Services under section 12(b) (5) and (6) are otherwise fulfilled:

"(A) concurrently with the commencement of screening of any excess real property, wherever located, for utilization by Federal agencies, the Administrator of General Services shall 96 STAT. 2567
notify the Region that such property may be available for conveyance to the Region upon negotiated sale. Within fifteen days of the date of receipt of such notice, the Region may advise the Administrator that there is a tentative need for the property to fulfill the obligations established under section 12(b) (5) and (6). If the Administrator determines the property should be disposed of by transfer to the Region, the Administrator or other appropriate Federal official shall promptly transfer such property; 43 USC 1611 note.

"(B) no disposition or conveyance of property under this subsection to the Region shall be made until the Administrator, after notice to affected State and local governments, has provided to them such opportunity to obtain the property as is recognized in title 40, United States Code and the regulations thereunder for the disposition or conveyance of surplus property; and

"(C) as used in this subsection, 'real property' means any land or interests in land owned or held by the United States or any Federal agency, any improvements on such land or rights to "Real property."

their use or exploitation, and any personal property related to the land.

"(iii) If the Region accepts any conveyance under section 12(b)(7) (i) or (ii), it shall be in exchange for acres or acre-equivalents as provided in subparagraph I(C)(2)(e) of the document referred to in this section, except that, after the obligation of the Secretary and the Administrator under subparagraph I(C)(2)(g) of that document has been fulfilled, the acre-equivalents under subparagraph I(C)(2)(e)(iii)(A) shall be one-half the valued increment therein stated. The entitlement of the Region under section 12(b) of this Act shall be reduced by the number of acres or acre-equivalents attributed to the Region under this subsection. The Secretary and the Administrator are directed to execute an agreement with the Region which shall conform substantially to the 'Memorandum of Understanding Regarding the Implementation of Section 12(b)(7)', dated September 10, 1982, and submitted to the Senate Committee on Commerce, Science, and Transportation. The Secretary, the Administrator and the Region may thereafter otherwise agree to procedures to implement responsibilities under this section 12(b)(7), including establishment of accounting procedures and the delegation or reassignment of duties under this statute.".

43 USC 1611 note.

(3) Section 12(b)(7)(iv) of such Act, as so redesignated by paragraph (2) of this subsection, is amended—

(A) by striking "surplus" the first place it appears therein;

(B) by inserting immediately before the period at the end of the first sentence the following: "or paying for the conveyance of property pursuant to subsections (i) or (ii)";

(C) by inserting immediately after "account shall be" the following: "the sum of (1)";

(D) by striking "I(C)(2)(e)" and inserting in lieu thereof "I(C)(2)(e)(iii)(A)";

(E) by striking "the effective date of this subsection", and inserting in lieu thereof "December 2, 1980";

(F) by striking "and shall be adjusted" and inserting in lieu thereof "and (2) one-half the acre or acre-equivalent exchange value under subparagraph I(C)(2)(e)(iii)(A) of ten townships fewer than the unfulfilled entitlement of the Region on the same date to acres or acre-equivalents under paragraph I(C)(1) of the document referred to in this section. The balance of the property account shall be adjusted in accordance with subsection 12(b)(7)(iii)"; and

96 STAT. 2568

(G) by striking "subsection 12(b)(6)" and inserting in lieu thereof "section 12(b) (5) and (6)".

43 USC 1611 note.

(4) Section 12(b)(7)(v) of such Act, as so redesignated by paragraph (2) of this subsection, is amended by striking "subsection (ii)" and inserting in lieu thereof "subsection (iv)".

43 USC 1611 note.

(5) Section 12(b)(8) of such Act is amended to read as follows:

"12(b)(8). Subject to the exceptions stated in section 12(b)(9), and notwithstanding any provisions of law or implementing regulation inconsistent with this section:

"(i) The deadlines in subparagraphs I(C)(2) (a) and (g) of the document referred to in this section shall be extended until the Secretary's obligations under section 12(b) (5) and (6) are fulfilled: *Provided*, That:

"(A) the obligation of the Secretary under subparagraph I(C)(2)(a) of such document shall terminate on such date, after July 15, 1984, that the Secretary has fulfilled his obligation under subparagraph I(C)(2)(g) of that document: *Provided*, That the obligation of the Secretary under subparagraph I(C)(2)(g) of such document shall be fulfilled at such date, after July 15, 1984, that the sum of the acres or acre-equivalents identified for and placed in the pool and the acres or acre-equivalents used by the Region in purchasing property under section 12(b)(7) equals or exceeds 138,240 acres or acre-equivalents;

"(B) the authority of the Secretary under subparagraphs I(C)(2)(b) and I(C)(2)(g)(ii) of such document to contribute to the pool created under subparagraph I(C)(2)(a) of such document shall terminate (a) on July 15, 1984, if, by that date, the Secretary has fulfilled his obligation under subparagraph I(C)(2) (g), or (b) if not, on such date after July 15, 1984 as such obligation is fulfilled, or (c) if such obligation remains unfulfilled, on July 15, 1987;

"(C) the concurrence by the State as described in subparagraphs I(C)(2)(a)(vi) and I(C)(2)(c) of the document referred to in this section shall be deemed not required after the Secretary has fulfilled his obligation under subparagraph I(C)(2)(g) of that document, but in no event after July 15, 1987. In lieu of such concurrence, after 1984 as to military property, and after the Secretary has fulfilled his obligation under subparagraph I(C)(2)(g) of that document or July 15, 1987, whichever is earlier, as to any other property, except property of the Alaska Railroad which is governed by subsection 12(b)(6)(i)(D) of this Act, the Secretary shall not place any lands in the selection pool referred to in subparagraphs I(C)(2) (a) and (g) of the document referred to in this section without the prior written concurrence of the State. Such concurrence shall be deemed obtained unless the State advises the Secretary within ninety days of receipt of a formal notice from the Secretary that he is considering placing property in the selection pool, that the State, or a municipality of the State which includes all or part of the property in question, requires the property for a public purpose of the State or municipality; and

96 STAT. 2569

"(D) notwithstanding section 606(a)(2) of the Alaska Railroad Transfer Act of 1982, the Secretary may include property of the Alaska Railroad in the pool of lands to be made available for selection to the extent that he is authorized to do so under a provision of section 12(b) of this Act if the State consents to its inclusion, which consent is not subject to any limitation under subsection 12(b)(8)(i)(C) herein: *Provided*, That, while the Alaska Railroad is the property of the United States, the Secretary shall obtain the consent of the Secretary of Transportation prior to including such property: *And provided further*, That, if the transfer of the Alaska Railroad to the State does not occur pursuant to the terms of the Alaska Railroad Transfer Act of 1982 or any amendments thereto, the State's consent shall be deemed obtained unless the State advises the Secretary in writing, within ninety days of receipt of a formal notice from the Secretary that he is considering placing such property in the selection pool, that the State, or a municipality of the State which includes all or part of the property in question, requires the property for a public purpose of the State or the municipality.

Ante, p. 2564.

Ante, p. 2568.

Ante, p. 2556.

"(ii) In addition to the review required to identify public lands under section 3(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(e)), the Secretary shall identify for inclusion in the pool all public lands (as such term is used under section 3(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(e)), as described in subparagraph I(C)(2)(a)(v) of the document referred to in this section, and shall, in so doing, review all Federal installations within the boundaries of the Cook Inlet Region whether within or without the areas withdrawn pursuant to section 11 of the Alaska Native Claims Settlement Act (43 U.S.C. 1610) or by the Secretary acting under authority contained in that section: *Provided*, That no such additional review under such subparagraph shall be required of military installations or of such other installations as may be mutually excluded from review by the Region and the Secretary: *And provided further*, That the Secretary shall not review any property of the

Alaska Railroad unless such property becomes available for selection pursuant to subsection 12(b)(8)(i)(D).

"(iii) The concurrence required of the State as to the inclusion of any property in the pool under subparagraph I(C)(2)(b) of the document referred to in this section shall be deemed obtained unless the State advises the Secretary in writing, within ninety days of receipt of a formal notice from the Secretary that the Secretary is considering placing property in the selection pool, that the State, or a municipality of the State which includes all or part of the property in question requires the property for a public purpose of the State or the municipality.

"(iv) The deadlines in subparagraph I(C)(1)(b) of the document referred to in this section shall be extended for an additional twenty-four months beyond the dates established in the Act of July 17, 1980 (Public Law 96-311; 94 Stat. 947).

Report to Congress.

"(v) On or before January 15, 1985, the Secretary shall report to the Congress with respect to:

"(A) such studies and inquiries as shall have been initiated by the Secretary and the Administrator of General Services, or have been prepared by other holding agencies,

96 STAT. 2570

to determine what lands, except for lands held by the Alaska Railroad or the State-owned railroad, within the boundaries of the Cook Inlet Region or elsewhere can be made available to the Region, to the extent of its entitlement;

"(B) the feasibility and appropriate nature of reimbursement of the Region for its unfulfilled entitlement as valued in subsection 12(b)(7)(iv) of this Act;

"(C) the extent to which implementation of the mechanisms established in section 12(b)(7) promise to meet such unfulfilled entitlement;

"(D) such other remedial legislation or administrative action as may be needed; and

"(E) the need to terminate any mechanism established by law through which the entitlement of the Region may be completed.".

43 USC 1611 note.

(6) Section 12(b) of such Act is amended by adding at the end thereof the following:

Ante, p. 2568.

48 USC note prec. 21.
43 USC 1635.

43 USC 1611, 1615, 1621.
43 USC 1611 note.
94 Stat. 2499, 2501-2515, 2518-2544, 2546.

43 USC 1611 note.

"12(b)(9). No disposition or conveyance of property located within the State to the Region under section 12(b)(6), 12(b)(7) and 12(b)(8), as amended, shall be made if the property is subject to an express waiver of rights under the provisions of subparagraph I(C)(2)(f) of the document referred to in this section, or if such disposition or conveyance violates valid rights, including valid selections or valid authorized agreements, of Native Corporations (as such term is used in section 102(6) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(6)) or the State existing at the time of such disposition or conveyance under section 6 of Public Law 85-508, as amended (excepting section 906(e) of the Alaska National Interest Lands Conservation Act), sections 12(a), 12(b), 16(b) or 22(f) of the Alaska Native Claims Settlement Act, section 12(h) of the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1154), or sections 1416, 1418 through 1425 (inclusive), 1427 through 1434 (inclusive), or 1436 of the Alaska National Interest Lands Conservation Act: *Provided, however,* That nothing within this subsection 12(b)(9) shall diminish such rights and priorities as the Region has under section 12(b) of the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1151), as amended by section 4 of the Act of October 4, 1976 (Public Law 94-456; 90 Stat. 1935), section 3 of the Act of November 15, 1977 (Public Law 95-178; 91 Stat. 1369), section 2 of the Act of August 14, 1979 (Public Law 96-55; 93 Stat. 386), the Act of July 17, 1980 (Public Law 96-311; 94 Stat. 947), and section 1435 of the Alaska National Interest Lands Conservation Act.

"12(b)(10). For the purpose of its incorporation into this section, paragraph I(C)(1) of the document referred to in this section is amended as follows: (1) by striking 'withdrawn' and inserting in lieu thereof 'withdrawn or formerly withdrawn'; (2) by striking '17(d)(1)' and inserting in lieu thereof '17(d)(1) and (2)'; and (3) by striking the last sentence of subparagraph I(C)(1)(a) and inserting in lieu thereof the following: 'Cook Inlet Region, Incorporated shall not nominate any lands within the boundaries of any conservation system unit, national conservation area, national recreation area, national forest, defense withdrawal, or any lands that were made available to the State for selection pursuant to sections 2 and 5 of the State-Federal Agreement of September 1, 1972.'.

"12(b)(11). Notwithstanding the provisions of section 906 of the Alaska National Interest Lands Conservation Act and section 6(i) of the Alaska Statehood Act (72 Stat. 339): 43 USC 1635. 48 USC note prec. 21.

"(i) The State is hereby authorized to convey to the United States for reconveyance to the Region, and the Secretary is directed to accept and so reconvey, lands tentatively approved for patent or patented to the State, if the State and the Region enter into an agreement that such lands shall be reconveyed to the Region to fulfill all or part of its entitlement under paragraph I(C)(1) of the document referred to in this section: *Provided,* That the acreage of lands conveyed to the United States under this provision shall be added to the State's unfulfilled entitlement pursuant to section 6 of the Alaska Statehood Act, and the number of townships to be nominated, pooled, struck, selected and conveyed pursuant to paragraph I(C)(1) of the document referred to in this section shall be reduced accordingly.

"(ii) The Secretary is directed to convey to the Region lands selected by the State prior to July 18, 1973 or pursuant to sections 2 and 5 of the State-Federal Agreement of September 1, 1972, if the State relinquishes such selections and enters into an agreement with the Region that such lands shall be reconveyed to the Region to fulfill all or part of its entitlement under paragraph I(C)(1) of the document referred to in this section, and the number of townships to be nominated, pooled, struck, selected and conveyed pursuant to paragraph I(C)(1) of the document referred to in this section shall be reduced accordingly.

"(iii) The Secretary, in the Secretary's discretion, is authorized to enter into an agreement with the State and the Region to implement the authority contained in this section 12(b)(11), which agreement may provide for conveyances directly from the State to the Region. Conveyances directly conveyed shall be deemed conveyances from the Secretary pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).".

(e) The State shall be liable to a party receiving a conveyance of land among the rail properties of the Alaska Railroad subject to the license granted pursuant to section 604(b)(1)(C) of this title for damage resulting from use by the State of the land under such license in a manner not authorized by such license. 45 USC 1205.

EMPLOYEES OF THE ALASKA RAILROAD

SEC. 607. (a)(1) Any employees who elect to transfer to the State-owned railroad and who on the day before the date of transfer are subject to the civil service retirement law (subchapter III of chapter 83 of title 5, United States Code) shall, so long as continually employed by the State-owned railroad without a break in service, continue to be subject to such law, except that the State-owned railroad shall have the option of providing benefits in accordance with the provisions of paragraph (2) of this subsection. Employment by the State-owned railroad without a break in continuity of service shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 83 of title 5, United States Code. The State-owned railroad shall be the employing agency for purposes of section 8334(a) of title 5, United States Code, and shall contribute to the Civil Service Retirement and Disability 45 USC 1206. 5 USC 8331.

96 STAT. 2572 Fund a sum as provided by such section, except that such sum shall be determined by applying to the total basic pay (as defined in section 8331(3) of title 5, United States Code) paid to the employees of the State-owned railroad who are covered by the civil service retirement law, the per centum rate determined annually by the Director of the Office of Personnel Management to be the excess of the total normal cost per centum rate of the civil service retirement system over the employee deduction rate specified in section 8334(a) of title 5, United States Code. The State-owned railroad shall pay into the Federal Civil Service Retirement and Disability Fund that portion of the cost of administration of such Fund which is demonstrated by the Director of the Office of Personnel Management to be attributable to its employees.

(2) At any time during the two-year period commencing on the date of transfer, the State-owned railroad shall have the option of providing to transferred employees retirement benefits, reflecting prior Federal service, in or substantially equivalent to benefits under the retirement program maintained by the State for State employees. If the State decides to provide benefits under this paragraph, the State shall provide such benefits to all transferred employees, except those employees who will meet the age and service requirements for retirement under section 8336(a), (b), (c) or (f) of title 5, United States Code, within five years after the date of transfer and who elect to remain participants in the Federal retirement program.

(3) If the State provides benefits under paragraph (2) of this subsection—

(A) the provisions of paragraph (1) of this subsection regarding payments into the Civil Service Retirement and Disability Fund for those employees who are transferred to the State program shall have no further force and effect (other than for employees who will meet the age and service requirements for retirement under section 8336(a), (b), (c) or (f) of title 5, United States Code, within five years after the date of transfer and who elect to remain participants in the Federal retirement program); and

(B) all of the accrued employee and employer contributions and accrued interest on such contributions made by and on behalf of the transferred employees during their prior Federal service (other than amounts for employees who will meet the age and service requirements for retirement under section 8336 (a), (b), (c) or (f) of title 5, United States Code, within five years after the date of transfer and who elect to remain participants in the Federal retirement program) shall be withdrawn from the Federal Civil Service Retirement and Disability Fund and shall be paid into the retirement fund utilized by the State-owned railroad for the transferred employees, in accordance with the provisions of paragraph (2) of this subsection. Upon such payment, credit for prior Federal service under the Federal civil service retirement system shall be forever barred, notwithstanding the provisions of section 8334 of title 5, United States Code.

(b) Employees of the Alaska Railroad who do not transfer to the State-owned railroad shall be entitled to all of the rights and benefits available to them under Federal law for discontinued employees. 96 STAT. 2573

(c) Transferred employees whose employment with the State-owned railroad is terminated during the two-year period commencing on the date of transfer shall be entitled to all of the rights and benefits of discontinued employees that such employees would have had under Federal law if their termination had occurred immediately before the date of the transfer, except that financial compensation paid to officers of the Alaska Railroad shall be limited to that compensation provided pursuant to section 604(d)(3)(E) of this title. Such employees shall also be entitled to seniority and other benefits accrued under Federal law while they were employed by the State-owned railroad on the same basis as if such employment had been Federal service.

(d) Any employee who transfers to the State-owned railroad under this title shall not be entitled to lump-sum payment for unused annual leave under section 5551 of title 5, United States Code, but shall be credited by the State with the unused annual leave balance at the time of transfer.

STATE OPERATION

SEC. 608. (a)(1) After the date of transfer to the State pursuant to section 604 of this title, the State-owned railroad shall be a rail carrier engaged in interstate and foreign commerce subject to the jurisdiction of the Interstate Commerce Commission under chapter 105 of subtitle IV of title 49, United States Code, and all other Acts applicable to rail carriers subject to that chapter, including the antitrust laws of the United States, except, so long as it is an instrumentality of the State of Alaska, the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.), the Railroad Retirement Tax Act (26 U.S.C. 3201 et seq.), the Railway Labor Act (45 U.S.C. 151 et seq.), the Act of April 22, 1908 (45 U.S.C. 51 et seq.) (popularly referred to as the "Federal Employers' Liability Act"), and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.). Nothing in this title shall preclude the State from explicitly invoking by law any exemption from the antitrust laws as may otherwise be available. 45 USC 1207.

(2) The transfer to the State authorized by section 604 of this title and the conferral of jurisdiction to the Interstate Commerce Commission pursuant to paragraph (1) of this subsection are intended to confer upon the State-owned railroad all business opportunities available to comparable railroads, including contract rate agreements meeting the requirements of section 10713 of title 49, United States Code, notwithstanding any participation in such agreements by connecting water carriers.

(3) All memoranda which sanction noncompliance with Federal railroad safety regulations contained in 49 CFR Parts 209–236, and which are in effect on the date of transfer, shall continue in effect according to their terms as "waivers of compliance" (as that term is used in section 202(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(c))).

(4) The operation of trains by the State-owned railroad shall not be subject to the requirement of any State or local law which specifies the minimum number of crew members which must be employed in connection with the operation of such trains.

(5) Revenues generated by the State-owned railroad shall be retained and managed by the State-owned railroad for railroad and related purposes.

(6)(A) After the date of transfer, continued operation of the Alaska Railroad by a public corporation, authority or other agency of the State shall be deemed to be an exercise of an essential governmental function, and revenue derived from such operation shall be deemed to accrue to the State for the purposes of section 115(a)(1) of the Internal Revenue Code of 1954 (26 U.S.C. 115(a)(1)). Obligations issued by such entity shall also be deemed obligations of the State for the purposes of section 103(a)(1) of the Internal Revenue Code of 1954 (26 U.S.C. 103(a)(1)), but not obligations within the meaning of section 103(b)(2) of the Internal Revenue Code of 1954 (26 U.S.C. 103(b)(2)).

96 STAT. 2574

(B) Nothing in this title shall be deemed or construed to affect customary tax treatment of private investment in the equipment or other assets that are used or owned by the State-owned railroad.

(b) As soon as practicable after the date of enactment of this Act, the Interstate Commerce Commission shall promulgate an expedited, modified procedure for providing on the date of transfer a certificate of public convenience and necessity to the State-owned railroad. No inventory, valuation, or classification of property owned or used by the State-owned railroad pursuant to subchapter V of chapter 107 of title 49, United States Code (49 U.S.C. 10781 et seq.) shall be required during the two-year period after the date of transfer. The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 382(b) of the Energy Policy and Conservation Act (42 U.S.C. 6362(b)) shall not apply to actions of the Commission under this subsection.

(c) The State-owned railroad shall be eligible to participate in all Federal railroad assistance programs on a basis equal to that of other rail carriers subject to the jurisdiction of the Interstate Commerce Commission under chapter 105 of subtitle IV of title 49, United States Code.

(d) After the date of transfer to the State pursuant to section 604 of this title, the portion of the rail properties within the boundaries of the Chugach National Forest and the exclusive-use easement within the boundaries of the Denali National Park and Preserve shall be subject to laws and regulations for the protection of forest and park values. The right to fence the exclusive-use easement within Denali National Park and Preserve shall be subject to the concurrence of the Secretary of the Interior. The Secretary of the Interior, or the Secretary of Agriculture where appropriate, shall not act pursuant to this subsection without consulting with the Governor of the State of Alaska or in such a manner as to unreasonably interfere with continued or expanded operations and support functions authorized under this title.

FUTURE RIGHTS-OF-WAY

45 USC 1208.

SEC. 609. (a) After the date of enactment of this Act, the State or State-owned railroad may request the Secretary of the Interior or the Secretary of Agriculture, as appropriate under law, to expeditiously approve an application for a right-of-way in order that the Alaska Railroad or State-owned railroad may have access across Federal lands for transportation and related purposes. The State or State-owned railroad may also apply for a lease, permit, or conveyance of any necessary or convenient terminal and station grounds and material sites in the vicinity of the right-of-way for which an application has been submitted.

96 STAT. 2575

(b) Before approving a right-of-way application described in subsection (a) of this section, the Secretary of the Interior or the Secretary of Agriculture, as appropriate, shall consult with the Secretary. Approval of an application for a right-of-way, permit, lease, or conveyance described in subsection (a) of this section shall be pursuant to applicable law. Rights-of-way, grounds, and sites granted pursuant to this section and other applicable law shall conform, to the extent possible, to the standards provided in the Act of March 12, 1914 (43 U.S.C. 975 et seq.) and section 603(6) of this title. Such conformance shall not be affected by the repeal of such Act under section 615 of this title.

(c) Reversion to the United States of any portion of any right-of-way or exclusive-use easement granted to the State or State-owned railroad shall occur only as provided in section 610 of this title. For purposes of such section, the date of the approval of any such right-of-way shall be deemed the "date of transfer".

REVERSION

45 USC 1209.

SEC. 610. (a) If, within ten years after the date of transfer to the State authorized by section 604 of this title, the Secretary finds that all or part of the real property transferred to the State under this title, except that portion of real property which lies within the boundaries of the Denali National Park and Preserve, is converted to a use that would prevent the State-owned railroad from continuing to operate, that real property (including permanent improvements to the property) shall revert to the United States Government, or (at the option of the State) the State shall pay to the United States Government an amount determined to be the fair market value of that property at the time its conversion prevents continued operation of the railroad.

(b) If, after the date of transfer pursuant to section 604 of this title, the State discontinues use of any land within the right-of-way, the State's interest in such land shall revert to the United States. The State shall be considered to have discontinued use within the meaning of this subsection and subsection (d) of this section when:

(1) the Governor of the State of Alaska delivers to the Secretary of the Interior a notice of such discontinuance, including a legal description of the property subject to the notice, and a quitclaim deed thereto; or

Publication in Federal Register.

(2) the State has made no use of the land for a continuous period of eighteen years for transportation, communication, or transmission purposes. Notice of such discontinuance shall promptly be published in the Federal Register by the Secretary, the Secretary of the Interior, or the Secretary of Agriculture, and reversion shall be effected one year after such notice, unless within such one-year period the State brings an appropriate action in the United States District Court for the District of Alaska to establish that the use has been continuing without an eighteen-year lapse. Any such action shall have the effect of staying reversion until exhaustion of appellate review from the final judgment in that action or termination of the right to seek such review, whichever first occurs.

(c) Upon such reversion pursuant to subsection (b) of this section, the Secretary of the Interior shall immediately convey by patent to abutting landowners all right, title and interest of the United States. Where land abutting the reverted right-of-way is owned by different persons or entities, the conveyance made pursuant to this subsection shall extend the property of each abutting owner to the centerline of the right-of-way.

96 STAT. 2576

(d) If use is discontinued (as that term is used in subsection (b) of this section) of all or part of those properties of the Alaska Railroad transferred to the State pursuant to this title which lie within the boundaries of the Denali National Park and Preserve or the Chugach National Forest, such properties or part thereof (including permanent improvements to the property) shall revert to the United States and shall not be subject to subsection (c) of this section. Upon such reversion, jurisdiction over that property shall be transferred to the Secretary of the Interior or the Secretary of Agriculture, as appropriate, for administration as part of the Denali National Park and Preserve or the Chugach National Forest.

(e) Except as provided in subsections (a) through (d) of this section, if, within five years after the date of transfer to the State pursuant to section 604 of this title, the State sells or transfers all or substantially all of the State-owned railroad to an entity other than an instrumentality of the State, the proceeds from the sale or transfer that exceed the cost of any rehabilitation and improvement made by the State for the State-owned railroad and any net liabilities incurred by the State for the State-owned railroad shall be paid into the general fund of the Treasury of the United States.

(f) The Attorney General, upon the request of the Secretary, the Secretary of the Interior, or the Secretary of Agriculture, shall institute appropriate proceedings to enforce this section in the United States District Court for the District of Alaska.

OTHER DISPOSITION

45 USC 1210.

SEC. 611. If the Secretary has not certified that the State has satisfied the conditions under section 604 within one year after the date of delivery of the report referred to in section 605(a) of this title, the Secretary may dispose of the rail properties of the Alaska Railroad. Any disposal under this section shall give preference to a buyer or transferee who will continue to operate rail service, except that—

(1) such preference shall not diminish or modify the rights of the Cook Inlet Region, Incorporated (as that term is used in

section 12 of the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1150)), pursuant to such section, as amended by section *Ante*, p. 2564. 606(d) of this title; and

(2) this section shall not be construed to diminish or modify the powers of consent of the Secretary or the State under section 12(b)(8) of such Act, as amended by section 606(d)(5) of this title.

Any disposal under this section shall be subject to valid existing rights.

DENALI NATIONAL PARK AND PRESERVE LANDS

45 USC 1211. SEC. 612. On the date of transfer to the State (pursuant to section 604 of this title) or other disposition (pursuant to section 611 of this title), that portion of rail properties of the Alaska Railroad within the Denali National Park and Preserve shall, subject to the exclusive-use easement granted pursuant to section 604(b)(1)(D) of this title, be transferred to the Secretary of the Interior for administration as part of the Denali National Park and Preserve, except that a 96 STAT. 2577 transferee under section 611 of this title shall receive the same interest as the State under section 604(b)(1)(D) of this title.

APPLICABILITY OF OTHER LAWS

45 USC 1212. 5 USC 500 *et seq.* SEC. 613. (a) The provisions of chapter 5 of title 5, United States Code (popularly known as the Administrative Procedure Act, and including provisions popularly known as the Government in the Sunshine Act), the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to actions taken pursuant to this title, except to the extent that such laws may be applicable to granting of rights-of-way under section 609 of this title.

(b) The enactment of this title, actions taken during the transition period as provided in section 605 of this title, and transfer of the rail properties of the Alaska Railroad under authority of this title shall be deemed not to be the disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the "Surplus Property Act of 1944" (50 U.S.C. App. 1622). Such events shall not constitute or cause the revocation of any prior withdrawal or reservation of land for the use of the Alaska Railroad under the Act of March 12, 1914 (43 U.S.C. 975 et seq.), the Alaska Statehood Act (note preceding 48 U.S.C. 21), the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the Act of January 2, 1976 (Public Law 94-204; 89 Stat. 1145), the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371), and the general land and land management laws of the United States.

(c) Beginning on the date of enactment of this Act, the ceiling on Government contributions for Federal employees health benefits insurance premiums under section 8906(b)(2) of title 5, United States Code, shall not apply to the Alaska Railroad.

(d) Nothing in this title is intended to enlarge or diminish the acreage entitlement of the State or any Native Corporation pursuant to existing law.

(e) With respect to interests of Native Corporations under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.), except as provided in this title, nothing contained in this title shall be construed to deny, enlarge, grant, impair, or otherwise affect any judgment heretofore entered in a court of competent jurisdiction, or valid existing right or claim of valid existing right.

CONFLICT WITH OTHER LAWS

45 USC 1213. SEC. 614. The provisions of this title shall govern if there is any conflict between this title and any other law.

REPEAL AND AMENDMENT OF EXISTING STATUTES

SEC. 615. (a) On the date of transfer to the State (pursuant to section 604 of this title) or other disposition (pursuant to section 611 of this title), whichever first occurs, the following provisions are repealed:

(1) The Act of March 12, 1914 (43 U.S.C. 975 et seq.). 16 USC 353a.

(2) The Act of June 24, 1946, to authorize certain expenditures by the Alaska Railroad (60 Stat. 304). 48 USC 301a.

(3) The Act of July 19, 1932, concerning mining of coal adjacent to the Alaska Railroad (30 U.S.C. 208a).

(4) Section 6(i) of the Department of Transportation Act (49 U.S.C. 1655(i)).

(b) On the date of transfer to the State (pursuant to section 604 of this title) or other disposition (pursuant to section 611 of this title), whichever first occurs, the following provisions are amended as follows:

(1) Title 5, United States Code, is amended—

(A) in section 305(a), by striking paragraph (3), and by redesignating paragraphs (4)-(8) as paragraphs (3)-(7), respectively;

(B) in section 3401(1), by striking clause (iii), and by redesignating clauses (iv)-(viii) as clauses (iii)-(vii), respectively;

(C) in section 5102(a)(1), by striking clause (iii), and by redesignating clauses (iv)-(ix) as clauses (iii)-(viii), respectively;

(D) in section 5342(a)(1), by striking subparagraph (C), and by redesignating subparagraphs (D)-(J) as subparagraphs (C)-(I), respectively; and

(E) in section 7327, by striking subsection (a), and by striking the subsection designation "(b)".

(2) Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 802(7)) is amended by striking "and the Alaska Railroad".

(3) Section 10749(b) of title 49, United States Code, is amended—

(A) by inserting "or" at the end of paragraph (1)(B);

(B) by striking "; or" at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking paragraph (3).

(4) Section 324(a)(1) of the Public Health Service Act (42 U.S.C. 251(a)(1)) is amended by striking "employees of the Alaska Railroad and".

(5) Section 202(3)(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh-1(3)(a)) is amended by striking the third sentence.

(6) Section 1(o) of the Railroad Retirement Act of 1974 (45 U.S.C. 231(o)) is amended by inserting immediately after "National Transportation Safety Board," the following: "the State-owned railroad (as defined in the Alaska Railroad Transfer Act of 1982), so long as it is an instrumentality of the State of Alaska,".

SEPARABILITY

SEC. 616. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected thereby. 45 USC 1214.

TITLE VII—RAIL SAFETY

Federal Railroad Safety Authorization Act of 1982.

SHORT TITLE

SEC. 701. This title may be referred to as the "Federal Railroad Safety Authorization Act of 1982". 45 USC 421 note.

REGULATORY AUTHORITY

SEC. 702. (a) Section 202(h)(1) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(h)(1)) is amended to read as follows:

"(h)(1)(A) The Secretary shall, within one year after the date of enactment of the Federal Railroad Safety Authorization Act of 1982, issue such initial rules, regulations, orders, and standards as may be necessary to insure that the construction, maintenance, and operation of railroad passenger equipment maximize safety to rail passengers. The Secretary shall, as a part of any such rulemaking, consider comparable Federal regulations and procedures which apply to other modes of transportation, especially those administered and enforced by the Federal Aviation Administration. The Secretary shall also consider relevant differences between commuter and intercity passenger service. The Secretary shall periodically review any such rules, regulations, orders, and standards and shall, after a hearing in accordance with subsection (b) of this section, make such revisions in any such rules, regulations, orders, and standards as may be necessary.

Report to Congress.
Supra.

"(B) The Secretary shall submit to the Congress a report within one year after the date of enactment of the Federal Railroad Safety Authorization Act of 1982 with respect to rules, regulations, orders, and standards issued under subparagraph (A) of this paragraph which describes any rules, regulations, orders, and standards issued or to be issued under this subsection, explains the reasons for their issuance, and compares them to comparable Federal regulations and procedures which apply to other modes of transportation, especially those administered and enforced by the Federal Aviation Administration.".

Study.

Submittal to congressional committees.

(b) The Secretary of Transportation shall, before March 1, 1983, conduct a study of the training of onboard operating and service railroad personnel in evacuation procedures and the use of emergency equipment. The Secretary shall consider, as part of such study, Federal regulations and procedures applicable to other modes of transportation. The Secretary shall submit the results of such study to the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives.

(c) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by subsection (a) of this section, is further amended by adding at the end thereof the following new subsections:

Rules and regulations.

"(i) The Secretary shall, within one year after the date of enactment of the Federal Railroad Safety Authorization Act of 1982, issue rules, regulations, orders, and standards to apply appropriate safety principles to track used for commuter or other short-haul rail passenger service in a metropolitan or suburban area.

Report to Congress.

"(j) The Secretary shall, within 60 days after the date of enactment of the Federal Railroad Safety Authorization Act of 1982, report to the Congress on whether to issue rules, regulations, orders, and standards to require that the leading car of any railroad train in operation after July 1, 1983, be equipped with an acceptable form of mounted oscillating light.

96 STAT. 2580

"All areas of railroad safety."

"(k) As used in this section, the term 'all areas of railroad safety' includes the safety of commuter or other short-haul rail passenger service in a metropolitan or suburban area, including any commuter rail service which was operated by the Consolidated Rail Corporation as of January 1, 1979.".

AUTHORIZATION FOR APPROPRIATIONS

SEC. 703. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by adding immediately after subsection (b) the following new subsection:

"(c)(1) There are authorized to be appropriated to carry out the provisions of this Act, except section 206(d) of this title and paragraph (3) of this subsection, not to exceed $29,300,000 for the fiscal year ending September 30, 1983, and not to exceed $31,400,000 for the fiscal year ending September 30, 1984. 45 USC 435.

"(2) To carry out the provisions of section 206(d) of this title relating to State safety programs, there are authorized to be appropriated not to exceed $2,700,000 for the fiscal year ending September 30, 1983, and not to exceed $2,900,000 for the fiscal year ending September 30, 1984.

"(3) For the purpose of conducting safety research and development activities under this Act, there are authorized to be appropriated not to exceed $20,000,000 for the fiscal year ending September 30, 1983, and not to exceed $21,000,000 for the fiscal year ending September 30, 1984, including funds for assisting in the treatment of alcohol and drug abuse problems of railroad employees.".

MOVEMENT FOR REPAIR

SEC. 704. Section 4 of the Act of April 14, 1910 (45 U.S.C. 13) is amended by striking "where such car can be repaired" and all that follows through "at the sole risk of the carrier," and inserting in lieu thereof the following: "on the line of railroad on which the car was discovered to be defective or insecure where such car can be repaired, or, at the option of a connecting carrier, such car may be hauled to the nearest available point on the line of such connecting carrier where such car can be repaired if such point is no farther than the nearest available point on the line on which the car was discovered defective or insecure, without liability for the penalties imposed by this section or section 6 of this title, if any such movement is necessary to make such repairs and such repairs cannot be made except at any such repair point; and such movement or hauling of such car shall be at the sole risk of the carrier doing the moving or hauling,". 45 USC 15.

ASH PAN ACT

SEC. 705. The Act of May 30, 1908 (45 U.S.C. 17 through 21), commonly referred to as the Ash Pan Act, is repealed. Repeal.

96 STAT. 2581

RESPONSIBILITY FOR COMPLIANCE

SEC. 706. Section 209(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(a)) is amended to read as follows:

"(a) It shall be unlawful for any railroad to fail to comply with any rule, regulation, order, or standard prescribed by the Secretary under this title.".

Approved January 14, 1983.

LEGISLATIVE HISTORY—H.R. 3420 (S. 1099):

HOUSE REPORTS: No. 97-89 Pt. I (Comm. on Public Works and Transportation) and No. 97-89 pt. 2 (Comm. on Energy and Commerce).
SENATE REPORT No. 97-74 accompanying S. 1099 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD:
Vol. 127 (1981): June 1, considered and passed House.
June 2, S. 1099 considered and passed Senate; proceedings vacated in Senate.
July 17, considered and passed Senate, amended.
Vol. 128 (1982): Dec. 20, House agreed to Senate amendments with amendments.
Dec. 21, Senate concurred in House amendments with amendments; House concurred in Senate amendments.

VETERANS ACTS

Public Law 97-174
97th Congress

96 STAT. 70

An Act

To amend title 38, United States Code, to promote greater sharing of health-care resources between the Veterans' Administration and the Department of Defense and to direct the Secretary of Defense and the Administrator of Veterans' Affairs to plan for the provision of health care by the Veterans' Administration during periods of war or national emergency to members of the Armed Forces on active duty; and for other purposes.

May 4, 1982
[S. 266]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act".

Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act.
38 USC 101 note.
38 USC 5011 note.

SEC. 2. (a) The Congress makes the following findings:

(1) There are opportunities for greater sharing of the health-care resources of the Veterans' Administration and the Department of Defense which would, if achieved, be beneficial to both veterans and members of the Armed Forces and could result in reduced costs to the Government by minimizing duplication and underuse of health-care resources.

(2) Present incentives to encourage such sharing of health-care resources are inadequate.

(3) Such sharing of health-care resources can be achieved without a detrimental effect on the primary health-care beneficiaries of the Veterans' Administration and the Department of Defense.

(b) The Congress makes the following further findings:

38 USC 5011A note.

(1) During and immediately after a period of war or national emergency involving the use of the Armed Forces of the United States in armed conflict, the Department of Defense might not have adequate health-care resources to care for military personnel wounded in combat and other active-duty military personnel.

(2) The Veterans' Administration has an extensive, comprehensive health-care system that could be used to assist the Department of Defense in caring for such personnel in such a situation.

SEC. 3. (a) Section 5011 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Administrator" the first place it appears;

(2) by striking out "and material" and all that follows through "this title," and inserting in lieu thereof "material, and other resources as may be needed to operate such facilities properly, except that the Administrator may not enter into an agreement that would result (1) in a permanent reduction in the total number of authorized Veterans' Administration hospital beds and nursing home beds to a level below the minimum number of such beds required by section 5010(a)(1) of this title to be authorized, or (2) in a permanent reduction in the total number of such beds operated and maintained to a level

38 USC 5010.

96 STAT. 71

below the minimum number of such beds required by such section to be operated and maintained"; and

(3) by adding at the end the following new subsections:

Veterans' Administration/ Department of Defense Health-Care Resources Sharing Committee. Establishment.

"(b)(1) In order to promote the sharing of health-care resources between the Veterans' Administration and the Department of Defense (hereinafter in this section referred to as the 'agencies'), there is established an interagency committee to be known as the Veterans' Administration/Department of Defense Health-Care Resources Sharing Committee (hereinafter in this subsection referred to as the 'Committee').

"(2) The Committee shall be composed of—

"(A) the Chief Medical Director and such other officers and employees of the Veterans' Administration as the Chief Medical Director may designate; and

"(B) the Assistant Secretary of Defense for Health Affairs (hereinafter in this section referred to as the 'Assistant Secretary') and such other officers and employees of the Department of Defense as the Assistant Secretary may designate,

except that the size of the Committee shall be mutually determined by the Chief Medical Director and the Assistant Secretary. During fiscal years 1982 and 1983, the Chief Medical Director shall be the chairman of the Committee. During fiscal year 1984, the Assistant Secretary shall be the chairman of the Committee. Thereafter, the chairmanship of the Committee shall alternate each fiscal year between the Chief Medical Director and the Assistant Secretary. The agencies shall provide administrative support services for the Committee at a level sufficient for the efficient operation of the Committee and shall share the responsibility for the provision of such services on an equitable basis.

Duties.

"(3) In order to enable the Committee to make recommendations under paragraph (4) of this subsection, the Committee shall on a continuing basis—

"(A) review existing policies, procedures, and practices relating to the sharing of health-care resources between the agencies;

"(B) identify and assess further opportunities for the sharing of health-care resources between the agencies that would not, in the judgment of the Committee, adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency;

"(C) identify changes in policies, procedures, and practices that would, in the judgment of the Committee, promote such sharing of health-care resources between the agencies;

"(D) monitor plans of the agencies for the acquisition of additional health-care resources, including the location of new facilities and the acquisition of major equipment, in order to assess the potential impact of such plans on further opportunities for such sharing of health-care resources; and

"(E) monitor the implementation of activities designed to promote the sharing of health-care resources between the agencies.

Recommendations to VA Administrator or DOD Secretary.

"(4) Within nine months of the date of the enactment of this subsection and at such times thereafter as the Committee considers appropriate, the Committee shall make recommendations to the Administrator or the Secretary of Defense, or both, with respect to (A) changes in policies, procedures, and practices that the Committee has identified under paragraph (3)(C) of this subsection pertaining to the sharing of health-care resources described in such paragraph, and (B) such other matters as the Committee considers appropriate in order to promote such sharing of health-care resources.

96 STAT. 72

Health-care resources sharing guidelines.

"(c)(1) After considering the recommendations made under subsection (b)(4) of this section, the Administrator and the Secretary of Defense shall jointly establish guidelines to promote the sharing of health-care resources between the agencies. Guidelines established under this subsection shall provide for such sharing consistent with the health-care responsibilities of the Veterans' Administration under this title and with the health-care responsibilities of the Department of Defense under chapter 55 of title 10 and so as not to adversely affect the range of services, the quality of care, or the established priorities for care provided by either agency.

10 USC 1071 *et seq.*

"(2) Guidelines established under paragraph (1) of this subsection shall authorize the heads of individual medical facilities of the agencies to enter into health-care resources sharing agreements in accordance with subsection (d) of this section and shall include guidelines for such agreements.

Sharing agreements.

"(d)(1) The head of each medical facility of either agency is authorized to enter into sharing agreements with the heads of medical facilities of the other agency in accordance with guidelines established under subsection (c) of this section. Under any such agreement, an individual who is a primary beneficiary of one agency may be provided health care at a facility of the other agency that is a party to the sharing agreement.

"(2) Each such agreement shall identify the health-care resources to be shared.

"(3) Each such agreement shall provide, and shall specify procedures designed to ensure, that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency (A) is on a referral basis from the facility of the other agency, and (B) does not (as determined by the head of the facility of the providing agency) adversely affect the range of services, the quality of care, or the established priorities for care provided to the primary beneficiaries of the providing agency.

Reimbursement.

"(4) Each such agreement shall provide that a providing agency shall be reimbursed for the cost of the health-care resources provided under the agreement and that the rate for such reimbursement shall be determined in accordance with the methodology agreed to pursuant to subsection (e) of this section.

Agreement proposals, submittal.

"(5) Each proposal for an agreement under paragraph (1) of this subsection shall be submitted to the Chief Medical Director and the Assistant Secretary and shall be effective as an agreement in accordance with its terms (A) on the forty-sixth day after the receipt of such proposal by both such officials, unless earlier disapproved by either such official, or (B) if earlier approved by both such officials, on the date of such approval.

Reimbursement methodology provisions.

"(e) Reimbursement under any sharing agreement entered into under subsection (d) of this section shall be based upon a methodology that is agreed upon by the Chief Medical Director and the Assistant Secretary and that provides appropriate flexibility to the heads of the facilities concerned to take into account local conditions and needs and the actual costs to the providing agency's facility of the health-care resources provided. Any funds received through such a reimbursement shall be credited to funds that have been allotted to the facility that provided the care or services.

96 STAT. 73

Report to Congress.

"(f) At the time the President's Budget is transmitted to Congress in any year pursuant to section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11(a)), the Administrator and the Secretary of Defense shall submit a joint report to Congress on the implementation of this section during the fiscal year that ended during the previous calendar year. Each such report shall include—

"(1) the guidelines prescribed under subsection (c) of this section (and any revision of such guidelines);

"(2) the assessment of further opportunities identified under clause (B) of subsection (b)(3) of this section for sharing of health-care resources between the agencies;

"(3) any recommendation made under subsection (b)(4) of this section during such fiscal year;

"(4) a review of the sharing agreements entered into under subsection (d) of this section and a summary of activities under such agreements during such fiscal year;

"(5) a summary of other planning and activities involving either agency in connection with promoting the coordination and sharing of Federal health-care resources during the preceding fiscal year; and

"(6) such recommendations for legislation as the Administrator and the Secretary consider appropriate to facilitate the sharing of health-care resources between the agencies.

Definitions.

"(g) For the purposes of this section:

"(1) The term 'beneficiary' means a person who is a primary beneficiary of the Veterans' Administration or of the Department of Defense.

"(2) The term 'direct health care' means health care provided to a beneficiary in a medical facility operated by the Veterans' Administration or the Department of Defense.

"(3) The term 'head of a medical facility' (A) with respect to a medical facility of the Veterans' Administration, means the director of the facility, and (B) with respect to a medical facility of the Department of Defense, means the medical or dental officer in charge or the contract surgeon in charge.

"(4) The term 'health-care resource' includes hospital care, medical services, and rehabilitative services, as those terms are defined in paragraphs (5), (6), and (8), respectively, of section 601 of this title, any other health-care service, and any health-care support or administrative resource.

38 USC 611, 613.

"(5) The term 'primary beneficiary' (A) with respect to the Veterans' Administration means a person who is eligible under this title (other than under section 611(b) or 613 or subsection (d) of this section) or any other provision of law for care or services in Veterans' Administration medical facilities, and (B) with respect to the Department of Defense, means a member or former member of the Armed Forces who is eligible for care under section 1074 of title 10.

"(6) The term 'providing agency' means the Veterans' Administration, in the case of care or services furnished by a facility of the Veterans' Administration, and the Department of Defense, in the case of care or services furnished by a facility of the Department of Defense.".

38 USC 5011.

(b)(1) The heading of such section is amended to read as follows:

96 STAT. 74

"§ 5011. Sharing of Veterans' Administration and Department of Defense health-care resources".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"5011. Sharing of Veterans' Administration and Department of Defense health-care resources.".

38 USC 5011 note.

(c) The Assistant Secretary of Defense for Health Affairs shall consult regularly with the Surgeons General of the Army, Navy, and Air Force in carrying out the duties and functions assigned to the Assistant Secretary in section 5011 of title 38, United States Code, as amended by subsection (a) of this section.

38 USC 5011 note.

(d) The guidelines required to be established under subsection (c) of section 5011 of title 38, United States Code, as added by subsection (a) of this section, shall initially be established not later than twelve months after the date of the enactment of this Act.

Sec. 4. (a) Chapter 81 of title 38, United States Code, is amended by inserting after section 5011 the following new section:

38 USC 5011A.

"§ 5011A. Furnishing of health-care services to members of the Armed Forces during a war or national emergency

"(a)(1) During and immediately following a period of war, or a period of national emergency declared by the President or the Congress that involves the use of the Armed Forces in armed conflict, the Administrator may furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty. The Administrator may give a higher priority to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons eligible for care and services in medical facilities of the Veterans' Administration with the exception of veterans with service-connected disabilities.

Definitions.

"(2) For the purposes of this section, the terms 'hospital care', 'nursing home care', and 'medical services' have the meanings given such terms by sections 601(5), 101(28), and 601(6) of this title, respectively.

38 USC 601, 101

Contracts with private facilities

"(b)(1) During a period in which the Administrator is authorized to furnish care and services to members of the Armed Forces under subsection (a) of this section, the Administrator, to the extent authorized by the President and subject to the availability of appropriations or reimbursements under subsection (c) of this section, may enter into contracts with private facilities for the provision during such period by such facilities of hospital care and medical services described in paragraph (2) of this subsection.

"(2) Hospital care and medical services referred to in paragraph (1) of this subsection are—

"(A) hospital care and medical services authorized under this title for a veteran and necessary for the care or treatment of a condition for which the veteran is receiving medical services at a Veterans' Administration facility under subsection (f) or (g) of section 612 of this title, in a case in which the delay involved in furnishing such care or services at such Veterans' Administration facility or at any other Veterans' Administration facility reasonably accessible to the veteran would, in the judgment of the Chief Medical Director, be likely to result in a deterioration of such condition; and

38 USC 612.

"(B) hospital care for a veteran who—

"(i) is receiving hospital care under section 610 of this title; or

38 USC 610.

"(ii) is eligible for hospital care under such section and requires such care in a medical emergency that poses a serious threat to the life or health of the veteran;

if Veterans' Administration facilities are not capable of furnishing or continuing to furnish the care required because of the furnishing of care and services to members of the Armed Forces under subsection (a) of this section.

Care or service costs, reimbursement.

"(c)(1) The cost of any care or services provided by the Veterans' Administration under subsection (a) of this section shall be reimbursed to the Veterans' Administration by the Department of Defense at such rates as may be agreed upon by the Administrator and the Secretary of Defense based on the cost of the care or services provided.

"(2) Amounts received under this subsection shall be credited to funds allotted to the Veterans' Administration facility that provided the care or services.

Plans implementation.

"(d)(1) Not later than six months after the date of the enactment of this section, the Administrator and the Secretary of Defense shall enter into an agreement to plan and establish procedures and guidelines for the implementation of this section. Not later than one year after the date of the enactment of this section, the Administrator and the Secretary shall complete plans for such implementation and shall submit such plans to the Committees on Veterans' Affairs and on Armed Services of the Senate and House of Representatives.

Submittal to congressional committees.

Review and report.

"(2) The Administrator and the Secretary of Defense shall jointly review such plans not less often than annually thereafter and shall report to such committees any modification in such plans within thirty days after the modification is agreed to.

Regulations.

"(e) The Administrator shall prescribe regulations to govern any exercise of the authority of the Administrator under subsections (a) and (b) of this section and of the Chief Medical Director under subsection (b)(2)(A) of this section.

Reports to congressional committees

"(f) Within thirty days after a declaration of a period of war or national emergency described in subsection (a) of this section (or as soon after the end of such thirty-day period as is reasonably practicable), the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Administrator's allocation of facilities and personnel in order to provide priority hospital care, nursing home care, and medical services under this section to members of the Armed Forces. Thereafter, with respect to any fiscal year in which the authority in subsection (b) of this section to enter into contracts with private facilities has been used, the Administrator shall report within ninety days after the end of such fiscal year to those committees regarding the extent of, and the circumstances under which, such authority was used.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5011 the following new item:

"5011A. Furnishing of health-care services to members of the Armed Forces during a war or national emergency.".

96 STAT. 76

SEC. 5. (a) Section 1786(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) Notwithstanding any other provision of law unless enacted in express limitation of this paragraph, funds in the Veterans' Administration readjustment benefits account shall be available for payments under paragraph (1) of this subsection for pursuit of a program of education exclusively by correspondence in which the veteran or spouse or surviving spouse enrolls after September 30, 1981.".

Effective date.
38 USC 1786 note.

(b) The amendment made by subsection (a) of this section shall take effect as of October 1, 1981.

Richard L. Roudebush Veterans' Administration Medical Center, designation

SEC. 6. The Veterans' Administration medical center located at 1481 West 10th Street, Indianapolis, Indiana, shall after the date of the enactment of this Act be known and designated as the "Richard L. Roudebush Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, document, map, record, or other paper of the United States shall after such date be deemed to be a reference to the Richard L. Roudebush Veterans' Administration Medical Center.

Approved May 4, 1982.

LEGISLATIVE HISTORY—S. 266 (H.R. 3502):

HOUSE REPORTS: No. 97-72, Pt. I (Comm. on Veterans' Affairs) and Pt. II (Comm. on Armed Services) both accompanying H.R. 3502.
SENATE REPORTS: No. 97-137 (Comm. on Governmental Affairs) and No. 97-196 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Oct. 27, considered and passed Senate.
Nov. 4, considered and passed House, amended, in lieu of H.R. 3502.
Vol. 128 (1982): Apr. 1, Senate agreed to House amendments with amendments.
Apr. 20, House concurred in Senate amendments.

Public Law 97-251
97th Congress

96 STAT. 711

An Act

Sept. 8, 1982
[H.R. 6350]

To amend title 38, United States Code, to enhance recruitment and retention by the Veterans' Administration of nurses and certain other health-care personnel, to improve the Veterans' Administration Health Professional Scholarship Program and certain aspects of other Veterans' Administration health-care programs, and to extend certain expiring Veterans' Administration health-care programs; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982.
38 USC 101 note.

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

PAY AND WORK SCHEDULES FOR NURSES AND CERTAIN OTHER HEALTH-CARE PERSONNEL

38 USC 4107.

SEC. 2. (a) Paragraph (10) of section 4107(e) is amended to read as follows:

"(10)(A) Notwithstanding any other provision of law but subject to subparagraphs (B) and (C) of this paragraph, if the Administrator determines it to be necessary in order to obtain or retain the services of nurses, the Administrator—

"(i) may increase the rates of additional pay authorized under paragraphs (2) through (8) of this subsection; and

"(ii) may extend the period for which additional pay authorized under paragraph (3) of this subsection is paid to include part or all of a tour of duty any part of which is within the period commencing at midnight Friday and ending at midnight Saturday.

"(B) An increase under subparagraph (A)(i) of this paragraph in rates of additional pay (i) may be made at any specific Veterans' Administration health-care facility in order to provide nurses, or any category of nurses, at such facility additional pay in an amount competitive with, but not exceeding, the amount of the same type of pay that is paid to the same category of nurses at non-Federal health-care facilities in the same geographic area as such Veterans' Administration health-care facility (based upon a reasonably representative sampling of such non-Federal facilities), and (ii) may be made on a nationwide, local, or other geographic basis if the Administrator finds that such an increase is justified on the basis of a review of the need for such increase (based upon a reasonably representative sampling of non-Federal health-care facilities in the geographic area involved).

96 STAT. 712

"(C)(i) An extension under subparagraph (A)(ii) of this paragraph of the period for which additional pay may be paid under paragraph (3) of this subsection may be made on a nationwide, local, or other geographic basis. Any such extension shall be based on a determination by the Administrator that such extension is justified on the basis of a review of the need for such extension in such geographic area.

"(ii) The rates of additional pay payable pursuant to an extension under such subparagraph shall be established as a percentage of the applicable hourly rates of basic pay. Such rates of additional pay may not exceed the lesser of (I) the percentage of such hourly rates of basic pay that the Administrator determines is necessary to be paid within the geographic area involved in order to obtain or retain the services of nurses, and (II) the percentage provided for in paragraph (3) of this subsection of the applicable hourly rate of basic pay.".

(b) Section 4107(f) is amended by striking out "paragraphs (2) through (8) of".

(c) Section 4107 is amended by adding at the end the following new subsection:

"(h)(1) Notwithstanding any other provision of law but subject to paragraph (2) of this subsection, if the Administrator determines it to be necessary in order to obtain or retain the services of nurses at any Veterans' Administration health-care facility, the Administrator may provide, in the case of nurses appointed under this subchapter and employed at such facility, that such nurses who work two regularly scheduled twelve-hour tours of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be considered for all purposes (except computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings) to have worked a full forty-hour basic workweek.

"(2)(A) Basic and additional pay for a nurse who is considered under paragraph (1) of this subsection to have worked a full forty-hour basic workweek shall be subject to subparagraphs (B) and (C) of this paragraph.

"(B) The hourly rate of basic pay for such a nurse for service performed as part of a regularly scheduled twelve-hour tour of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be derived by dividing the nurse's annual rate of basic pay by one thousand two hundred and forty-eight.

Overtime pay.

"(C)(i) Such a nurse who performs a period of service in excess of such nurse's regularly scheduled two twelve-hour tours of duty is entitled to overtime pay under subsection (e)(5) of this section, or other applicable law, for officially ordered or approved service performed in excess of eight hours on a day other than a Saturday or Sunday or in excess of twenty-four hours within the period commencing at midnight Friday and ending at midnight the following Sunday.

"(ii)(I) Except as provided in subdivision (II) of this division, a nurse to whom this paragraph is applicable is not entitled to additional pay under subsection (e) of this section, or other applicable law, for any period included in a regularly scheduled twelve-hour tour of duty.

96 STAT. 713

"(II) If the Administrator determines it to be further necessary in order to obtain or retain the services of nurses at a particular facility, a nurse to whom this paragraph is applicable who performs service in excess of such nurse's regularly scheduled two twelve-hour tours of duty may be paid overtime pay under subsection (e)(5) of this section, or other applicable law, for all or part of the hours of officially ordered or approved service performed by such nurse in excess of forty hours during an administrative workweek.

"(3) A nurse described in paragraph (2)(A) of this subsection who is absent on approved sick leave or annual leave during a regularly scheduled twelve-hour tour of duty shall be charged for such leave at a rate of five hours of leave for three hours of absence.

Regulations.

"(4) The Administrator shall prescribe regulations for the implementation of this subsection.".

Proposed regulations; publication in Federal Register.
38 USC 4107 note.

(d)(1) Not later than one hundred and twenty days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall publish in the Federal Register, for public review and comment for a period of not to exceed sixty days, proposed regulations for the implementation of subsection (e)(10) of section 4107 of title 38, United States Code (as amended by subsection (a) of this section), subsection (g) of such section, and subsection (h) of such section (as added by subsection (c) of this section).

(2) Not later than three hundred days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall publish in the Federal Register final regulations for the implementation of such subsections.

Final regulations; publication in Federal Register.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

SEC. 3. (a) Section 4142 is amended—

38 USC 4142.

(1) in subsection (a)—

(A) by striking out "full-time" in clause (1); and

(B) by adding below clause (4) the following new sentences:

"To be accepted as a participant in the Scholarship Program, an individual must be accepted for enrollment or be enrolled (as described in clause (1) of this subsection) as a full-time student, except that an individual who is a Veterans' Administration employee described in subsection (g)(1) of this section may be accepted as a participant if accepted for enrollment or enrolled (as described in clause (1) of this subsection) for study on less than a full-time but not less than a half-time basis. (Such a participant is hereinafter in this subchapter referred to as a 'part-time student'.)";

Participant eligibility requirements.

(2) in subsection (e)(1)(A)(i), by inserting "(or in a case in which an extension is granted under subsection (g)(3) of this section, the number of school years provided for as a result of such extension)" after "years";

(3) in subsection (e)(1)(B)—

(A) by inserting "(to be reduced, in the case of a participant who is a part-time student, in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant)" in division (iv)(I) after "Scholarship Program";

96 STAT. 714

(B) by striking out "years; and" in division (iv)(II) and inserting in lieu thereof "years (or, in the case of a participant who is a part-time student, one calendar year);";

(C) by inserting "and" at the end of division (v); and

(D) by adding at the end the following new division:

"(vi) in the case of a participant who is a part-time student, to maintain employment, while enrolled in such course of training, as a Veterans' Administration employee permanently assigned to a Veterans' Administration health-care facility;";

(3) in subsection (f)—

(A) by inserting a comma and "except that a stipend may not be paid to a participant who is a full-time employee of the Veterans' Administration and the stipend of a participant who is a part-time student shall be adjusted as provided in subsection (g)(2) of this section" before the period at the end of paragraph (1)(B); and

Stipend; limitations.

(B) by inserting "maximum" after "The" in paragraph (3);

(4) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively;

(5) by inserting after subsection (f) the following new subsection (g):

"(g)(1) To be accepted as a participant as a part-time student, an individual must be a full-time Veterans' Administration employee permanently assigned to a Veterans' Administration health-care facility on the date on which such individual submits the application referred to in subsection (a)(2) of this section and on the date on which such individual becomes a participant in the Scholarship Program.

"(2) If a participant in the Scholarship Program is awarded a scholarship as a part-time student—

Maximum stipend.

"(A) the maximum amount of the stipend payable to such participant under subsection (f)(1)(B) of this section shall be reduced in accordance with the proportion that the number of credit hours carried by such participant bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant; and

"(B) a stipend may not be paid to such participant under such subsection for any month during which such participant is not actually attending the course of training in which such participant is enrolled.

Scholarship award period extension.

"(3) In the case of a participant who is a part-time student, the Administrator may extend the scholarship award period to a maximum of six school years if the Administrator determines that such an extension would be in the best interest of the United States."; and

(6) in subsection (h) (as redesignated by clause (4))—

(A) by inserting "by virtue of their participation in such program (1)" after "Program shall not";

(B) by striking out "and shall not" and inserting in lieu thereof a comma and "or (2)";

(C) by striking out "employment" and inserting in lieu thereof "personnel"; and

(D) by striking out "while they" and all that follows through "clinical training".

38 USC 4143.

(b)(1) Section 4143(b) is amended—

96 STAT. 715

(A) by inserting "who is a full-time student or the date described in paragraph (5) of this subsection with respect to a participant who is a part-time student" in paragraph (1) after "Scholarship Program";

(B) by amending paragraph (2) to read as follows:

"(2) As soon as possible after the applicable date described in paragraph (3) of this subsection or provided for under paragraph (5) of this subsection, the Administrator shall—

"(A) in the case of a participant who is not a full-time employee in the Department of Medicine and Surgery, appoint such participant as such an employee; and

"(B) in the case of a participant who is such an employee but is not serving in a position for which such participant's course of training prepared such participant, assign such participant to such a position.";

(C) in paragraph (3)(B) by inserting "the later of (i) the date upon which the participant completes such participant's course of training, or (ii)" after "is"; and

Regulation.

(D) by adding at the end the following new paragraph:

"(5) The Administrator shall by regulation prescribe the date for the beginning of the period of obligated service of a participant who was a part-time student. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3) of this subsection.".

(2) Section 4143(c) is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) of this subsection, a participant in the Scholarship Program shall be considered to have begun serving such participant's period of obligated service—

"(A) on the date, after such participant's course completion date, on which such participant (in accordance with subsection (a) of this section) is appointed under this chapter as a full-time employee in the Department of Medicine and Surgery; or

"(B) if the participant is a full-time employee in the Department of Medicine and Surgery on such course completion date, on the date thereafter on which such participant is assigned to a position for which such participant's course of training prepared such participant.

"(2) A participant in the Scholarship Program who on such participant's course completion date is a full-time employee in the Department of Medicine and Surgery serving in a capacity for which such participant's course of training prepared such participant shall be considered to have begun serving such participant's period of obligated service on such course completion date.

"(3) For the purposes of this subsection, the term 'course completion date' means the date on which a participant in the Scholarship Program completes such participant's course of training under the program.". "Course completion date."

(c) Section 4144(b) is amended— 38 USC 4144.

(1) in clauses (1) and (2), by striking out the semicolon at the end and inserting in lieu thereof a comma;

(2) by striking out the semicolon and "or" at the end of clause (3) and inserting in lieu thereof a comma;

(3) by striking out the semicolon at the end of clause (4) and inserting in lieu thereof a comma and "or"; and

(4) by inserting after clause (4) the following new clause:

"(5) in the case of a participant who is a part-time student, fails to maintain employment, while enrolled in the course of training being pursued by such participant, as a Veterans' Administration employee permanently assigned to a Veterans' Administration health-care facility,".

CONTRACT CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 4. Section 601(4)(C)(v) is amended by striking out "September 30, 1982," and inserting in lieu thereof "September 30, 1983,". 38 USC 601.

RESTORATION OF CHAMPVA ELIGIBILITY FOR CERTAIN MEDICARE BENEFICIARIES

SEC. 5. (a) Section 613 is amended by adding at the end the following new subsection: 38 USC 613

"(d) Notwithstanding the second sentence of section 1086(c) of title 10 or any other provision of law, any spouse, surviving spouse, or child who, after losing eligibility for medical care under this section by virtue of becoming entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), has exhausted any such benefits shall become eligible for medical care under this section and shall not thereafter lose such eligibility under this section by virtue of becoming again eligible for such hospital insurance benefits.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1982. Effective date. 38 USC 613 note.

EXTENSION FOR REPORT ON ALCOHOL AND DRUG DEPENDENCE AND ABUSE PILOT PROGRAM

SEC. 6. Section 620A(f) is amended by striking out "March 31, 1983," and "September 30, 1982," and inserting in lieu thereof "March 31, 1984," and "September 30, 1983,", respectively. 38 USC 620A.

TECHNICAL AMENDMENT RELATING TO PAYMENTS TO STATE VETERANS' HOMES

SEC. 7. Section 643 is amended by striking out "of any war". 38 USC 643.

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS TO STATE VETERANS' HOMES

SEC. 8. The first sentence of section 5033(a) is amended to read as follows: "There is hereby authorized to be appropriated $15,000,000 for fiscal year 1980 and such sums as may be necessary for fiscal year 1981 and for each of the five succeeding fiscal years.". 38 USC 5033.

EXCHANGE OF MEDICAL INFORMATION WITH STATE VETERANS' HOMES

SEC. 9. Section 5054(b) is amended by inserting "(including State home facilities furnishing domiciliary, nursing home, or hospital care to veterans)" before the period at the end of the first sentence. 38 USC 5054.

REPORT ON THE USE OF FLEXIBLE AND COMPRESSED WORK SCHEDULES BY THE VETERANS' ADMINISTRATION

Report to Congress.
38 USC 219 note.

96 STAT. 717

SEC. 10. Not later than July 1, 1984, the Administrator of Veterans' Affairs shall submit to Congress a report on the results of the use of flexible and compressed work schedules by the Veterans' Administration. Such report shall include (1) an evaluation of the effects of the use of such schedules on the recruitment and retention of Veterans' Administration employees, on such employees' productivity and morale, and on such employees' effectiveness in carrying out the missions of the Veterans' Administration, and (2) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of the need for and use of flexible and compressed work schedules by the Veterans' Administration.

Approved September 8, 1982.

LEGISLATIVE HISTORY—H.R. 6350 (S. 2385):

HOUSE REPORT No. 97-543 (Comm. on Veterans' Affairs).
SENATE REPORT No. 97-467 accompanying S. 2385 (Comm. on Veterans' Affairs)
CONGRESSIONAL RECORD, Vol. 128 (1982):
    June 14, 15, considered and passed House.
    June 21, considered and passed Senate, amended, in lieu of S. 2385.
    Aug. 19, House concurred in Senate amendments with amendments.
    Aug. 20, Senate concurred in House amendments.

---

96 STAT. 1429

Public Law 97-306
97th Congress

An Act

Oct. 14, 1982
[H.R. 6782]

To amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, to increase the rates of dependency and indemnity compensation for surviving spouses and children, and to modify and improve the educational assistance programs administered by the Veterans' Administration and the veterans' employment programs administered by the Department of Labor; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Compensation, Education, and Employment Amendments of 1982.
38 USC 101 note.

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Compensation, Education, and Employment Amendments of 1982".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

PART A—RATE INCREASES

DISABILITY COMPENSATION

95 Stat. 1026.
38 USC 314.

SEC. 101. (a) Section 314 is amended—

(1) by striking out "$58" in subsection (a) and inserting in lieu thereof "$62";

(2) by striking out "$107" in subsection (b) and inserting in lieu thereof "$114";

(3) by striking out "$162" in subsection (c) and inserting in lieu thereof "$173";

(4) by striking out "$232" in subsection (d) and inserting in lieu thereof "$249";

(5) by striking out "$328" in subsection (e) and inserting in lieu thereof "$352";

(6) by striking out "$413" in subsection (f) and inserting in lieu thereof "$443";

(7) by striking out "$521" in subsection (g) and inserting in lieu thereof "$559";

(8) by striking out "$604" in subsection (h) and inserting in lieu thereof "$648";

(9) by striking out "$679" in subsection (i) and inserting in lieu thereof "$729";

(10) by striking out "$1,130" in subsection (j) and inserting in lieu thereof "$1,213";

96 STAT. 1430

(11) by striking out "$1,403" and "$1,966" in subsection (k) and inserting in lieu thereof "$1,506" and "$2,111", respectively;

(12) by striking out "$1,403" in subsection (l) and inserting in lieu thereof "$1,506";

(13) by striking out "$1,547" in subsection (m) and inserting in lieu thereof "$1,661";

(14) by striking out "$1,758" in subsection (n) and inserting in lieu thereof "$1,888";

(15) by striking out "$1,966" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,111";

(16) by striking out "$844" and "$1,257" in subsection (r) and inserting in lieu thereof "$906" and "$1,350", respectively;

(17) by striking out "$1,264" in subsection (s) and inserting in lieu thereof "$1,357"; and

(18) by striking out "$244" in subsection (t) and inserting in lieu thereof "$262".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code. Any such adjustment shall be made in conformance with the methodology used in determining the amounts of the increases under subsection (a) and specifically shall include the rounding down to the nearest dollar of each rate as so adjusted.

38 USC 314 note

38 USC note prec. 101.

38 USC 301 *et seq.*

ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. Section 315(1) is amended—

95 Stat. 1027.
38 USC 315.

(1) by striking out clauses (A) through (G) and inserting in lieu thereof the following:

"(A) has a spouse but no child, $74;

"(B) has a spouse and one or more children, $124 plus $40 for each child in excess of one;

"(C) has no spouse but one or more children, $50 plus $40 for each child in excess of one;";

(2) by redesignating clauses (H), (I), and (J) as clauses (D), (E), and (F), respectively;

(3) by striking out "$56" in clause (D) (as redesignated by clause (2) of this section) and inserting in lieu thereof "$60";

(4) by striking out "$125" in clause (E) (as redesignated by clause (2) of this section) and inserting in lieu thereof "$134"; and

(5) by striking out "$105" in clause (F) (as redesignated by clause (2) of this section) and inserting in lieu thereof "$112".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

SEC. 103. Section 362 is amended by striking out "$305" and inserting in lieu thereof "$327".

95 Stat. 1027.
38 USC 362.

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

95 Stat. 1028.
38 USC 411.

SEC. 104. (a) Subsection (a) of section 411 is amended to read as follows:

96 STAT. 1431

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$445	W-4	$639
E-2	459	O-1	563
E-3	470	O-2	582
E-4	500	O-3	622
E-5	514	O-4	658
E-6	526	O-5	726
E-7	552	O-6	817
E-8	582	O-7	884
E-9	[1] 608	O-8	969
W-1	563	O-9	1,041
W-2	586	O-10	[2] 1,139
W-3	603		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $655.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,222."

(b) Subsection (b) of such section is amended by striking out "$48" and inserting in lieu thereof "$51".

(c) Subsection (c) of such section is amended by striking out "$125" and inserting in lieu thereof "$134".

(d) Subsection (d) of such section is amended by striking out "$62" and inserting in lieu thereof "$66".

DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

95 Stat. 1029.
38 USC 413.

SEC. 105. Section 413 is amended—

(1) by striking out "$210" in clause (1) and inserting in lieu thereof "$225";

(2) by striking out "$301" in clause (2) and inserting in lieu thereof "$323";

(3) by striking out "$389" in clause (3) and inserting in lieu thereof "$417"; and

(4) by striking out "$389" and "$79" in clause (4) and inserting in lieu thereof "$417" and "$84", respectively.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

95 Stat. 1029.
38 USC 414.

SEC. 106. Section 414 is amended—

(1) by striking out "$125" in subsection (a) and inserting in lieu thereof "$134";

(2) by striking out "$210" in subsection (b) and inserting in lieu thereof "$225"; and

(3) by striking out "$107" in subsection (c) and inserting in lieu thereof "$114".

REPEAL OF EARLIER RATE ADJUSTMENT

Ante, p. 803.

SEC. 107. Section 405 of the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253) is repealed.

38 USC 314 note.
96 STAT. 1432

SEC. 108. The amendments made by this part shall take effect on October 1, 1982.

Part B—Program Improvements

COMPENSATION RATE INCREASES FOR CERTAIN BLINDED VETERANS

Sec. 111. (a) Section 314(n) is amended by inserting "or has suffered blindness without light perception in both eyes," after "anatomical loss of both eyes,". 38 USC 314.

(b) Section 314(p) is amended by inserting "or service-connected anatomical loss or loss of use of one hand or one foot" after "in one ear".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1982.

Effective date.
38 USC 314 note.

CORRECTION OF TECHNICAL ERROR WITH RESPECT TO ENTITLEMENT TO CERTAIN SURVIVORS' BENEFITS

Sec. 112. (a) Section 410(b)(1) is amended by inserting "or entitled to receive" after "was in receipt of". 38 USC 410.

(b)(1) The amendment made by subsection (a) shall take effect on October 1, 1982.

Effective date.
38 USC 410 note.

(2)(A) As soon as practicable after September 30, 1982, the Administrator of Veterans' Affairs shall pay an amount determined under subparagraph (B) to each person who would have been entitled to a payment under chapter 13 of title 38, United States Code, for any part of the period beginning on October 1, 1978, and ending on September 30, 1982, if the amendment made by subsection (a) had taken effect on October 1, 1978.

38 USC 401 *et seq.*

(B) The amount of any payment to a person under subparagraph (A) is the amount equal to the total of all payments under chapter 13 of title 38, United States Code, that would have been made to that person for the period described in such subparagraph if the amendment made by subsection (a) had taken effect on October 1, 1978.

ELIGIBILITY FOR VETERANS' ADMINISTRATION BENEFITS OF SENIOR RESERVE OFFICERS' TRAINING CORPS PARTICIPANTS DISABLED DURING CERTAIN TRAINING

Sec. 113. (a) Section 101(22) is amended— 38 USC 101.

(1) by striking out "and" at the end of clause (C);

(2) by redesignating clause (D) as clause (E); and

(3) by inserting after clause (C) the following new clause (D):

"(D) duty performed by a member of a Senior Reserve Officers' Training Corps program when ordered to such duty for the purpose of field training or a practice cruise under chapter 103 of title 10; and".

10 USC 2101 *et seq.*

(b)(1) Section 403 is repealed.

Repeal.
38 USC 403.

(2) The table of sections at the beginning of chapter 13 is amended by striking out the item relating to such section.

(c) Notwithstanding section 8140 of title 5, United States Code, subchapter I of chapter 81 of such title does not apply in the case of a disability suffered by a member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force that is compensable under chapter 11 of title 38, United States Code, or a death suffered by such a member for which dependency and indemnity compensation is payable under chapter 13 of such title.

5 USC 8140 note.
5 USC 8101.

38 USC 301 *et seq.*
38 USC 401 *et seq.*

(d) The amendments made by subsections (a) and (b) and the provisions of subsection (c) shall apply only with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after September 30, 1982.

Effective date.
38 USC 101 note.

TITLE II—EDUCATIONAL ASSISTANCE

VETERANS' COUNSELING AND OUTREACH SERVICES

Sec. 201. (a) Section 243 is amended to read as follows: 38 USC 243.

"§ 243. Outstationing of counseling and outreach personnel

"The Administrator may station employees of the Veterans' Administration at locations other than Veterans' Administration offices, including educational institutions, to provide counseling and other assistance regarding benefits under this title to veterans and other persons eligible for benefits under this title and to provide outreach services under this subchapter.".

(b) The item relating to such section in the table of sections at the beginning of chapter 3 is amended to read as follows:

"243. Outstationing of counseling and outreach personnel.".

REPEAL OF 50-PERCENT EMPLOYMENT RULE FOR VOCATIONAL SCHOOLS

38 USC 1673.

SEC. 202. (a) Section 1673(a) is amended—

(1) by striking out "(1)" before "The";

(2) by redesignating clause (A) as clause (1);

(3) by striking out clause (B) and inserting in lieu thereof the following:

"(2) any sales or sales management course which does not provide specialized training within a specific vocational field;";

(4) by redesignating clauses (C) and (D) as clauses (3) and (4), respectively; and

(5) by striking out paragraph (2).

38 USC 1723.

(b) Section 1723(a) is amended—

(1) by striking out "(1)" before "The";

(2) by redesignating clause (A) as clause (1);

(3) by striking out clause (B) and inserting in lieu thereof the following:

"(2) any sales or sales management course which does not provide specialized training within a specific vocational field;";

(4) by redesignating clauses (C) and (D) as clauses (3) and (4), respectively; and

(5) by striking out paragraph (2).

Effective date.
38 USC 1673 note.

(c) The amendments made by this section shall take effect on October 1, 1982.

TECHNICAL AMENDMENT RELATING TO 85-15 RULE

38 USC 1673.

SEC. 203. (a) Section 1673(d) is amended—

(1) by striking out "The Administrator" in the first sentence and inserting in lieu thereof "(1) Except as provided in paragraph (2) of this subsection, the Administrator";

96 STAT. 1434

(2) by striking out "(other than" and all that follows through "of this title)"; and

(3) by adding at the end the following new paragraph:

"(2) Paragraph (1) of this subsection—

"(A) does not (except as provided in section 1691(c) of this title) apply with respect to the enrollment of a veteran in a course offered pursuant to subchapter V of this chapter;

"(B) does not apply with respect to the enrollment of a veteran in a farm cooperative training course; and

"(C) does not apply with respect to the enrollment of a veteran in a course described in section 1789(b)(6) of this title.".

38 USC 1691.

(b) Section 1691(c) is amended by striking out "section 1673(d)" and inserting in lieu thereof "section 1673(d)(1)".

CHARGE TO ENTITLEMENT FOR PURSUIT OF INDEPENDENT STUDY PROGRAMS

38 USC 1682.

SEC. 204. Section 1682 is amended—

(1) by striking out "or (c)" in subsection (a)(1) and inserting in lieu thereof "(c), or (g)"; and

(2) by striking out "entitlement shall be charged at one-half of the full-time institutional rate" in subsection (e) and inserting in lieu thereof "the amount of such veteran's entitlement to

educational assistance under this chapter shall be charged in accordance with the rate at which the veteran is pursuing the independent study program but at not more than the rate at which such entitlement is charged for pursuit of such program on less than a half-time basis".

MODIFICATION OF RESTRICTION ON ALLOWANCES FOR INCARCERATED PERSONS

SEC. 205. (a) Section 1508(g)(2) is amended—

38 USC 1508.

(1) by inserting "not" after "shall"; and

(2) by striking out all after "felony" and inserting in lieu thereof a period.

(b) Section 1682(g) is amended—

38 USC 1682.

(1) by adding at the end of paragraph (1) the following new sentence: "The amount of the educational assistance allowance payable to a veteran while so incarcerated shall be reduced to the extent that the tuition and fees of the veteran for any course are paid under any Federal program (other than a program administered by the Administrator) or under any State or local program."; and

(2) in paragraph (2)—

(A) by inserting "not" after "shall"; and

(B) by striking out all after "felony" and inserting in lieu thereof a period.

(c) Section 1780(a) is amended—

38 USC 1780.

(1) by striking out "section 1504" and inserting in lieu thereof "section 1508";

(2) by inserting "or" at the end of clause (4);

(3) by striking out the semicolon and "or" at the end of clause (5) and inserting in lieu thereof a period; and

(4) by striking out clause (6).

96 STAT. 1435

CLARIFICATION OF TARGETED DELIMITING DATE EXTENSION AUTHORITY

SEC. 206. (a) Section 1662(a)(3) is amended—

95 Stat. 1054.
38 USC 1662.

(1) in the first sentence of subparagraph (C)(i)—

(A) by striking out "may" and inserting in lieu thereof "shall"; and

(B) by striking out "only if" and all that follows in such sentence and inserting in lieu thereof "unless the Administrator determines, based on an examination of the veteran's employment and training history, that the veteran is not in need of such a program or course in order to obtain a reasonably stable employment situation consistent with the veteran's abilities and aptitudes."; and

(2) by striking out "December 31, 1983" in subparagraph (D) and inserting in lieu thereof "December 31, 1984".

(b)(1) Not later than 30 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall publish in the Federal Register, for public review and comment for a period not to exceed 30 days, proposed regulations under section 1662(a)(3)(C)(i) of title 38, United States Code, as amended by subsection (a).

Publication in Federal Register.
38 USC 1662 note.

(2) Not later than 90 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register final regulations under such section 1662(a)(3)(C)(i).

Publication in Federal Register.

(c) The amendments made by subsection (a) shall take effect as of January 1, 1982.

Effective date.
38 USC 1662 note.

AUTHORITY TO SUSPEND EDUCATIONAL ASSISTANCE IN CERTAIN CASES

SEC. 207. Section 1790(b) is amended—

38 USC 1790.

(1) by striking out "Any" in paragraph (2) and inserting in lieu thereof "Except as provided in paragraph (3) of this subsection, any"; and

(2) by adding at the end the following new paragraph:

"(3)(A) The Administrator may suspend educational assistance to eligible veterans and eligible persons already enrolled, and may disapprove the enrollment or reenrollment of any eligible veteran or eligible person, in any course as to which the Administrator has evidence showing a substantial pattern of eligible veterans or eligible persons, or both, who are receiving such assistance by virtue of their enrollment in such course but who are not entitled to such assistance because (i) the course approval requirements of this chapter are not being met, or (ii) the educational institution offering such course has violated one or more of the recordkeeping or reporting requirements of this chapter or chapter 32, 34, or 35 of this title.

38 USC 1601 *et seq*, 1651 *et seq.*, 1700 *et seq.*

"(B)(i) Action may be taken under subparagraph (A) of this paragraph only after—

"(I) the Administrator provides to the State approving agency concerned and the educational institution concerned written notice of any such failure to meet such approval requirements and any such violation of such recordkeeping or reporting requirements;

"(II) such institution refuses to take corrective action or does not within 60 days after such notice (or within such longer period as the Administrator determines is reasonable and appropriate) take corrective action; and

96 STAT. 1436

"(III) the Administrator, not less than 30 days before taking action under such subparagraph, provides to each eligible veteran and eligible person already enrolled in such course written notice of the Administrator's intent to take such action (and the reasons therefor) unless such corrective action is taken within such 60 days (or within such longer period as the Administrator has determined is reasonable and appropriate), and of the date on which the Administrator intends to take action under such subparagraph.".

MODIFICATION OF REPORTING REQUIREMENT ON DEFAULT RATES UNDER EDUCATIONAL LOAN PROGRAM

38 USC 1798.

SEC. 208. The second sentence of section 1798(e)(3) is amended—

(1) by striking out "in maximum feasible detail";

(2) by inserting "and" at the end of clause (A); and

(3) by striking out clauses (B) and (C) and inserting in lieu thereof the following:

"(B) data regarding the default experience and default rate with respect to (i) loans made under this section in connection with accelerated payments under section 1682A of this title, and (ii) other loans made under this section.".

ADMINISTRATIVE IMPLEMENTATION OF CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE PROGRAMS

38 USC 1622.

SEC. 209. Section 1622 is amended by adding at the end the following new subsection:

"(e) Any amount transferred to the Administrator from the Secretary of a military department under an interagency agreement for the administration by the Veterans' Administration of an educational assistance program established by the Secretary under chapter 107 of title 10 may be deposited into and disbursed from the fund for the purposes of such program.".

10 USC 2141 *et seq.*

ADJUSTMENT OF COMPUTATION OF BENEFIT PAYMENT RATE FOR PARTICIPANTS MAKING LUMP-SUM CONTRIBUTIONS UNDER CHAPTER 32 PROGRAM

SEC. 210. Section 1622(d) is amended by striking out "$75" and inserting in lieu thereof "$100".

TITLE III—EMPLOYMENT ASSISTANCE

CONGRESSIONAL FINDINGS

SEC. 301. (a) Chapter 41 is amended by inserting after the table of sections the following new section:

"§ 2000. Findings 38 USC 2000.

"The Congress makes the following findings:

"(1) As long as unemployment and underemployment continue as serious problems among disabled veterans and Vietnam-era veterans, alleviating unemployment and underemployment among such veterans is a national responsibility.

"(2) Because of the special nature of employment and training needs of such veterans and the national responsibility to meet those needs, policies and programs to increase opportunities for such veterans to obtain employment, job training, counseling, and job placement services and assistance in securing advancement in employment should be effectively and vigorously implemented by the Secretary of Labor and such implementation should be accomplished through the Assistant Secretary of Labor for Veterans' Employment.".

(b)(1) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2001 the following new item:

"2000. Findings.".

(2) The item relating to chapter 41 in the table of chapters preceding part I and in the table of chapters at the beginning of part III is amended by striking out "2001" and inserting in lieu thereof "2000".

PURPOSE OF JOBS TRAINING PROGRAMS

SEC. 302. Section 2002 is amended— 38 USC 2002.

(1) by inserting "and regulations" after "to this end policies"; and

(2) by inserting a comma and "with priority given to the needs of disabled veterans and veterans of the Vietnam era" after "opportunities".

JURISDICTION OF ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT

SEC. 303. Section 2002A is amended by adding at the end the following new sentence: "The employees of the Department of Labor administering chapter 43 of this title shall be administratively and functionally responsible to the Assistant Secretary of Labor for Veterans' Employment.". 38 USC 2002A. 38 USC 2021 *et seq.*

STATE AND ASSISTANT STATE DIRECTORS FOR VETERANS' EMPLOYMENT

SEC. 304. (a)(1) Section 2003 is amended by striking out the section heading and all of the matter preceding clause (1) and inserting in lieu thereof the following: 38 USC 2003.

"§ 2003. State and Assistant State Directors for Veterans' Employment

"(a) The Secretary of Labor shall assign to each State a representative of the Veterans' Employment Service to serve as the State Director for Veterans' Employment, and shall assign full-time Federal clerical support to each such Director. The Secretary shall also assign to each State one Assistant State Director for Veterans' Employment per each 250,000 veterans and eligible persons of the State veterans population and such additional Assistant State Directors for Veterans' Employment as the Secretary shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the State Director for Veterans' Employment to carry out effectively in that State the purposes of this chapter. Full-time Federal clerical support personnel assigned to State Directors for Veterans' Employment shall be appointed in accordance with the provisions of title 5 governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5.

96 STAT. 1438

5 USC 5101 *et seq.*, 5331.

"(b)(1) Each State Director for Veterans' Employment and Assistant State Director for Veterans' Employment (A) shall be an eligible veteran who at the time of appointment has been a bona fide resident of the State for at least two years, and (B) shall be appointed in accordance with the provisions of title 5 governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5.

"(2) Each State Director for Veterans' Employment and Assistant State Director for Veterans' Employment shall be attached to the public employment service system of the State to which they are assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the veterans' and eligible persons' counseling and placement policies of the Secretary through the public employment service system and in cooperation with other employment and training programs administered by the Secretary, by grantees of Federal or federally funded employment and training programs in the State, or directly by the State.

"(c) In cooperation with the staff of the public employment service system and the staffs of each such other program in the State, the State Director for Veterans' Employment and Assistant State Directors for Veterans' Employment shall—".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2003. State and Assistant State Directors for Veterans' Employment.".

(b) Clause (6) of such section is amended to read as follows:

"(6) promote and facilitate the participation of veterans in Federal and federally funded employment and training programs and directly monitor the implementation and operation of such programs to ensure that eligible veterans, veterans of the Vietnam era, disabled veterans, and eligible persons receive such priority or other special consideration in the provision of services as is required by law or regulation;".

(c) Such section is further amended by striking out the period at the end of clause (7) and inserting in lieu thereof a semicolon and by adding at the end the following new clauses:

"(8) supervise the listing of jobs and subsequent referrals of qualified veterans as required by section 2012 of this title;

"(9) be responsible for ensuring that complaints of discrimination filed under such section are resolved in a timely fashion;

"(10) working closely with appropriate Veterans' Administration personnel engaged in providing counseling or rehabilitation services under chapter 31 of this title, cooperate with employers to identify disabled veterans who have completed or are participating in a vocational rehabilitation training program under such chapter and who are in need of employment;

38 USC 1501 *et seq.*

"(11) cooperate with the staff of programs operated under section 612A of this title in identifying and assisting veterans who have readjustment problems and who may need employment placement assistance or vocational training assistance; and

"(12) when requested by a Federal or State agency or a private employer, assist such agency or employer in identifying and acquiring prosthetic and sensory aids and devices which tend to enhance the employability of disabled veterans.".

96 STAT. 1439

DISABLED VETERANS' OUTREACH PROGRAM

SEC. 305. (a) Subsection (a) of section 2003A is amended—

38 USC 2003A.

(1) by inserting a comma and "acting through the Assistant Secretary for Veterans' Employment," in paragraph (1) after "Secretary of Labor";

(2) by inserting a comma and "acting through the Assistant Secretary of Labor for Veterans' Employment," in paragraph (3) after "Secretary";

(3) by striking out "available to" in paragraphs (1) and (3) and inserting in lieu thereof "available for use in";

(4) by striking out "provided to" in paragraph (2) and inserting in lieu thereof "provided for use in"; and

(5) by adding at the end the following new paragraph:

"(5) The distribution and use of funds provided for use in States under this section shall be subject to the continuing supervision and monitoring of the Assistant Secretary for Veterans' Employment and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section.".

(b) Subsection (b)(2) of such section is amended—

(1) by inserting after the first sentence the following new sentence: "The Secretary, after consulting the Administrator and the State Director for Veterans' Employment assigned to a State under section 2003 of this title, may waive the limitation in the preceding sentence for that State so long as the percentage of all disabled veterans' outreach program specialists that are stationed at local employment service offices in all States does not exceed 80 percent."; and

Waiver.

Ante, p. 1437.

(2) by striking out "section 621A" and inserting in lieu thereof "section 612A".

(c) Subsection (c) of such section is amended—

(1) by striking out "prime sponsors under the Comprehensive Employment and Training Act" in clause (4) and inserting in lieu thereof "appropriate grantees under other Federal and federally funded employment and training programs"; and

(2) by adding at the end the following new clause:

"(8) Development of outreach programs in cooperation with appropriate Veterans' Administration personnel engaged in providing counseling or rehabilitation services under chapter 31 of this title, with educational institutions, and with employers in order to ensure maximum assistance to disabled veterans who have completed or are participating in a vocational rehabilitation program under such chapter.".

38 USC 1501 *et seq.*

(d) Section 2003A is further amended—

(1) by striking out subsection (d); and

(2) by redesignating subsection (e) as subsection (d) and adding at the end the following new sentence: "The Secretary shall monitor the appointment of disabled veterans' outreach program specialists to ensure compliance with the provisions of subsection (a)(2) of this section with respect to the employment of such specialists.".

ESTIMATES OF FUNDS FOR ADMINISTRATION

SEC. 306. (a) Subsection (a) of section 2006 is amended—

38 USC 2006.

(1) by inserting "and chapters 42 and 43 of this title" after "of this chapter" in the first sentence; and

38 USC 2011 *et seq.*, 2021 *et seq.*

(2) by adding at the end the following new sentences: "Funds estimated pursuant to the first sentence of this subsection shall include amounts necessary to fund the disabled veterans' outreach program under section 2003A of this title and shall be approved by the Secretary of Labor only if the level of funding proposed is in compliance with such section. Each budget submission with respect to such funds shall include a separate

listing of the proposed number, by State, for disabled veterans outreach program specialists appointed under such section. The Secretary shall carry out this subsection through the Assistant Secretary for Veterans' Employment.".

(b) Subsection (d) of such section is amended by inserting a comma and "upon the recommendation of the Assistant Secretary of Labor for Veterans' Employment," after "Secretary of Labor".

ANNUAL REPORT TO CONGRESS

38 USC 2007.

SEC. 307. Section 2007(c) is amended by adding at the end the following new sentence: "The report shall also include a report on activities carried out under section 2003A of this title.".

NATIONAL EMPLOYMENT AND TRAINING PROGRAMS FOR VETERANS

SEC. 308. (a) Chapter 41 is amended by adding at the end the following new sections:

38 USC 2009.

"§ 2009. National veterans' employment and training programs

"(a) The Secretary of Labor shall—

"(1) administer through the Assistant Secretary of Labor for Veterans' Employment all national programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of disabled veterans and veterans of the Vietnam era;

"(2) in order to make maximum use of available resources, encourage all such national programs and all grantees under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns), educational institutions, trade associations, and labor unions;

"(3) ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to such veterans under all such national programs by coordinating and consulting with the Administrator with respect to programs conducted under other provisions of this title, with particular emphasis on coordination of such national programs with readjustment counseling activities carried out under section 612A of this title, apprenticeship or other on-job training programs carried out under section 1787 of this title, and rehabilitation and training activities carried out under chapter 31 of this title; and

38 USC 1501 *et seq.*

"(4) ensure that job placement activities are carried out in coordination and cooperation with appropriate State public employment service officials.

Report to congressional committees.

96 STAT. 1441

"(b) Not later than February 1 of each year, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the operation during the preceding fiscal year of national programs for the provision of employment and training services designed to meet the needs of veterans described in subsection (a) of this section. Each such report shall include an evaluation of the effectiveness of such programs during such fiscal year in meeting the goals established in such subsection, the efficiency with which services were provided under such programs during such year, and such recommendation for further legislative action relating to veterans' employment as the Secretary considers appropriate.

38 USC 2010.

"§ 2010. Secretary of Labor's Committee on Veterans' Employment

Establishment.

"(a) There is established within the Department of Labor an advisory committee to be known as the 'Secretary's Committee on Veterans' Employment'. The committee shall meet at least quarterly for the purpose of bringing to the attention of the Secretary problems and issues relating to veterans' employment.

Chairman.

"(b) The committee shall be chaired by the Secretary of Labor.

The Assistant Secretary of Labor for Veterans' Employment shall serve as vice chairman of the committee. The committee shall include—

Membership.

"(1) representatives of—

"(A) the Administrator;

"(B) the Secretary of Defense;

"(C) the Secretary of Health and Human Services;

"(D) the Director of the Office of Personnel Management;

"(E) the Chairman of the Equal Employment Opportunity Commission; and

"(F) the Administrator of the Small Business Administration; and

"(2) a representative of each of the chartered veterans' organizations having a national employment program.

Compensation.

"(c) Members of the committee shall serve without compensation or other reimbursement for their service on the committee.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"2009. National veterans' employment and training programs.
"2010. Secretary of Labor's Committee on Veterans' Employment.".

PERSONS ELIGIBLE FOR CHAPTER 42 EMPLOYMENT AND TRAINING PROGRAMS

38 USC 2011.

SEC. 309. Section 2011 is amended—

(1) by inserting "(or who but for the receipt of military retired pay would be entitled to compensation)" in clauses (1) and (3) after "compensation"; and

Definition.

(2) by striking out the period at the end of clause (5) and inserting in lieu thereof "and the United States Postal Service and the Postal Rate Commission, and the term 'department, agency, or instrumentality in the executive branch' includes the United States Postal Service and the Postal Rate Commission.".

96 STAT. 1442

REPORTS ON VETERANS' EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS

38 USC 2012.

SEC. 310. (a) Section 2012 is amended by adding at the end the following new subsection:

"(d)(1) Each contractor to whom subsection (a) of this section applies shall, in accordance with regulations which the Secretary shall prescribe, report at least annually to the Secretary on—

"(A) the number of employees in the work force of such contractor, by job category and hiring location, who are veterans of the Vietnam era or special disabled veterans; and

"(B) the total number of new employees hired by the contractor during the period covered by the report and the number of such employees who are veterans of the Vietnam era or special disabled veterans.

Regulations.
38 USC 2012 note.

"(2) The Secretary shall ensure that the administration of the reporting requirement under paragraph (1) of this subsection is coordinated with respect to any requirement for the contractor to make any other report to the Secretary.".

(b) Within 90 days after the date of the enactment of this Act, the Secretary of Labor shall prescribe regulations under subsection (d) of section 2012 of title 38, United States Code, as added by the amendment made by subsection (a).

REPEAL OF EXEMPLARY REHABILITATION CERTIFICATES PROGRAM

SEC. 311. Section 6 of Public Law 90-83, approved September 11, 1967 (29 U.S.C. 601-607), is repealed.

TITLE IV—MISCELLANEOUS PROVISIONS

REMOVAL OF TIME RESTRICTION FOR FILING AN INSURANCE CLAIM; PROHIBITION OF INSURANCE PROCEEDS ESCHEATING TO A STATE

38 USC 770.

SEC. 401. (a) Section 770 is amended—

(1) by striking out the second sentence of subsection (c); and

(2) by adding at the end the following new subsection:

"(h) Insurance payable under this subchapter may not be paid in any amount to the extent that such amount would escheat to a State. Payment of insurance under this subchapter may not be made to the estate of the insured or the estate of any beneficiary of the insured unless it is affirmatively shown that any amount to be paid will not escheat to a State. Any amount to be paid under this subchapter shall be reduced to the extent necessary to comply with this subsection.".

Effective date.
38 USC 770 note.

(b) The amendments made by subsection (a) shall take effect on October 1, 1982.

BURIAL FLAGS

38 USC 901.

SEC. 402. (a) Section 901 is amended by adding at the end the following new subsection:

"(e) The Administrator shall furnish a flag to drape the casket of each deceased person who is buried in a national cemetery by virtue of eligibility for burial in such cemetery under section 1002(6) of this title. After the burial, the flag shall be given to the next of kin or to such other person as the Administrator considers appropriate.".

96 STAT. 1443

Effective date.
38 USC 901 note.

(b) The amendment made by subsection (a) shall apply with respect to burials after September 30, 1982.

BURIAL BENEFITS FOR CERTAIN INDIGENT VETERANS WHOSE REMAINS ARE UNCLAIMED

38 USC 902.

SEC. 403. Section 902(a) is amended by striking out "When a veteran" and all that follows through "the Administrator," and inserting in lieu thereof the following: "In the case of a deceased veteran—

"(1) who at the time of death was in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or was in receipt of pension, or

"(2) who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and with respect to whom the Administrator determines—

"(A) that there is no next of kin or other person claiming the body of the deceased veteran, and

"(B) that there are not available sufficient resources to cover burial and funeral expenses,

the Administrator,".

Effective date.
38 USC 902 note.

(b) The amendment made by subsection (a) shall apply with respect to burial and funeral expenses incurred after September 30, 1982.

CLARIFICATION OF ELIGIBILITY FOR BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN CONTRACT NURSING HOME FACILITIES

38 USC 903.

SEC. 404. (a) Section 903(a) is amended—

(1) by striking out "Where death occurs in a Veterans' Administration facility" and inserting in lieu thereof "When a veteran dies in a Veterans' Administration facility (as defined in section 601(4) of this title)"; and

(2) by inserting "or in an institution at which the deceased veteran was receiving nursing home care under section 620 of

this title at the expense of the United States at the time of death" after "of this title".

(b) The amendments made by subsection (a) shall apply with respect to deaths occurring after September 30, 1982. Effective date. 38 USC 903 note.

SUPERINTENDENTS OF NATIONAL CEMETERIES UNDER THE JURISDICTION OF THE SECRETARY OF THE ARMY

SEC. 405. Notwithstanding section 7(b)(2) of the National Cemeteries Act of 1973 (87 Stat. 88), the provisions of the Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in the line of duty for active field service", approved March 24, 1948, as in effect on the day before the effective date of section 7 of the National Cemeteries Act of 1973, shall not apply with respect to the appointment of the superintendent of a national cemetery under the jurisdiction of the Secretary of the Army. 24 USC 271-276 note.

96 STAT. 1444

GUARANTEED LOANS TO REFINANCE LIENS ON MANUFACTURED HOMES AND TO PURCHASE MANUFACTURED-HOME LOTS; CHANGE IN NOMENCLATURE

SEC. 406. (a) Section 1819(a) is amended— 38 USC 1819.

(1) in paragraph (1), by adding at the end the following new clause:

"(G) To refinance in accordance with paragraph (5) of this subsection an existing loan that was made for the purchase of, and that is secured by, a manufactured home and to purchase a lot on which such manufactured home is or will be placed.";

(2) in paragraph (2), by inserting "(other than the refinancing under clause (F) of such paragraph of an existing loan)" after "subsection";

(3) in paragraph (3), by striking out "(C) or (E)" and inserting in lieu thereof "(C), (E), or (G)"; and

(4) by adding at the end the following new paragraph:

"(5)(A) For a loan to be guaranteed for the purpose specified in paragraph (1)(G) of this subsection—

"(i) the loan must be secured by the same manufactured home as was the loan being refinanced and such manufactured home must be owned and occupied by the veteran as such veteran's home; and

"(ii) the amount of the loan may not exceed an amount equal to the sum of—

"(I) the purchase price of the lot,

"(II) the amount (if any) determined by the Administrator to be appropriate under paragraph (2) of this subsection to cover the cost of necessary preparation of such lot,

"(III) the balance of the loan being refinanced, and

"(IV) such closing costs (including any discount permitted pursuant to section 1803(c)(3)(E) of this title) as may be authorized by the Administrator, under regulations which the Administrator shall prescribe, to be included in such loan. *Infra.*

"(B) When a loan is made to a veteran for the purpose specified in paragraph (1)(G) of this subsection, and the loan being refinanced was guaranteed, insured, or made under this section, the portion of the loan made for the purpose of refinancing such loan may be guaranteed by the Veterans' Administration under this chapter without regard to the amount of outstanding guaranty entitlement available for use by such veteran, and the amount of such veteran's guaranty entitlement shall not be charged as a result of any guaranty provided for such portion of such loan. For the purposes of section 1802(b) of this title, such portion of such loan shall be deemed to have been obtained with the guaranty entitlement used to obtain the loan being refinanced.".

38 USC 1803. (b) Section 1803(c)(3) is amended—

(1) by striking out "used:" in the matter preceding clause (1) and inserting in lieu thereof "used—";

(2) by striking out "or" at the end of clause (C);

(3) by striking out the period at the end of clause (D) and inserting in lieu thereof a semicolon and "or"; and

(4) by adding at the end the following new clause:

"(E) to refinance indebtedness and purchase a manufactured-home lot pursuant to section 1819(a)(1)(G) of this title, but only with respect to that portion of the loan used to refinance such indebtedness.". Supra.

38 USC 1811. (c)(1) Section 1811 is amended by striking out "mobile home" in subsections (c)(1) and (d)(1) and inserting in lieu thereof "manufactured home".

38 USC 1819. (2) Section 1819 is further amended—

(A) by striking out "mobile" each place it appears and inserting in lieu thereof "manufactured";

(B) by striking out "mobile-home" both places it appears in subsection (a)(4)(A)(ii) and inserting in lieu thereof "manufactured-home"; and

(C) by amending the section heading to read as follows:

"§ 1819. Loans to purchase manufactured homes and lots".

(3) The item relating to such section in the table of sections at the beginning of chapter 37 is amended to read as follows:

"1819. Loans to purchase manufactured homes and lots.".

PERIOD FOR REQUEST OF WAIVER OF OVERPAYMENT

38 USC 3102. SEC. 407. (a) Section 3102(a) is amended—

(1) by striking out "two years" and inserting in lieu thereof "180 days"; and

(2) by inserting a comma and "or within such longer period as the Administrator determines is reasonable in a case in which the payee demonstrates to the satisfaction of the Administrator that such notification was not actually received by such payee within a reasonable period after such date" after "payee".

Effective date. 38 USC 3102 note. (b) The amendments made by subsection (a) shall apply only with respect to notifications of indebtedness that are made by the Administrator of Veterans' Affairs after March 31, 1983.

MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT

95 Stat. 1035. 38 USC 3103A. SEC. 408. (a) Section 3103A is amended—

(1) by striking out "on or after the date of the enactment of the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981" in subsection (b)(2)(B) and inserting in lieu thereof "after October 16, 1981,";

(2) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection (d):

"(d)(1) Notwithstanding any other provision of law and except as provided in paragraph (3) of this subsection, a person described in paragraph (2) of this subsection who is discharged or released from a period of active duty before completing the shorter of—

"(A) 24 months of continuous active duty, or

"(B) the full period for which such person was called or ordered to active duty,

is not eligible by reason of such period of active duty for any benefit under Federal law (other than this title or any other law administered by the Veterans' Administration), and no dependent or survivor of such person shall be eligible for any such benefit by reason of such period of active duty of such person.

"(2) Paragraph (1) of this subsection applies—

"(A) to any person who originally enlists in a regular component of the Armed Forces after September 7, 1980; and

96 STAT. 1446

"(B) to any other person who enters on active duty on or after the date of the enactment of this subsection and has not previously completed a continuous period of active duty of at least 24 months or been discharged or released from active duty under section 1171 of title 10. 10 USC 1171.

"(3) Paragraph (1) of this subsection does not apply—

"(A) to any person described in clause (A), (B), or (C) of subsection (b)(3) of this section; or

"(B) with respect to a benefit under (i) the Social Security Act other than additional wages deemed to have been paid, under section 229(a) of the Social Security Act (42 U.S.C. 429(a)), for any calendar quarter beginning on or after the date of the enactment of this subsection, or (ii) title 5 other than a benefit based on meeting the definition of preference eligible in section 2108(3) of such title."; and 42 USC 1305. 5 USC 2108.

(3) by adding at the end the following new subsection:

"(f) Nothing in this section shall be construed to deprive any person of any procedural rights, including any rights to assistance in applying for or claiming a benefit.".

(b)(1) Subsection (d) of section 3103A of title 38, United States Code, as added by subsection (a)(2), shall not apply with respect to the receipt by any person of any benefit provided by or pursuant to law before the date of the enactment of this Act. 38 USC 3103A note.

(2) For the purposes of paragraph (1) of this subsection, additional wages deemed to have been paid under section 229(a) of the Social Security Act (42 U.S.C. 429(a)) shall be considered to be a benefit that was received by a person on the date that such person was discharged or released from active duty (as defined in section 101(21) of title 38, United States Code).

(c)(1) Section 977 of title 10, United States Code, is repealed. Repeal.

(2) The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 977.

(d) Section 3103A of title 38, United States Code, as amended by subsection (a), is the law with respect to the matters stated in such section and applies, in accordance with its terms, with respect to benefits under Federal law, regardless of the particular title of the United States Code or other law under which any such benefit is provided or the department, agency, or instrumentality which administers any such benefit. 38 USC 3103A note.

LIMITATIONS ON CONTRACTING OUT ACTIVITIES AT VETERANS' ADMINISTRATION HEALTH-CARE FACILITIES

SEC. 409. (a) It is the policy of the United States that the Veterans' Administration— 38 USC 5010 note.

(1) shall maintain a comprehensive, nationwide health-care system for the direct provision of quality health-care services to eligible veterans; and

(2) shall operate such system through cost-effective means that are consistent with carrying out fully the functions of the Department of Medicine and Surgery of the Veterans' Administration under title 38, United States Code.

(b) Section 5010 is amended by adding at the end the following new subsection: 38 USC 5010.

"(c)(1) Notwithstanding any other provision of law but except as provided in paragraph (3) of this subsection—

96 STAT. 1447

"(A) a contract may not be entered into as a result of which an activity at a health-care facility over which the Administrator has direct jurisdiction (hereinafter in this subsection referred to as a 'Veterans' Administration health-care facility') would be converted from an activity performed by Federal employees to an activity performed by employees of a contractor of the Government unless the Chief Medical Director has determined that such activity is not a direct patient care activity or an activity incident to direct patient care; and Limitation.

"(B) in the case of an activity determined by the Chief Medical Director under clause (A) of this paragraph to be neither such activity, the Administrator, after considering the advice of the Chief Medical Director and the results of a study described in paragraph (4) of this subsection, may, in the exercise of the Administrator's sole discretion but subject to paragraph (2) of this subsection, enter into a contract as a result of which the activity would be converted from an activity performed by Federal employees to an activity performed by employees of a contractor of the Government.

"(2) The Administrator may enter into a contract under the circumstances described in paragraph (1)(B) of this subsection only if the Administrator determines—

"(A) based on the study described in paragraph (4) of this subsection with respect to the activity involved, that the cost to the Government of the performance of such activity under such a contract over the first five years of such performance (including the cost to the Government of conducting the study) would be lower by 15 percent or more than the cost of performance of such activity by Federal employees; and

"(B) that the quantity or quality of health-care services provided to eligible veterans by the Veterans' Administration at the facility at which the activity is carried out would be maintained or enhanced as a result of such a contract.

"(3) The provisions of paragraph (1) of this subsection do not apply—

38 USC 601 *et seq.*

38 USC 5011, *ante* p. 74, 5053; 31 USC 1535.

"(A) to a contract or agreement under chapter 17 or section 5011, 5011A, or 5053 of this title or under section 1535 of title 31; or

"(B) to a contract under section 213 or 4117 of this title if the Chief Medical Director determines that such contract is necessary in order to provide services to eligible veterans at a Veterans' Administration health-care facility that could not otherwise be provided at such facility.

Study.

"(4) A study referred to in paragraph (1)(B) of this subsection is a study that—

"(A) compares the cost of performing an activity at a Veterans' Administration health-care facility through Federal employees with the cost of performing such activity through a contractor of the Government;

"(B) is based on an estimate of the most efficient and cost-effective organization for the effective performance of the activity by Federal employees;

"(C) with respect to the costs of performance of such activity through Federal employees, is based (to the maximum extent feasible) on actual cost factors of the Veterans' Administration for pay and retirement and other fringe benefits for the Federal employees who perform the activity; and

"(D) takes into account (i) the costs to the Government (including severance pay) that would result from the separation of employees whose Federal employment may be terminated as a result of the Administrator entering into a contract described in paragraph (1)(B) of this subsection, and (ii) all costs to the Government associated with the contracting process.

Notice, submittal to congressional committees.

"(5) Prior to conducting a study described in paragraph (4) of this subsection, the Administrator shall (in a timely manner) submit to the appropriate committees of the Congress written notice of a decision to study the activity involved for possible performance by a contractor.

Report.

"(6) If, after completion of a study described in paragraph (4) of this subsection, a decision is made to convert performance of the activity involved to contractor performance, the Administrator shall promptly submit to the appropriate committees of the Congress written notice of such decision and a report with respect to such conversion. Each such report shall include—

"(A) a summary of the study described in paragraph (4) of this subsection with respect to such contract;

"(B) a certification that the study itself is available to such committees and that the results of the study meet the requirements of paragraph (2)(A) of this subsection;

"(C) a certification that the requirements of paragraph (2)(B) of this subsection would be met with respect to such contract and a summary of the information that supports such certification;

"(D) if more than 25 jobs are affected, information showing the potential economic impact on the Federal employees affected and the potential economic impact on the local community and the Government of contracting for performance of such activity; and

"(E) information showing the amount of the bid accepted for a contract for the performance of the activity and the cost of performance of such activity by Federal employees, together with the total estimated costs which the Government will incur because of the contract.

Report to Congress.

"(7) Not later than February 1, 1984, and February 1 of each of the five succeeding years, the Administrator shall submit a written report to Congress describing the extent to which activities at Veterans' Administration health-care facilities were performed by contractors during the preceding fiscal year and the actual cost savings resulting from such contracts.".

Approved October 14, 1982.

LEGISLATIVE HISTORY—H.R. 6782 (S. 2913):

HOUSE REPORT No. 97-660 (Comm. on Veterans' Affairs).
SENATE REPORT No. 97-550 accompanying S. 2913 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 128 (1982):
  July 27, considered and passed House.
  Sept. 24, considered and passed Senate, amended.
  Sept. 28, House concurred in Senate amendments with amendments.
  Sept. 29, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 18, No. 41:
Oct. 14, Presidential statement.

RECAPITULATION OF MISCELLANEOUS PRIVATE ACTS, 97TH CONGRESS, 2D SESSION

Number of Private Law	Payee	Amount
	FISCAL YEAR 1982	
97-14	Dolly Akers	$55,305.00
97-21	The Washington Post The Washington Star The Dispatch (Lexington, North Carolina) Brooklyn Times, Brooklyn, New York Equity Advertising Agency, Incorporated Seattle Post-Intelligence News Tribune	Indefinite
97-25	Staff Sergeant Anne M. Fisher	7,310.10
	Total, fiscal year 1982	62,615.10
	FISCAL YEAR 1983	
97-33	Lehi L. Pitchforth, Junior	1,898.02 and indefinite
97-39	Doctor David Pass	Indefinite
97-56	Arthur J. Grauf	2,408.00
	Total, fiscal year 1983	4,306.02
	Total, 2d session, 97th Congress	$66,921.12

II. PERMANENT APPROPRIATIONS—FEDERAL FUNDS

(For permanent trust funds, see table III)

COMPILER'S NOTE.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1983. These are funds that do not require current annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are for *indefinite* appropriations unless indicated to be definite. The amounts shown for indefinite appropriations are estimated and are thus subject to revision as better data become available during the fiscal year.

LEGISLATIVE

SENATE

Compensation of Members:

A permanent appropriation effective beginning with fiscal year 1983 and continuing each year thereafter, for the compensation of the Vice President and Senators as well as for the payment of agency contributions for life and health insurance and retirement benefits. This permanent appropriation was established by section 130(c) of Public Law 97-51, approved October 1, 1981 (95 Stat. 966) making continuing appropriations for fiscal year 1982. Prior to fiscal year 1983, the salaries of the Vice President and Senators and the related agency contributions were paid from appropriations made annually in the regular Legislative Branch Appropriations Act $8,431,000

HOUSE OF REPRESENTATIVES

Compensation of Members and related administrative expenses:

A permanent appropriation effective beginning with fiscal year 1983 and continuing each year thereafter, for the compensation of Members of Congress and for administrative expenses related thereto as authorized by law and at such level recommended by the President for Federal employees. This permanent appropriation was established by section 130(c) of Public Law 97-51, approved October 1, 1981 (95 Stat. 966) making continuing appropriations for fiscal year 1982. Prior to fiscal year 1983, the salaries of Members of Congress were paid from appropriations made annually in the regular Legislative Branch Appropriations Act 29,432,000

Congressional use of foreign currency:

The International Security Assistance Act of 1978, Public Law 95-384, 92 Stat. 742, effective September 26, 1978, provided that local currencies owned by the United States be made available to Members and employees of Congress while traveling in a foreign country. Whenever local currencies are not available, the Secretary of the Treasury is authorized to purchase such local currencies as may be necessary. In addition, this act authorized the permanent and indefinite appropriation, "Congressional use of foreign currency." Prior to this act, authority was contained in section 502(b) of the Mutual Security Act of 1954 *(2 U.S.C. 1954(b))* 1,900,000

LIBRARY OF CONGRESS

Payments to copyright owners:

Receipts from cable television stations and juke-box licenses are disbursed to the copyright owners through this appropriation after deduction of administrative expenses of the Copyright Royalty Tribunal. Disbursements are made in accordance with the schedule established in Public Law 94-553 23,000,000

Oliver Wendell Holmes Devise Fund:

This fund created by the act entitled "An act to establish a Permanent Committee for the Oliver Wendell Holmes Devise," approved August 5, 1955, is to be used for the preparation of a history of the Supreme Court, finance lectures, and prepare a memorial volume containing the writings of Oliver Wendell Holmes *(69 Stat. 533)* $2,000

Total, Legislative *$62,765,000*

EXECUTIVE

Department of Agriculture

AGRICULTURAL MARKETING SERVICE

Perishable Agricultural Commodities Act Fund:

License fees are deposited in this special fund and are used to meet costs of administering the Perishable Agricultural Commodities, and the Produce Agency Acts (7 U.S.C. 491–497, 499a–499s). The law currently provides that annual license fees may be set at a maximum of $150 2,740,000

FOOD AND NUTRITION SERVICE

Child nutrition programs:

Authorized by the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended. Primary objective of programs is to make the best possible nutrition available to every child and the elderly, regardless of economics of the child's family or the local district. *(42 U.S.C. 1751–1761, and 1766; 1773–1785, and 1787)* 2,214,690,000

COMMODITY CREDIT CORPORATION

National Wool Act:

The National Wool Act of 1954 (title VII of Public Law 690, approved August 28, 1954) as amended by the Agricultural Act of 1970 and the Food and Agriculture Act of 1977 declares wool to be an essential and strategic commodity, and as a measure of national security encourages the annual domestic production of approximately 300 million pounds of shorn wool. In order to encourage the required annual production of wool and mohair, the Secretary is authorized to make sufficient incentive payments which, when added to the national average price received by producers, will give them a national average return for the commodity equal to the support (incentive) price level thereof. Payments may not at any time exceed 70 percent of the accumulated totals of the gross receipts from specific duties collected on and after January 1, 1953, on wool and wool manufacturers under schedule 11 of the Tariff Act of 1930, as amended (Public Law 690 approved August 28, 1954, *as amended*) 44,632,000

FOOD SAFETY AND QUALITY SERVICE

Funds for strengthening markets, income, and supply:

Under section 32 of the act of August 24, 1935, as amended (7 U.S.C. 612c), 30 percent of customs receipts collected during each calendar year are automatically appropriated for expanding outlets for nonbasic commodities. An amount equal to 30 percent of receipts collected on fishery products is transferred to the Department of Commerce to encourage the distribution of such products. Most of the funds are transferred to the Food and Nutrition Service and are dedicated to commodity distribution activities under section 6 of the national school lunch and other authorities specified in the child nutrition appropriations 409,232,000

RURAL ELECTRIFICATION ADMINISTRATION

Rural Communications Development Fund:

The Rural Communications Development Fund was established pursuant to Secretary's Memorandum No. 1988 approved May 22, 1979. This memorandum transferred certain financing authorities under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) from the Farmers Home Administration to the Rural Electrification Administration for the purpose of financing and administering community antenna television services or facilities in rural areas. The fund is used to make or guarantee loans for community antenna television services or facilities 1,345,000

FOREST SERVICE

Timber salvage sales:	
Appropriations of funds to begin salvage of insect infested, dead, damaged, or down timber, and to remove associated trees for stand improvement in accordance with Public Law 95-26	$7,900,000
Tongass Timber Supply Fund:	
To maintain the timber supply from the Tongass National Forest at a specified level. Public Law 96–487	45,960,000
Brush disposal:	
Amounts received from purchasers of national forest timber to cover the estimated cost to the United States of disposing of the brush and other debris resulting from cutting operations are covered into the Treasury as a special fund, for expenses of this work. Amounts paid in excess of the cost are refunded to the purchaser or transferred to miscellaneous receipts *(16 U.S.C. 490)*	50,700,000
Payments to States from the National Forest Fund:	
The act of June 9, 1930, appropriates 25 percent of the net revenue during any fiscal year from each national forest, to be paid at the end of such year, to the State in which the forest is situated, for the benefit of the public schools and public roads of such county or counties *(16 U.S.C. 500)*	328,727,000
Licensee programs:	
Fees for the use of the character "Smokey Bear" and "Woodsey Owl" by private enterprises are collected under regulations promulgated by the Secretary, and are available for furthering the nationwide forest-fire prevention and environmental quality programs *(18 U.S.C. 711; 31 U.S.C. 488b–3–6)*	200,000
Restoration of forest lands and improvements:	
Funds received from settlement of claims involving damage to lands or improvements and from forfeiture of deposits and bonds by permittees and timber purchasers are used for the restoration made necessary by the action which led to the settlement or forfeiture *(16 U.S.C. 579c)*	100,000
Timber purchaser roads constructed by Forest Service:	
Expenditure of timber receipts for Government constructed permanent roads for purchasers of timber who qualify as small businesses and elect to have the Forest Service construct the roads designated under the timber sale contract where costs exceed $20,000 *(section 14(i)(2), Public Law 94–588)*	44,900,000
Payment to Minnesota (Cook, Lake, and St. Louis Counties) from the National Forest Fund:	
Under the act of June 22, 1948, the Secretary of the Treasury, upon certification of the Secretary of Agriculture, pays to the State of Minnesota at the close of each fiscal year an amount equivalent to three-fourths of 1 percent of the apraised value of certain Superior National Forest lands in the counties of Cook, Lake, and St. Louis for distribution to these counties *(16 U.S.C. 577g)*	712,000
Payments to counties, national grasslands:	
This account consists of amounts appropriated, from revenues received during each calendar year from the use of submarginal lands held by the Secretary of Agriculture under title III of the act of July 22, 1937, for such lands are situated, on the condition that they are used for school or road purposes, or both, and for refund of excess amounts received for the use of such lands Moneys so appropriated remain available for these purposes until expended *(7 U.S.C. 1012)*	12,400,000
Payment to school funds, Arizona National Forest Fund:	
At the close of each fiscal year there is paid by the Secretary of the Treasury, as income for its common-school fund, an amount equivalent to such proportion of the gross proceeds of all the national forests within the State as the area of lands granted to the State for school purposes within these forest reserves may bear to the total area of all national forests within the States *(36 Stat. 562, 573)*.	161,000

Total, Department of Agriculture *$3,164,399,000*

DEPARTMENT OF DEFENSE—MILITARY

FAMILY HOUSING

Homeowners Assistance Fund:	
For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89–754, *as amended*)	1,200,000

Department of Defense—Civil Functions

CORPS OF ENGINEERS—CIVIL

Payments to States:

Seventy-five percent of moneys received on account of leases of lands acquired in connection with flood-control projects is appropriated at the end of each fiscal year for payment to the State in which the property is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the property is situated *(33 U.S.C. 701c–3)* $5,552,000

Hydraulic mining in California, Debris Fund:

Fees paid by mine operators in the Sacramento and San Joaquin Basins for depositing mine debris in restraining works are used for their maintenance *(33 U.S.C. 683)* 48,000

Maintenance and operation of dams and other improvements of navigable waters:

Indefinite appropriation of 50 percent of receipts from certain licenses under the Federal Power Act to be received and appropriated as a special fund in the Treasury for expenditure under the direction of the Secretary of the Army in the maintenance and operation of dams and other navigation structures owned by the United States or for other improvements of navigable waters *(31 U.S.C. 725c)* 1,800,000

MISCELLANEOUS ACCOUNTS

Wildlife conservation, Army:

Proceeds from the sale of fish and game permits on Army installations are used to carry out a program of planning, development, maintenance, and coordination of wildlife, fish and game conservation, and rehabilitation on military reservations 1,000,000

Wildlife conservation, Navy:

Proceeds from the sale of fish and game permits on naval installations are used to carry out a program of fish and wildlife conservation, management, and rehabilitation in cooperation with appropriate State agencies and the Fish and Wildlife Service, Department of the Interior *(74 Stat. 1052)* 269,000

Wildlife conservation, Air Force:

Proceeds from the sale of game permits are used to carry out a program of fish and game conservation and rehabilitation in connection with the Fish and Wildlife Service *(63 Stat. 759)* 180,000

Total, Miscellaneous accounts *$1,449,000*
Total, Corps of Engineers–Civil *7,400,000*
Total, Department of Defense–Civil functions *8,849,000*

Department of Energy

POWER MARKETING ADMINISTRATION

Bonneville Power Administration Fund:

The Bonneville Power Administration constructs, operates, and maintains transmission and related facilities and markets electric power produced at 30 Federal hydroelectric generating plants and obtained by purchase and exchange from two thermal plants 179,000,000

Total, Department of Energy *$179,000,000*

Department of Health and Human Services

Payments to States from receipts for child support:

This fund makes payments to States for their share of amounts collected on their behalf by the Internal Revenue Service under the provisions of the Child Support Enforcement Program, title IV–D of the Social Security Act 450,000

Total, Department of Health and Human Services *$450,000*

Department of Housing and Urban Development

HOUSING PROGRAMS

Subsidized housing programs:

The subsidized housing programs schedule reflects both budget authority to enter into additional contracts for subsidized housing and an appropriation for payment required to liquidate such contracts under seven separate programs *(42 U.S.C. 1437c; 1441; 12 U.S.C. 1701, 1715, and 1749; and 88 Stat. 633)* 30,671,000

Federal Housing Administration Fund:

The Federal Housing Administration Fund, created by the National Housing Act of 1934, is a noncorporate business-type agency, which was brought under the Government Corporation Control Act by the Housing Act of 1948. FHA program objectives are achieved through the insurance of loans for financing the production, purchase, repair, and improvement of residential properties and these programs are under four separate insurance funds established by statute. Income from fees, premiums, and investments are credited to the funds and operating expenses including expenses and losses connected with foreclosed property and defaulted notes and mortgages are charged to the funds *(12 U.S.C. 1701)* $55,745,000

Revolving fund (liquidating programs):

The revolving fund (liquidating programs) was established by the Independent Offices Appropriation Act of 1955 for the more efficient liquidation of assets acquired under a number of housing and urban development programs 535,000

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Special assistance functions funds:

The Association is authorized, pursuant to section 305 of the National Housing Act, to make commitments and to purchase FHA-insured and VA-guaranteed mortgages, and support for the production of 50,000 new and substantially rehabilitated housing units for low and moderate income families 116,000

NEW COMMUNITY DEVELOPMENT CORPORATION

New Communities Fund:

The Housing and Urban Development Act of 1968, as amended, and title VII of the Housing and Urban Development Act of 1970, as amended, authorized Federal assistance to private and public new community developers *(42 U.S.C. 4518(b))* 32,781,000

Total, Department of Housing and Urban Development *$119,848,000*

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Leasing of grazing lands:

State, county, and privately owned grazing lands that are intermingled with public grazing lands are managed on a leased basis within the limits of receipts from such arrangements *(43 U.S.C. 315m)* 2,000

Payments to Oklahoma:

The State of Oklahoma is paid 37½ percent of the Red River oil and gas royalties in lieu of State and local taxes on Kiowa, Comanche, and Apache tribal lands to be used for construction and maintenance of public roads and support of public schools *(65 Stat. 252)* 8,000

Payments to Coos and Douglas Counties, OR, in lieu of taxes on Coos Bay Wagon Road grant lands:

Receipts derived in any one year from the Coos Bay Wagon Road grant lands in Oregon and deposited in the special funds in the Treasury created by the act of February 26, 1919 (40 Stat. 1179), for payment annually, in lieu of taxes, to the treasurers of Coos and Douglas Counties according to the ratio that the total assessed valuation of the reconveyed Coos Bay Wagon Road grant lands, belonging to the United States, in each of said counties bear to the total assessed valuation of all said lands in those counties, pursuant to the various provisions of the act approved May 24, 1939 (53 Stat. 753, 754), said moneys to be used by the treasurer of the county for common schools, roads, highways, bridges, and port district *(40 Stat. 1179; 53 Stat. 753–754)* 504,000

Payments to certain counties in Oregon from the Oregon and California Land Grant Fund (in lieu of current taxes):

Indefinite appropriation of 50 percent of all moneys deposited in the Treasury to the credit of the Oregon and California land-grant fund for payment to the counties in which the lands revested under the act of June 9, 1916 (39 Stat. 218), are situated to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds *(39 Stat. 218; 50 Stat. 876)* 110,000,000

Payments to States from sales of lands: Payments to the several States of 5 percent of the net proceeds of sales of public lands and materials lying within their limits, for the purpose of education or of making public roads and improvements *(31 U.S.C. 711)*	$908,000
Payments to States from grazing receipts, et cetera, public lands outside grazing districts: Payments are made to the States of 50 percent of the money received as grazing fees from outside grazing district *(43 U.S.C. 315i, 315m)*	1,350,000
Payments to States from grazing receipts, et cetera, public lands within grazing districts: Payments are made to the States of 12½ percent of moneys received as grazing fees from within grazing districts *(43 U.S.C. 315b; 315i)*	2,113,000
Payments to States from receipts under Mineral Leasing Act: Alaska is paid 90 percent and other States 50 percent of the receipts from bonuses, royalties, and rentals resulting from development of mineral resources under the Mineral Leasing Act *(30 U.S.C. 191)* and from leases of potash deposits *(30 U.S.C. 285)* on public lands *(30 U.S.C. 191, 285)*	640,955,000
Payments to counties, national grasslands: Of the revenues received from the use of submarginal lands, 25 percent is paid to the counties in which such land is situated for school and road purposes. These lands were formerly administered by the Department of Agriculture but were transferred to the Bureau of Land Management for administration in connection with the Grazing Program *(7 U.S.C. 1012)*	621,000
Expenses road maintenance: Public Law 94–579 approved October 21, 1976, permanently appropriated certain moneys to the Secretary of the Interior. Users of roads under jurisdiction of the Bureau of Land Management may make deposits for maintenance purposes, and moneys collected are available for necessary road maintenance. Moneys collected on Oregon and California grant lands are available for those lands only *(43 U.S.C. 1701 et seq.)*	4,000,000

BUREAU OF INDIAN AFFAIRS

Claims and treaty obligations: For fulfilling treaties with the Senecas and Six Nations of New York, Pawnees of Oklahoma, and payments to the Indians of the Sioux reservations *(4 Stat. 442; 7 Stat. 46, 98, 210, 234; 11 Stat. 614, 729; 72 Stat. 644)*	1,000,000
Operation and maintenance, Indian irrigation systems: All revenues derived from charges for operation and maintenance of Indian irrigation projects are available for expenditure for operation and maintenance of the projects in accordance with the act of August 7, 1946, Public Law 647 *(60 Stat. 895)*	12,400,000
Power systems, Indian irrigation projects: Sums not in excess of the amount of power revenues covered into the Treasury to the credit of each of the power projects shall be available for the purposes authorized by section 3 of the act of August 7, 1946 (Public Law 647) as amended *(60 Stat. 895; 65 Stat. 254)*	16,600,000

OFFICE OF TERRITORIAL AFFAIRS

Payments to the United States territories fiscal assistance: Excise taxes collected by the Internal Revenue Service are made available to the territories of Guam and the Virgin Islands under sections 1(c) and 4(c)(2) of Public Law 95–348, 92 Stat. 487	54,200,000

U.S. FISH AND WILDLIFE SERVICE

Migratory Bird Conservation Fund: Proceeds from the sale of Federal conservation and hunting stamps are set aside for carrying out the migratory birds conservation account *(16 U.S.C. 715k-3, 5)*	16,376,000
Federal aid in fish restoration and management: States are reimbursed up to 75 percent of the cost of approved fish restoration and management projects, including research into fish culture, formulation of restocking plans, and acquisition and improvement of fish habitat *(16 U.S.C. 777a–k)*	40,230,000
Federal aid in wildlife restoration: States are reimbursed up to 75 percent of the cost of approved wildlife restoration projects, included acquisition and development of land and water areas, and for wildlife management research *(16 U.S.C. 669–669i)* and approved hunter safety programs *(Public Law 91–503)*	118,000,000

National Wildlife Refuge Fund: The Refuge Revenue Sharing Act authorizes the expenditure of revenues from the sale of products from the National Wildlife Refuge System. Part of the net proceeds from sales of refuge products, either 25 percent or 0.75 percent of the value of lands acquired in fee in each case of each refuge, is paid to counties in which refuges are located for benefit of public schools and roads. The remainder of the revenue is available for management of the refuge system and for enforcement of the Migratory Bird Treaty Act *(16 U.S.C. 715s)*	$4,053,000
Proceeds from sales, water resources development projects: Receipts derived from water resources development projects conducted on national wildlife refuge lands *(16 U.S.C. 460d)*	500,000

NATIONAL PARK SERVICE

Educational expenses, children of employees, Yellowstone National Park: Revenues received from visitors to the park are used to provide educational facilities to pupils who are dependents of persons engaged in the operation of Yellowstone National Park *(62 Stat. 338)*	375,000
Payment for tax losses on land acquired for Grand Teton National Park: Park fees are used to compensate the State of Wyoming for tax losses on lands acquired for Grand Teton National Park *(64 Stat. 851)*	30,000

WATER AND POWER RESOURCES SERVICE

Payment of interest on advances from Treasury, Colorado River Dam Fund, Boulder Canyon project: Indefinite appropriation for payments into miscellaneous receipts of the Treasury of moneys advanced for the construction of the Boulder Canyon project, with interest, as provided in the Boulder Canyon Project Act of December 21, 1928, as amended *(43 U.S.C. 618a(b))*	$1,300,000
Payments to States of Arizona and Nevada, Boulder Canyon project: Specific appropriation of $300,000 per annum to each of the States of Arizona and Nevada, from revenues from the operations of the Boulder Canyon project, as provided in the Boulder Canyon Project Act of December 21, 1928, as amended *(43 U.S.C. 618a(c)) (definite)*	600,000
Operation, maintenance, and replacement of project works, North Platte project (Gering and Fort Laramie, Goshen, and Pathfinder irrigation districts): This fund is derived from the revenues arising from leasing or project grazing and farm lands, sale or rental of surplus water, and other miscellaneous revenues which otherwise would accrue to the Gering and Fort Laramie, Goshen, and Pathfinder irrigation districts under subsections I to J of section 4 of the act of December 5, 1924 *(43 Stat. 703)*, and such revenues may be expended, as set forth in contracts with the above districts, for the replacement of the project works operated and maintained by the United States and to supplement funds advanced by the water users to meet annual costs of operation and maintenance of such works *(66 Stat. 755, sec. 4)*	30,000
Payments to farmers' irrigation district (North Platte project, Nebraska-Wyoming): Payments are made to the farmer's irrigation district on behalf of the Northport irrigation district for water carriage *(62 Stat. 273, as amended)*	8,000
Payments to local units, Klamath Reclamation Area: Certain revenues collected from the leasing of Klamath project reserved Federal lands within the boundaries of certain national wildlife refuges will be used for various purposes *(78 Stat. 850)*	170,000
Refunds and returns: Overcollections are refunded and amounts of deposits not applied to the purposes for which the deposits were accepted are returned *(64 Stat. 689)*	592,000
Total, Department of the Interior	*$1,026,925,000*

DEPARTMENT OF STATE

Payment to the Foreign Service Retirement and Disability Fund: The Foreign Service Retirement Amendments of 1976 *(title V, Public Law 94-350)* authorized additional Federal contributions to the Foreign Service Retirement and Disability Fund	217,100,000

International Center, Washington, DC: Property owned by the United States in the northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street will be sold or leased to foreign governments for use as embassies. Proceeds will finance the costs of site preparation *(82 Stat. 958)*		$1,499,000
Total, Department of State	*$218,599,000*	

DEPARTMENT OF TRANSPORTATION

COAST GUARD

Oil Pollution Fund: This fund was established under section 11(k) of the Federal Water Pollution Control Act, as amended by Public Law 92-500 to insure immediate cleanup of oil or other hazardous polluting substances spilled into the navigable water of the United States, adjoining shorelines or waters of the contiguous zone		7,000,000

OPERATING-DIFFERENTIAL SUBSIDIES

MARITIME ADMINISTRATION

Contract authority: The Merchant Marine Act of 1936, as amended, provides that operating subsidies shall be paid to qualified operators of U.S. flag vessels to promote the maintenance of a U.S. merchant marine capability. Subsidies equivalent to the differential between American and foreign operating costs, are paid to operators of U.S. flag vessels performing essential shipping services enabling them to compete on a competitive cost basis with foreign operators		406,821,000
Total, Department of Transportation	*$413,821,000*	

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

Higher education facilities loans and insurance: The Higher Education Facilities Loan Program authorizes loans for construction of academic facilities in higher education institutions		134,000
Presidential Election Campaign Fund: Public Law 93-443 imposes overall limitations on campaign expenditures and contributions and provides for the designation of a principal campaign committee by each candidate for Federal office. The act further provides for public financing of Presidential nominating conventions and Presidential primary elections		39,200,000
College housing loans: In order to pay the interest on the participation certificates, funds are appropriated annually to match the difference between the interest due on the participation certificates and the interest collections on the housing bonds underlying the certificates		40,000

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Claims, judgments, and relief acts: Appropriations are made to pay claims and interest for damages not chargeable to appropriations of individual agencies and for the payment of public and private relief acts. Appropriations are made individually for judgments over $100,000, but 31 U.S.C. 724a authorizes a permanent indefinite appropriation to pay judgments under $100,000 from the general funds of the Treasury		506,000,000

Interest on uninvested funds:

This fund was established to record interest payable from the general fund of the Treasury pursuant to various permanent appropriations in connection with certain trust funds. Under the terms and conditions provided by law creating the trust in each case, interest accruing and payable from the general fund of the Treasury will be appropriated and recorded in this account for transfer to the proper trust fund receipt account *(31 U.S.C. 725s; 2 U.S.C. 158; 20 U.S.C. 54–55, 74a and 101; 24 U.S.C. 46; various treaties; and 69 Stat. 533)*.................... $11,073,000

The following schedule details the interest obligations under this account:

Bequest of Gertrude M. Hubbard, Library of Congress	*$1,000*
Library of Congress trust fund	*400,000*
Expenses of Smithsonian Institution	*60,000*
National Gallery of Art trust fund	*600,000*
Education of the blind	*10,000*
Soldiers' Home permanent fund	*9,000,000*
Indian tribal funds	*250,000*
Immigration Bonds Deposit Fund	*750,000*
Oliver Wendell Holmes Devise Fund	*2,000*
Total, Obligations	*11,073,000*

U.S. CUSTOMS SERVICE

Miscellaneous permanent appropriations:

Customs duties, taxes, and fees collected in Puerto Rico and the Virgin Islands are deposited to this account. After expenses have been provided for, available balances are transferred to the treasurer of Puerto Rico, and the treasury of the municipalities of the Virgin Islands, respectively *(48 U.S.C. 740, 795, 1396, 1406(h))*.................... 92,000,000

BUREAU OF THE MINT

Coinage Profit Fund:

Receipts of this fund consist of gains resulting from coinage of metals into 1-cent and 5-cent pieces and from the coinage of silver bullion. The fund is charged with the wastage incurred in such coinage, recoinage, losses on minor coins, and the cost of distributing such coins *(31 U.S.C. 317(c) and 340, as amended by 79 Stat. 256)*.................... 6,600,000

INTERNAL REVENUE SERVICE

Payment where credit exceeds liability for tax:

Indefinite appropriation for payment to tax filers in instances wherein the earned income credit exceeds the amount of tax liability owed. The Revenue Adjustment Act of 1975 (Public law 94–164) originally authorized this credit which was made permanent by the Revenue Act of 1978 (Public Law 95–600).................... 1,180,000,000

Refunding internal revenue collections (interest):

The act of June 19, 1948, appropriated such sums as may be necessary for payment of interest on internal revenue collections *(26 U.S.C. 6611)*.................... 1,936,700,000

Internal revenue collections for Puerto Rico:

Taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States or consumed on the island shall be covered into the treasury of Puerto Rico *(26 U.S.C. 7652)*...... 270,000,000

U.S. SECRET SERVICE

Contribution for annuity benefits:

Reimbursement to the District of Columbia on a monthly basis for benefit payments made from revenues of the District of Columbia to members of the Executive Protection Service and such members of the U.S. Secret Service as are entitled thereto *(72 Stat. 883)*.................... 9,000,000

INTEREST ON THE PUBLIC DEBT

Payment of interest on public debt:

Indefinite appropriation for payment of interest on public debt *(31 U.S.C. 711(2) and 732)*.................... 133,229,000,000

Total, Department of the Treasury.................... *$137,279,747,000*

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

Expenses, disposal of surplus real and related personal property:

Fees and costs of advertising and surveying are paid out of the receipts from the disposal of surplus real and related property, subject to a limitation of 12 percent of the proceeds of all dispositions with each fiscal year *(40 U.S.C. 485(b))* ... $1,000,000

OFFICE OF PERSONNEL MANAGEMENT

Payment to Civil Service Retirement and Disability Fund:

Section 103 of the Civil Service Retirement Amendments of 1969, approved October 20, 1969, established the basis for requiring Federal contributions to the Civil Service Retirement and Disability Fund ... 11,473,670,000

CORPORATION FOR PUBLIC BROADCASTING

Public Broadcasting Fund:

The Corporation for Public Broadcasting assists in the development and improvement of public telecommunications services and noncommercial television and radio broadcasting through direct support of national interconnection services, payments to radio and television stations for general operational support, and grants to radio and television stations and other entities throughout the country for the production and acquisition of programs for national, regional, and local use. In addition, the Corporation for Public Broadcasting undertakes research and analysis activities, conducts training, and provides technical assistance to improve systemwide capacity and performance, as authorized by the Public Telecommunications Financing Act of 1978 ... 172,000,000

FEDERAL EMERGENCY MANAGEMENT AGENCY

National Flood Insurance Fund:

The National Flood Insurance Act of 1968, as amended, authorizes the Federal Government to provide flood insurance on a national basis. Structures in identified flood-prone areas are eligible for limited amounts of coverage at subsidized insurance rates ... 61,590,000

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund:

The Tennessee Valley Authority is the sole supplier of electric power to an area of 80,000 square miles in seven Tennessee Valley States, as provided in the Tennessee Valley Authority Act of 1933, as amended *(16 U.S.C., ch. 12A)* ... 1,695,962,000

FEDERAL ENERGY REGULATORY COMMISSION

Payments to States under Federal Power Act:

The States are paid 37.5 percent of the receipts from licenses for occupancy and use of national forests and public lands within their boundaries issued by the Federal Energy Regulatory Commission *(16 U.S.C. 810)* ... 85,000

Total, Independent agencies ... *$13,404,307,000*

Grand total, all accounts ... *155,879,910,000*

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Note.—Basically, the amounts shown are taken from the fiscal year 1983 budget and are subject to revision as better data become available.]

Department or establishment	Amounts—fiscal years	
	1982	1983
Legislative:		
Senate		$8,431,000
House of Representatives	$1,900,000	31,332,000
Library of Congress	23,002,000	23,002,000
Total	24,902,000	62,765,000
Executive:		
Funds Appropriated to the President	19,000,000	
Agriculture:		
Agricultural Marketing Service	465,441,000	411,972,000
Commodity Credit Corporation	42,078,000	44,632,000
Farmers Home Administration	874,734,000	
Food and Nutrition Service	1,763,948,000	2,214,690,000
Forest Service	376,285,000	491,760,000
Rural Electrification Administration	573,000	1,345,000
Total	3,523,059,000	3,164,399,000
Commerce:		
National Oceanic and Atmospheric Administration	16,186,000	
Department of Defense—Military:		
Family housing	1,200,000	1,200,000
Department of Defense—Civil:		
Corps of Engineers, Civil	7,100,000	7,400,000
Miscellaneous accounts	1,316,000	1,449,000
Total	8,416,000	8,849,000
Department of Education	9,961,000	
Department of Energy	279,770,000	179,000,000
Health and Human Services:		
Social Security Administration	450,000	450,000
Housing and Urban Development:		
Housing programs	191,533,000	86,951,000
Government National Mortgage Association	1,249,628,000	116,000
New Community Development Corporation	33,096,000	32,781,000
Total	1,474,257,000	119,848,000

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1983 budget and are subject to revision as better data become available.]

Department or establishment	Amounts—fiscal years	
	1982	1983
Executive—Continued		
Interior:		
Bureau of Land Management	$596,699,000	$760,461,000
Bureau of Indian Affairs	30,000,000	30,000,000
Office of Territorial Affairs	54,200,000	54,200,000
U.S. Fish and Wildlife Service	165,829,000	179,159,000
National Park Service	30,405,000	405,000
Bureau of Reclamation	2,700,000	2,700,000
Total	879,833,000	1,026,925,000
State	205,200,000	218,599,000
Transportation:		
Coast Guard	7,000,000	7,000,000
Federal Railroad Administration	166,000,000	
Maritime Administration	414,899,000	406,821,000
Total	587,899,000	413,821,000
Treasury:		
Office of the Secretary	76,283,000	39,374,000
Bureau of Government Financial Operations	517,013,000	517,073,000
U.S. Customs Service	88,000,000	92,000,000
Bureau of the Mint	5,300,000	6,600,000
Internal Revenue Service	3,230,600,000	3,386,700,000
Secret Service	9,000,000	9,000,000
Interest on the public debt	115,700,000,000	133,229,000,000
Total	119,626,196,000	137,279,747,000
Independent agencies:		
Corporation for Public Broadcasting	172,000,000	172,000,000
District of Columbia	80,000,000	
Federal Emergency Management Agency	92,933,000	61,590,000
Federal Energy Regulatory Commission	85,000	85,000
General Services Administration	1,067,000	1,000,000
Office of Personnel Management	10,701,632,000	11,473,670,000
Tennessee Valley Authority	1,627,705,000	1,695,962,000
Total	12,675,422,000	13,404,307,000
Total	139,331,751,000	155,879,910,000

III. PERMANENT APPROPRIATIONS—TRUST FUNDS

(For permanent Federal funds, see table II)

COMPILER'S NOTE.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1983. These are funds that do not require annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are estimated and are thus subject to revision as better data become available during the fiscal year.

LEGISLATIVE

LIBRARY OF CONGRESS

Gift Fund:

This fund represents gifts or bequests of money made to the Library of Congress for the immediate disbursement by the Librarian. In the interest of the Library, its collections, or its service for the purpose in each case specified *(2 U.S.C. 160; 31 U.S.C. 725s)* $1,084,000

Income from investment account:

This fund represents income from investments held by the Treasury for the benefit of the Library of Congress and is subject to disbursement by the Librarian for the purposes in each case specified *(2 U.S.C. 157; 31 U.S.C. 725s)* 120,000

Payment of interest on bequest of Gertrude M. Hubbard:

Trust fund of $20,000, the interest on which, at 4 percent per annum, is to be used for the purchase of engravings and etchings to be added to the "Gardiner Greene Hubbard Collection" *(Act of Aug. 20, 1912, 37 Stat. 319, sec. 21)* 2,000

Payment of interest on permanent loan:

This appropriation represents a sum equivalent to interest at the rate of 4 percent per annum, payable semiannually, on a permanent loan to the United States, not exceeding $5,000,000, in accordance with provisions of gifts or bequests—such interest, as income, being subject to disbursement by the Librarian of Congress for the purpose specified *(2 U.S.C. 156–158; Act of Mar. 3, 1925, 43 Stat. 1107)* 719,000

Service fees:

Operation of a photoduplication laboratory and a sound recording laboratory are financed from fees received for services rendered to other Government agencies and the public *(2 U.S.C. 160; 31 U.S.C. 725s)* 4,971,000

OFFICE OF TECHNOLOGY ASSESSMENT

Contributions and donations:

This fund provides for the use of contributions and donations for furtherance of the general purposes of the Technology Assessment Act of 1972, Public Law 92–484 *(2 U.S.C. 475(a)(5))* 4,000

Total, Legislative *$6,900,000*

THE JUDICIARY

Judicial Survivors' Annuity Fund:

This fund is used to pay annuities to eligible widows and dependent children of deceased judges of the United States, to make refunds to former judges who have elected to come under the judicial survivors annuity system but who have left the service, and to pay claims of survivors of member judges for any unpaid amounts credited to the individual accounts of such judges *(28 U.S.C. 376)* 10,355,000

Total, the Judiciary *$10,355,000*

EXECUTIVE

FUNDS APPROPRIATED TO THE PRESIDENT

Advances, foreign military sales:		
The trust fund, which is strictly a cash account, is to enable foreign governments to take advantage of savings which result from procurements through U.S. Government channels. Authorized by sections 21 and 22 of the Arms Export Control Act, the fund is used to facilitate cash sales of defense articles and services *(82 Stat. 1323)*		$15,819,000,000
Technical assistance, U.S. dollars advanced from foreign governments:		
Funds advanced by foreign countries are used to pay for procurement in the United States of nonmilitary materials or services for programs in those countries in accordance with bilateral agreements *(22 U.S.C. 2315)*		15,000,000
Miscellaneous contributed funds:		
Funds received by gift, devise, bequest, or from foreign governments for furtherance of the Peace Corps Program *(22 U.S.C. 2509(a)(3)*		210,000
Gifts and contributions, Inter-American Foundation:		
Miscellaneous contributed funds received by gift, devise, bequest, grant, or otherwise are used in furtherance of the Foundation's program *(22 U.S.C. 290f(e)(9))*		92,000
Total, Funds Appropriated to the President	*$15,834,302,000*	

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

Miscellaneous contributed funds:	
Funds received from States, local organizations, individuals, and others available for work under cooperative agreements on miscellaneous farm utilization, and marketing research activities plant and animal quarantine inspection, and cooperative plant and animal disease and pest control activities *(7 U.S.C. 450b, 2220)*	2,000,000

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Expenses, feed, and attendants for animals in quarantine:	
Fees advanced by importers *(21 U.S.C. 102)*	1,140,000
Miscellaneous contributed funds:	
Funds received from States, local organizations, individuals, and others available for plant and animal quarantine inspections, and cooperative plant and animal disease and pest control activities *(7 U.S.C. 450b, 2220)*	1,738,000

AGRICULTURAL MARKETING SERVICE

Expenses and refunds, inspection and grading of farm products:	
An inspection and grading service of products is provided on request. Thus services are supported primarily by fees paid by users. The schedules reflect expenses paid from fees received *(7 U.S.C. 91–99, 1621–1627)*	67,535,000

FOOD SAFETY AND INSPECTION SERVICE

Expenses and refunds, inspection and grading of farm products:	
An inspection and grading service for products is provided on request. These services are supported primarily by fees paid by users. A limited amount of direct appropriation is available which covers a portion of the public benefit service. The schedules reflect expenses paid from fees received *(7 U.S.C. 1621–1627)*	719,000

ECONOMICS, STATISTICS, AND COOPERATIVES SERVICE

Miscellaneous contributed funds:	
Miscellaneous funds received from States, local organizations, and others are available for economic research and analysis under cooperative agreements *(7 U.S.C. 450b and 450h)*	62,000

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Miscellaneous contributed funds:	
Miscellaneous funds received from the Government of Saudi Arabia are available for expenses in support of USDA's technical assistance project *(22 U.S.C. 2392)*	10,095,000

SOIL CONSERVATION SERVICE

Miscellaneous contributed funds: Miscellaneous funds received from States, local organizations, individuals, and others are available for work under cooperative agreements *(7 U.S.C. 450b)*	$700,000

FOREST SERVICE

Cooperative work: Advances, including deposits from purchasers of timber, are received and used for cooperative work in forest investigations, protection, and improvement of the national forests; and protection, reforestation, and administration of private lands adjacent to national forests *(16 U.S.C. 490, 498, 572, 572a, 576b, 581; 31 U.S.C. 725a: 78 Stat. 1089)*	146,600,000

Total, Department of Agriculture *$230,589,000*

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

Gifts and bequests: This fund established to account for gifts and bequests in furtherance of programs and activities of the Department of Commerce. Property and the proceeds thereof are used as nearly as possible in accordance with the terms of the gift or bequest *(15 U.S.C. 1522)*	170,000
Special studies, services, and projects: Fees collected for filling requests for special information are deposited in this fund. *(15 U.S.C. 1526)*	30,000

BUREAU OF THE CENSUS

Special studies, services, and projects: The Social and Economic Statistics Administration performs, at cost, special statistical work and data analysis for State and local governments, universities, trade associations, and individuals requesting such data. These services are provided only when it has been determined that they are in the public interest; are consistent with the Administration's duties; and that the statistics furnished will not identify individuals or particular organizations. In addition, the Administration furnishes age and citizenship data from past census records on a fee basis. Funds received for these purposes are used to pay expenses in the performance of such work *(13 U.S.C. 8; 15 U.S.C. 1525)*	10,750,000

ECONOMIC AND STATISTICAL ANALYSIS

Special studies, services, and projects: Provides economic and statistical data and analyses to individuals and firms as provided by law *(15 U.S.C. 1526)*	250,000

INDUSTRY AND TRADE ADMINISTRATION

Contributions, educational and cultural exchange: This fund established to account for contributions from commercial exhibitors participating in commercial trade fairs, trade centers, business information centers, sample display services and other overseas trade promotions *(75 Stat. 531, 78 Stat. 991)*	6,413,000
Special studies, services, and projects: Market studies and analyses, statistical reports and special information services, such as Government-conducted trade seminars, are provided at the expense of the requesting public *(15 U.S.C. 189a and 192)*	3,310,000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Special studies, services, and projects: This represents receipts from the sale of charts and publications used to finance production costs, bindery and distribution operations, and related overhead *(Public Law 91–412)*	17,306,000
Inspection and grading of fishery products: This represents contributions from individuals and firms participating in the National Marine Fisheries Service's Program for inspection and grading of fishery products *(7 U.S.C. 1621–1627)*	3,054,000

SCIENCE AND TECHNICAL RESEARCH

Information products and service: This trust fund is maintained to finance the preparation of transcripts from technical and scientific reports, studies, tables, and other research materials. Proceeds from sale of reports and documents are used for subsequent reproduction and dissemination *(15 U.S.C. 1153, 1526)*		$27,400,000

ENERGY RESEARCH AND TECHNOLOGY ADMINISTRATION

Washington public power supply system: Funds are advanced by the Washington public power supply system [WPPSS] to pay for services furnished in connection with the operation of WPPSS electric generating facilities at the Richland, WA, production reactor		606,000
Breeder reactor safety and testing: Funds are contributed by foreign countries to conduct research and development activities related to liquid metal fast breeder programs		3,000,000
Total, Department of Commerce	*$72,289,000*	

DEPARTMENT OF DEFENSE—MILITARY

DEPARTMENT OF THE ARMY

General gift fund: Included in this fund are gifts and bequests limited to specific purposes by the donor, such as, the Evangeline G. Bovard award, Cormack Medical Fund, Quartermaster Foundation Inc., and Henry C. McClean bequest. In addition, it accounts for gifts and bequests not limited to specific use by the donor which may be used for purposes determined by the Secretary of the Army *(10 U.S.C. 2601)*	31,000

DEPARTMENT OF THE NAVY

General gift fund: This fund consists mostly of donations from individuals, subject to conditions specified by the donor, for the benefit of the Naval Academy, the Naval Academy Museum, and other institutions of the Navy *(10 U.S.C. 6973; 10 U.S.C. 6974; 10 U.S.C. 2601)*	150,000
Office of Naval Records and History Fund: Gifts or bequests of money and royalties received from sale of histories of U.S. naval operations shall be deposited in the Treasury of the United States under the title "Office of Naval Records and History Funds," and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the Office of Naval Records and Library subject to the terms and conditions of the acceptance of any particular gift or bequest. Interest on investments accrues to the fund *(10 U.S.C. 7222)*	35,000
Ship's stores profits: Profits on certain sales, to be expended for the recreation and amusement of the enlisted force of the Navy *(31 U.S.C. 725s (68); 10 U.S.C. 7604)*	16,000,000
United States Naval Academy general gift fund: Gifts or bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury under the title "United States Naval Academy general gift fund" and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the United States Naval Academy subject to the terms and conditions of the acceptance of any particular gift or bequest. Interest on investments accrues to the fund *(10 U.S.C. 2601, 6973)*	263,000
United States Naval Academy Museum Fund: Gifts and bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury under the title "United States Naval Academy Museum Fund" and the funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit of the United States Naval Academy Museum, its collection, or its services. Interest on investments accrues to the fund *(10 U.S.C. 6974)*	109,000

DEPARTMENT OF THE AIR FORCE

General gift fund:

This fund consists mostly of donations from individuals, subject to conditions specified by the donors, for the benefit of the purchase of paintings, the Air Force Academy and the Strategic Air Command *(10 U.S.C. 2601)* $12,000

Total, Department of Defense—Military *$16,600,000*

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

Funds contributed for river and harbor improvements:

Indefinite appropriations of the amounts received and covered into the Treasury as contributions and advances by local interests in certain localities for river and harbor improvements as provided in various acts of Congress *(33 U.S.C. 560, 561, 701h, 702f, 703)* 71,000,000

SOLDIERS' AND AIRMEN'S HOME

Payment of claims:

Refunds are made from the permanent fund of amounts of court-martial fines and other charges erroneously deducted from the pay of soldiers and airmen after adjudication of claims therefor by the General Accounting Office *(31 U.S.C. 71, 711(12); 24 U.S.C. 44)* 5,000

Total, Department of Defense—Civil *$71,005,000*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

Public Health Service trust funds:

Gifts to the Public Health Service, some of which are limited to specific uses by the donors, are used in accordance with the conditions prescribed *(42 U.S.C. 219, 24 U.S.C. 165, 24 U.S.C. 2001–2004)* 4,545,000

SOCIAL SECURITY ADMINISTRATION

Federal Old-Age and Survivors Insurance Trust Fund:

Under the provisions of section 201, title II, of the Social Security Act Amendments of 1939, approved August 10, 1939, there was created on the books of the Treasury of the United States a trust fund to be known as the "Federal Old-Age and Survivors Insurance Trust Fund," consisting of the securities held by the Secretary of the Treasury for the "old-age reserve account" and the amount standing to the credit of the "old-age reserve account" on the books of the Treasury of January 1, 1940, which securities and amount the Secretary of the Treasury was authorized and directed to transfer to the trust fund, and, in addition, such amounts as may be appropriated to the trust fund as provided in the act. The act appropriates funds for each fiscal year thereafter, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of the taxes (including interest, penalties, and additions to the taxes) received under the Federal Insurance Contributions Act and covered into the Treasury, with the further provision that the trust fund shall repay to the general fund of the Treasury the amount required by the Social Security Board and the Treasury Department to administer title II and title VIII of the act and the Federal Insurance Contributions Act *(42 U.S.C. 401)* 144,820,921,000

Federal Disability Insurance Trust Fund:

The Social Security Act provides disability insurance benefits for certain disabled individuals. An amount equal to 0.55 percent of wages paid and 0.825 percent of self-employment income is appropriated to this fund for benefit payments and administrative expenses. The excess of income over outgo and annual interest are invested in Government securities.

Under the provisions of the act, the Secretary of Health, Education, and Welfare will determine at the end of each year, that portion of the administrative expenses of the Bureau of Old-Age and Survivors Insurance which is a proper charge against this fund *(70 Stat. 821)* 19,378,292,000

HEALTH CARE FINANCING ADMINISTRATION

Federal Hospital Insurance Trust Fund:

Public Law 89-97 provides social insurance under the Social Security system for inpatient and outpatient hospital care, posthospital extended care, and outpatient hospital extended care, and home health services to over 20 million aged Americans financed by a joint employee-employer tax $41,849,000,000

Federal Supplementary Medical Insurance Trust Fund:

The Social Security Act provides for a voluntary supplemental medical benefits program. Benefit payments are made to those electing coverage to cover the cost of physicians' services, home health services, and other related medical services. Costs of benefit payments and administrative expenses are financed by premium payments together with matching contributions from the general revenues of the Treasury *(revised 4/68)* 19,444,000,000

Total, Department of Health and Human Services $225,496,758,000

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Land and Resource Management Trust Fund:

Applicants for conveyance of lands omitted in original surveys pay the cost of surveys and the administrative costs of conveyance. Advances are made by individuals to pay the costs of other types of surveys requested by them. Users of the Federal range and others contribute funds or make gifts for conservation practices, acquisition, protection, and other purposes *(43 U.S.C. 315h, 315i, 775; 74 Stat. 506; 31 U.S.C. 711; 43 U.S.C. 759, 761, and 887; 48 Stat. 1224-1236; 90 Stat. 2758; secs. 211 and 307(c) of Public Law 94-579)* 599,000

Trustee funds, Alaska townsites:

Amounts received from sale of Alaska town lots are available for expenses incident to the maintenance and sale of townsites *(31 U.S.C. 725s; Comp. Gen. Decision of Nov. 18, 1935)* 1,000

BUREAU OF INDIAN AFFAIRS

Indian tribal funds:

Funds held in trust for Indian tribes under the provisions of various acts are used for the expenses of tribal governments, administration of Indian tribal affairs, employment of tribal attorneys, establishment and operation of tribal enterprises, investments, and the welfare of Indians. The tribes are encouraged to develop plans for the beneficial use of their funds *(44 Stat. 560; 25 U.S.C., Sec. 155; 82 Stat. 171)* 518,200,000

BUREAU OF MINES

Contributed funds:

Funds contributed by States, counties, municipalities and private sources are used to conduct research and investigations to promote (a) the conservation and development of mineral resources and (b) health and safety in the mineral industries 800,000

U.S. FISH AND WILDLIFE SERVICE

Contributed funds:

For miscellaneous contributed funds, received by the Fish and Wildlife Service from States, local organizations, individuals, et cetera, deposited in the Treasury of the United States and made available for work under cooperative agreements *(5 U.S.C. 563, 564; 16 U.S.C. 661)* 3,750,000

NATIONAL PARK SERVICE

Donations:

Hereafter the Secretary of the Interior in the administration of the National Park Service is authorized in his discretion to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purpose of the National Park and Monument System *(16 U.S.C. 6)* 1,678,000

Preservation, birthplace of Abraham Lincoln:

Interest from an endowment fund, title to which was transferred to the United States by the Lincoln Farm Association on April 11, 1916, in connection with deed of gift conveying the homestead of Abraham Lincoln and the log cabin in which he was born. This fund has been converted into the city of Louisville, KY, bonds amounting to $44,000 and United States Treasury bonds amounting to $16,500, the income from which is available for expenses incident to the preservation of the birthplace of Lincoln *(16 U.S.C. 211-212)* 8,000

Jefferson National Expansion Memorial, contributions:

Pursuant to the act of May 17, 1954 (68 Stat. 98–100) as amended, the Secretary of the Interior was authorized to construct upon the National Expansion Memorial National Historic Site an appropriate national memorial $14,000

BUREAU OF RECLAMATION

Reclamation trust funds:

Funds advanced by State and local governments are used for investigations and construction requested by those governments and by foreign governments for technical services other than those services performed under auspices of Foreign Operations Administration *(43 U.S.C. 395, 396)* 13,800,000

Total, Department of the Interior *$538,850,000*

Department of Labor

EMPLOYMENT AND TRAINING ADMINISTRATION

Gifts and bequests, National Commission for Employment Policy:

Miscellaneous funds from gifts and bequests are used to carry out the provisions of the National Commission for Employment Policy *(29 U.S.C. 954)* 100,000

Unemployment Trust Fund:

The financial transactions of the Federal-State and railroad unemployment insurance systems are made through the Unemployment Trust Fund. In the Federal-State system, benefit payments are made by each State, financed by State payroll taxes. These tax receipts are deposited in the Unemployment Trust Fund and invested in Government securities until needed for benefit payments. The expenses of State and Federal administration (including those of the Federal-State employment service), are paid from the fund out of revenue from the Federal unemployment tax, assessed on employers, of 0.5 percent of the first $4,200 of wages.

Both the benefit payments and administrative expenses of the separate Unemployment Insurance Program for railroad employees are paid from the Unemployment Trust Fund and receipts from the tax on wages of railroad employees are deposited in the fund to meet expenses *(42 U.S.C. 1104)* 23,400,000,000

EMPLOYMENT STANDARDS ADMINISTRATION

Special workmen's compensation expenses; Longshoremen's and Harbor Worker's Compensation Act:

Trust fund created by section 44 of the act of March 4, 1927 *(33 U.S.C. 944)*, from the amount received as compensation for death of an employee where no person is entitled to compensation for such death and from fines and penalties collected; to be used for the payment of additional compensation under the provisions of subdivisions (f) and (g) of section 8 of the act of March 4, 1927 *(33 U.S.C. 908; 31 U.S.C. 725; 33 U.S.C. 944)* 36,900,000

Total, Department of Labor *$23,437,000,000*

Department of State

ADMINISTRATION OF FOREIGN AFFAIRS

Foreign Service Retirement and Disability Fund:

This fund is used primarily for the payment of annuities to retired Foreign Service officers. It is also used for the refund of contributions made to certain officers who leave the Foreign Service before retirement. The fund is maintained through (1) contribution of 7 percent of the basic annual salaries of all Foreign Service officers; (2) interest on investments; and (3) appropriated funds *(22 U.S.C. 1062)* 462,525,000

Unconditional Gift Fund:

Unconditional gifts may be used to carry out the Department's functions *(22 U.S.C. 809)* 178,000

Conditional Gift Fund:

This fund consists of procurement of furnishing, paintings, and decorative objects for the Department's diplomatic reception rooms and funds donated by overseas commissary and mess services to assist such services at other posts *(22 U.S.C. 809)* 1,322,000

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Gifts and bequests, National Commission on Educational, Scientific, and Cultural Cooperation:

This trust fund receives gifts or bequests of money from private individuals and organizations to be used to carry out any of the authorized educational, scientific, or cultural purposes of the United States National Commission for UNESCO *(22 U.S.C. 287(g))* $50,000

Total, Department of State *$464,075,000*

DEPARTMENT OF TRANSPORTATION

COAST GUARD

Coast Guard General Gift Fund (trust account):

This trust fund, maintained from gifts and bequests, is used for purposes as specified by the donor in connection with the Coast Guard Training Program *(10 U.S.C. 2601)* 80,000

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY TRUST FUND

The Highway Revenue Act of 1956, as amended, provides for the transfer from the general fund to the Highway Trust Fund of revenue from the gasoline tax and certain other taxes paid by highway users. The Secretary of the Treasury estimates the amounts to be so transferred. In turn, annual appropriations are authorized from this fund to meet expenditures for Federal-aid highways and other programs specified by law as follows:

Federal-aid highways:

Grants are made to States for construction and improvements of Federal-aid highways. Contract authorizations are provided in the Federal-Aid Highway Act of 1956 and subsequent highway legislation to cover 90 percent of the costs of completing the 42,500-mile national system of interstate and defense highways, and to provide Federal matching funds for the primary, secondary, and urban programs under the statutory formulas. The Federal share of project costs is increased in those States with large areas of public domain. Payments to the States for work done are made out of the Highway Trust Fund, into which are deposited certain percentages of tax receipts on motor fuel, tires and tubes, tread rubber, trucks, buses, trailers, truck use, truck parts and accessories, and on lubricating oil used in highway vehicles 7,800,000,000

OTHER FEDERAL HIGHWAY ADMINISTRATION TRUST FUNDS

Contributions for highway research programs:

In association with the General Services Administration and the Department of Defense, tests of highway equipment are conducted for the purpose of establishing performance standards upon which to base specifications for use by the Government in purchasing such equipment 100,000

Cooperative work, forest highways:

Contributions are received from States and counties in connection with cooperative engineering, survey, maintenance, and construction projects for forest highways *(23 U.S.C. 204)* 300,000

Technical assistance, U.S. dollars advanced from foreign governments:

Under the Foreign Economic Assistance Act and under agreement with the International Bank for Reconstruction and Development and the Export-Import Bank of Washington, the Federal Highway Administration renders technical assistance and acts as agent for the purchase of equipment and materials for carrying out highway programs in foreign countries. During the current year these services are being rendered to Costa Rica, the Dominican Republic, Ethiopia, Iran, Nicaragua, and the Philippines *(64 Stat. 204, 209)* 5,150,000

Advances from State cooperating agencies:

Funds are contributed by the State highway department or local subdivisions thereof for construction and/or maintenance of roads or bridges. The work is performed under the supervision of the Federal Highway Administration 1,000,000

Highway related safety grants:

The Highway Safety Act of 1970 authorized grants to States and communities for implementing and maintaining highway-related safety standards 10,000,000

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Trust fund share of highway safety programs:

Funds are transferred to the operations and research and state and community highway safety appropriations *(90 Stat. 451, 452)* $101,500,000

MARITIME ADMINISTRATION

Special studies, services, and projects:

The trust fund was established pursuant to 15 U.S.C. 1525–1526 joint projects with non-Federal sources on inland waterways communications systems, and the joint development of a bilateral cargo information system 400,000

Total, Department of Transportation *$7,918,530,000*

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

Pershing Hall Memorial Fund:

The Secretary of the Treasury may invest and reinvest the principal of the Pershing Hall Memorial Fund in interest-bearing United States bonds. Earnings are appropriated for payment to the national treasurer of the American Legion for use in the maintenance of Pershing Hall in Paris, France *(49 Stat. 426)* 7,000

OFFICE OF REVENUE SHARING

State and Local Government Fiscal Assistance Trust Fund:

This trust fund was established by the State and Local Fiscal Assistance Act of 1972 and renewed under Public Law 94–488, the State and Local Fiscal Assistance Amendments of 1976, to provide general revenue sharing payments to localities for defined high-priority expenditures and payments to the States to supplement their revenue sources. Payments to the States and localities are made at least quarterly. It is anticipated that the fourth quarter payment for each year will continue to be paid within the first 5 days of the succeeding year, as provided by law 4,566,700,000

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Esther Cattell Schmitt Fund:

Public Law 87–467 *(76 Stat. 88)* authorized the acceptance of the gift made to the United States by the will of Esther Cattell Schmitt. The income received from the gift to the United States is paid by the Secretary of the Treasury to beneficiaries named in provisions of the will 18,000

U.S. CUSTOMS SERVICE

Refunds, transfers and expenses, unclaimed, abandoned, and seized goods:

All proceeds of the sale of abandoned and seized merchandise are deposited to this account. Expenses of sale are paid and net proceeds transferred to miscellaneous receipts *(19 U.S.C. 528, 1491, 1493, 1559, 1613, 1624)* 8,025,000

Total, Department of the Treasury *$4,574,750,000*

INDEPENDENT AGENCIES

ACTION

Donations and contributions, domestic programs:

Miscellaneous contributed funds received by gift, devise, bequest, or from foreign governments are used in furtherance of the program *(87 Stat. 394; 42 U.S.C. 5042(5))* 2,000

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Contributions:

State and local governments and nonprofit organizations contribute funds to strengthen the Commission's clearinghouse and information services to State and local governments, for special studies, and to encourage widespread consideration of the Commission's recommendations for improving intergovernmental relations 100,000

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Donations: The chairman of the Advisory Council on Historic Preservation accepts and uses donated moneys for purposes of the Council *(16 U.S.C. 470)*	$5,000

AMERICAN BATTLE MONUMENTS COMMISSION

Contributed Flower Fund: This fund consists of moneys deposited by citizens for floral decorations for graves in military cemeteries in foreign countries. The donor is advised when flowers have been placed *(36 U.S.C. 128)*	20,000
Repair of non-Federal war memorials: When requested to do so and upon receipt of the necessary funds, the Commission will arrange for and oversee the repair of war memorials to U.S. Forces erected in foreign countries by American citizens, States, municipalities, or associations. Such moneys are accounted for through this fund *(36 U.S.C. 128)*	10,000

GENERAL SERVICES ADMINISTRATION

National Archives Gift Fund: Grants and donations are deposited into this fund to benefit National Archives' collections and services in accordance with the terms of the donor *(44 U.S.C. 2305)*	184,000

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Harry S. Truman Memorial Scholarship Trust Fund: The Foundation is authorized to award college scholarships of up to $5,000 annually for 4 years to qualified persons who demonstrate outstanding potential and who are preparing to pursue careers in public service at the local, State, or Federal levels	3,590,000

INTERNATIONAL COMMUNICATION AGENCY

U.S. dollars advanced from foreign governments: Funds advanced by other governments and private organizations are used to send experts abroad to perform requested services; to give foreign nationals scientific, technical, or other training; to purchase films and other products owned or controlled by the International Communication Agency; and to replace damaged or destroyed Inernational Communication Agency property *(22 U.S.C. 1431–1479)*	760,000
Contributions, educational, and cultural exchange: Funds contributed by private individuals and concerns, foreign governments, and international organizations are used for the purposes of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455) and for carrying out other functions of the Agency *(22 U.S.C. 809a and 22 U.S.C. 2697)*	293,000

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Gifts and donations: The National Foundation on the Arts and the Humanities Act of 1965 authorizes the Government to receive money and other donated property. Such gifts may be used, sold, or otherwise disposed of in support of the purposes of the Foundation. Total gifts are matched by a general fund appropriations *(79 Stat. 845)*	750,000

NATIONAL SCIENCE FOUNDATION

Donations: Donations are used in furtherance of general purposes of the Foundation	5,200,000

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement and Disability Fund: The act of May 22, 1920 *(41 Stat. 614)* as amended, authorized the establishment of the Civil Service Retirement and Disability Fund and the deposit therein of deductions from the salaries of, and deposits for additional annuity by, employees and other members of the Civil Service Retirement and Disability Fund and appropriated said fund for the payment of annuities, refunds, and allowances to such members. Said fund is supplemented by contributions from the various Government agencies as required by the act of July 31, 1956 *(5 U.S.C., ch. 14, Stat. 622, act of July 31, 1956)*	34,262,005,000

RAILROAD RETIREMENT BOARD

Railroad retirement account:

By authority of act of June 24, 1937, and public resolution of July 1, 1937, there was established a "Railroad retirement" account into which all funds appropriated for annuity and pension payments together with interest from investment would be credited and available until expended and the provision made that such amounts not necessary for immediate expenditure would be invested by the Secretary of the Treasury in accordance with the provision of the Railroad Retirement Act of June 24, 1937 *(45 U.S.C. 228a–228r)* $5,493,000,000

SMITHSONIAN INSTITUTION

Canal Zone Biological Area funds:

The act of July 1, 1940, section 6, provides that all moneys received by donation, subscription, fees, or otherwise, except the moneys appropriated pursuant to section 7 of said act, shall be deposited into the Treasury as a trust fund to be appropriated and used to defray part of the expenses of maintaining and operating the Canal Zone Biological Area *(60 Stat. 1101; 20 U.S.C. 79, 79a)* 115,000

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Gifts and donations:

The United States Holocaust Memorial Council may solicit and accept donations to aid or facilitate the construction, maintenance, and operation of the the memorial, as per section 7 of Public Law 96–388 100,000

UNITED STATES TAX COURT

Tax Court Judges Survivors Annuity Fund:

This fund, established under 26 U.S.C. 7448, effective October 4, 1961, is used to pay annuities to eligible widows and dependent children of deceased judges of the Tax Court of the United States. Participating judges pay into the fund 3 percent of their salaries or retired pay to cover creditable service for which payment is required and additional funds needed are transferred to the fund by the Tax Court from appropriations 172,000

VETERANS ADMINISTRATION

Post-Vietnam era veteran's education account:

This account is a depository for that portion of the contributory matching Educational Program which provides educational assistance payments to participants who entered the service after January 1, 1977, and are pursuing training under chapter 32 *(38 U.S.C.)* 174,400,000

General Post Fund, national homes:

This fund consists of gifts, and bequests and proceeds of property left in the care of the homes by former members; unpaid pension money standing to the credit of members of the homes who die without pensionable heirs, and proceeds from effects of members of the homes who die leaving no heirs or next of kin and without having disposed of their estate by will. Such funds are available upon authorization of the Administrator of Veterans' Affairs for the construction of chapels, amusement halls, and for other objects to promote the comfort and welfare of the veterans at the various hospitals and homes in cases where no general appropriation is available *(38 U.S.C. Chs. 83 and 85)* 8,100,000

National Service Life Insurance Trust Fund:

This fund was established in 1940 as the financing mechanism for World War II Servicemen's and Veterans' Insurance Program authorized by the National Service Life Insurance Act of 1940. Over 22 million policies have been issued under this program. Because issuance of new policies ended in 1951 the insurance in force will continue to decline.

This fund is operated on a commerical basis to the greatest possible extent consistent with law. Administrative expenses are charged to the appropriation general operating expenses.

The income of the fund is derived from premium receipts, interest on investments, and payments which are made to the fund from the Veterans insurance and indemnities appropriation for claims (1) resulting from extra hazards of the veterans' service, and (2) arising on certain policies held by personnel on active duty *(72 Stat. 1154)* 1,256,500,000

United States Government Life Insurance Fund:

This fund was established in 1919 to receive premiums and pay claims on insurance issued under the provisions of the War Risk Insurance Act.

The fund is operated on a commercial basis to the greatest possible extent consistent with law. Administrative expenses are charged to the appropriation general operating expenses.

The income of the fund is derived from premium receipts, interest on investments, and payments which are made to the fund from the appropriation veterans insurance and indemnities for claims (a) resulting from the extra hazards of the veterans' service, and (b) arising on certain policies held by personnel on active military duty *(72 Stat. 1161)*		$29,775,000
Total, Veterans' Administration	*$1,468,775,000*	
Total, Independent agencies	*41,235,081,000*	
Grand total, trust funds	*319,907,084,000*	

III. RECAPITULATION OF PERMANENT APPROPRIATIONS—TRUST FUNDS

[Note.—Basically, the amounts shown are taken from the fiscal year 1983 budget and are subject to revision as better data become available.]

Department or establishment	Amounts—fiscal years	
	1982	1983
Legislative:		
Library of Congress	$6,400,000	$6,896,000
Office of Technology Assessment	4,000	4,000
Total	6,404,000	6,900,000
The Judiciary	10,631,000	10,355,000
Executive:		
Funds appropriated to the President	15,288,354,000	15,834,302,000
Agriculture:		
Agricultural Cooperative Service	18,000	
Agricultural Marketing Service	62,702,000	67,535,000
Agricultural Research Service	2,000,000	2,000,000
Animal and Plant Health Inspection Service	2,798,000	2,878,000
Economics Research Service	50,000	50,000
Food Safety and Inspection Service	719,000	719,000
Forest Service	145,000,000	146,600,00
Office of International Cooperation and Development	7,690,000	10,095,000
Soil Conservation Service	900,000	700,000
Statistical Reporting Service	12,000	12,000
Total	221,889,000	230,589,000
Commerce:		
Bureau of the Census	10,750,000	10,750,000
Economic and Statistical Analysis	250,000	250,000
Energy Research and Technology Administration	5,630,000	3,606,000
International Trade Administration	8,850,000	9,723,000
General Administration	200,000	200,000
Science and Technical Research	24,000,000	27,400,000
National Oceanic and Atmospheric Administration	18,400,000	20,360,000
Total	68,080,000	72,289,000
Department of Defense—Military	17,300,000	16,600,000
Department of Defense—Civil:		
Corps of Engineers—Civil	70,000,000	71,000,000
Soldiers' and Airmen's Home	5,000	5,000
Total	70,005,000	71,005,000
Health and Human Services:		
Office of the Assistant Secretary for Health	4,620,000	4,545,000
Health Care Financing Administration	55,846,000,000	61,293,000,000
Social Security Administration	152,128,586,000	164,199,213,000
Total	207,979,206,000	225,496,758,000
Housing and Urban Development:		
Management and administration	3,000	
Interior:		
Bureau of Land Management	600,000	600,000
Bureau of Indian Affairs	485,400,000	518,200,000
Bureau of Mines	800,000	800,000
U.S. Fish and Wildlife Service	3,442,000	3,750,000

III. RECAPITULATION OF PERMANENT APPROPRIATIONS—TRUST FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1983 budget and are subject to revision as better data become available.]

Department or establishment	Amounts—fiscal years 1982	Amounts—fiscal years 1983
Executive—Continued		
Interior—Continued		
National Park Service	$1,764,000	$1,700,000
Bureau of Reclamation	8,352,000	13,800,000
Total	500,358,000	538,850,000
Labor:		
Employment and Training Administration	19,353,100,000	23,400,100,000
Employment Standards Administration	29,500,000	36,900,000
Total	19,382,600,000	23,437,000,000
State:		
Administration of Foreign Affairs	429,159,000	464,025,000
International Organizations and Conferences	50,000	50,000
Total	429,209,000	464,075,000
Transportation:		
Coast Guard	80,000	80,000
Federal Highway Administration	7,827,937,000	7,816,550,000
National Highway Traffic Safety Administration	202,500,000	101,500,000
Maritime Administration	400,000	400,000
Total	8,030,917,000	7,918,530,000
Treasury:		
Office of the Secretary	7,000	7,000
Bureau of Government Financial Operations	18,000	18,000
U.S. Customs Service	7,480,000	8,025,000
Office of Revenue Sharing	4,566,700,000	4,566,700,000
Total	4,574,205,000	4,574,750,000
Independent agencies:		
ACTION	2,000	2,000
Advisory Commission on Intergovernmental Relations	100,000	100,000
Advisory Council on Historic Preservation	4,000	5,000
American Battle Monuments Commission	30,000	30,000
Appalachian Regional Commission	5,000,000	
General Services Administration	184,000	184,000
Harry S. Truman Scholarship Foundation	3,457,000	3,590,000
International Communication Agency	1,053,000	1,053,000
National Foundation on the Arts and the Humanities	1,000,000	750,000
National Science Foundation	5,200,000	5,200,000
Office of Personnel Management	32,545,926,000	34,262,005,000
Pennsylvania Avenue Development Corporation	170,000	
Railroad Retirement Board	5,121,000,000	5,493,000,000
Smithsonian Institution	98,000	115,000
United States Holocaust Memorial Council	100,000	100,000
United States Tax Court	164,000	172,000
Veterans' Administration	1,362,900,000	1,468,775,000
Total, Independent Agencies	39,046,388,000	41,235,081,000
Grand total	295,625,549,000	319,907,084,000

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 97th CONG., 2D SESS.

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS		
Agriculture, rural development, and related agencies (pp. 79–104):		
Agricultural programs	$12,951,493,000	
Rural development programs	3,407,812,000	
Domestic food programs	13,896,189,000	
International programs	1,106,032,000	
Related agencies	372,022,000	
Total		$31,733,548,000
Departments of Commerce, Justice, and State, the Judiciary, and related agencies (pp. 105–129): [1]		
Department of Commerce and related agencies	2,697,120,000	
Department of Justice and related agencies	3,259,459,000	
Department of State and related agencies *($1,700,000 trust funds)*	2,516,586,000	
The Judiciary	791,007,000	
Total		[1] 9,264,172,000
Department of Defense (pp. 131–132): [2]		
Military personnel	45,066,808,000	
Retired military personnel	16,154,800,000	
Operation and maintenance	67,279,010,000	
Procurement	80,287,703,000	
Research, development, test, and evaluation	22,704,284,000	
Special foreign currency program	3,800,000	
Related agencies	107,156,000	
Total		[2] 231,603,561,000
District of Columbia (pp. 133–142):		
Federal funds to the District of Columbia	573,012,600	
Rescission	−48,832,500	
(Out of District revenues)	*(1,998,841,900)*	
Total		524,180,100
Energy and water development (pp. 143–144): [3]		
Department of Energy	9,410,547,000	
Department of Defense—Civil	2,967,985,000	
Department of the Interior	794,863,000	
Independent agencies:		
Appalachian Regional Commission	2,900,000	
Appalachian regional development programs	165,133,000	
Delaware River Basin Commission	390,000	
Interstate Commission on the Potomac River Basin	55,000	
Susquehanna River Basin Commission	337,000	
Nuclear Regulatory Commission	462,504,000	
Tennessee Valley Authority	176,433,000	
Water Resources Council	4,083,000	
Total		[3] 13,985,250,000
Foreign assistance and related programs (p. 145): [4]		
Multilateral Economic Assistance:		
International Bank for Reconstruction and Development	126,041,553	
International Development Association	700,000,000	
Inter-American Development Bank	284,100,437	
Asian Development Bank	131,882,575	

See footnotes at end of table, p. 1436.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 97th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS—Continued		
Foreign assistance and related programs (p. 145)—Continued:		
Multilateral Economic Assistance—Continued:		
African Development Fund	$50,000,000	
International organizations and programs	249,002,000	
Bilateral Economic Assistance:		
Agency for International Development	4,510,003,000	
International narcotics control	36,700,000	
Inter-American Foundation	12,000,000	
Peace Corps	109,000,000	
Migration and refugee assistance	395,000,000	
Military Assistance	1,510,000,000	
Export-Import Bank	3,118,000,000	
Total		[4] $11,231,729,565
Department of Housing and Urban Development—Independent agencies (pp. 147-167):		
Department of Housing and Urban Development	5,974,448,000	
Independent agencies:		
American Battle Monuments Commission	10,669,000	
Consumer Product Safety Commission	33,508,000	
Cemeterial expenses, Army	6,682,000	
Environmental Protection Agency *($210,000,000 trust funds)*	3,719,688,200	
Council on Environmental Quality and Office of Environmental Quality	926,000	
Office of Science and Technology Policy	1,839,000	
Federal Emergency Management Agency	549,898,000	
Consumer Information Center	1,351,000	
Office of Consumer Affairs	1,947,000	
National Aeronautics and Space Administration	6,809,200,000	
National Science Foundation	1,092,200,000	
Neighborhood Reinvestment Corporation	15,512,000	
Selective Service System	22,700,000	
Payments to State and local government fiscal assistance trust fund	4,566,700,000	
Office of Revenue Sharing	6,612,000	
Office of the Secretary, Department of the Treasury	[5] 310,000	
Veterans Administration	24,081,218,000	
Total		46,895,408,200
Department of the Interior and related agencies (pp. 169-202):		
Department of the Interior *($53,100,000 trust funds)*	3,905,194,000	
Related agencies:		
Forest Service *($90,000 trust funds)*	1,532,883,000	
Department of Energy	808,310,000	
Department of Health and Human Services	680,283,000	
Department of Education	67,247,000	
Other related agencies	506,108,000	
Total		7,500,025,000
Departments of Labor, Health and Human Services, and Education and related agencies (pp. 203-204):[6]		
Department of Labor *($674,300,000 trust funds)*	11,678,179,000	
Department of Health and Human Services	[7] 68,654,566,000	
Department of Education and Special Institutions	15,011,145,000	
Related agencies *($26,718,000 trust funds)*	878,639,000	
Total		[8] 96,222,529,000
Legislative branch (pp. 205-222):[9]		
Congressional Operations	873,180,000	
Other Agencies	462,457,000	
Total		[9] 1,335,637,000

See footnotes at end of table, p. 1436.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 97th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS—Continued		
Military construction (pp. 223-228)		$7,043,040,000
Department of Transportation and related agencies (pp. 229-250):		
Department of Transportation *($2,018,935,000 trust funds)*	$10,008,219,350	
Rescission	−9,623,000	
Related agencies	647,752,569	
Total *(net)*		10,646,348,919
Treasury, Postal Service, and general government (pp. 251-253):[9]		
Department of the Treasury	4,453,890,000	
United States Postal Service	789,000,000	
Executive Office of the President	85,449,000	
Independent agencies:		
Administrative Conference of the United States	1,100,000	
Advisory Commission on Intergovernmental Relations	1,900,000	
Advisory Committee on Federal Pay	200,000	
Committee for Purchase from the Blind and Other Severely Handicapped	653,000	
Federal Election Commission	9,700,000	
General Services Administration	441,137,000	
Office of Personnel Management	5,041,448,000	
Merit Systems Protection Board	22,760,000	
Federal Labor Relations Authority	15,500,000	
United States Tax Court	14,000,000	
Total		[9]10,876,737,000
Total, regular annual appropriation acts *(net)*		[10]478,862,145,784
SUPPLEMENTAL APPROPRIATION ACTS		
Urgent Supplemental, Department of Agriculture, 1982 (P.L. 97-147) (pp. 1-2)	5,123,000,000	
Urgent Supplemental, Department of Labor, 1982 (P.L. 97-148) (p. 3)	1,950,000,000	
Urgent Supplemental, 1982 *(net)* (P.L. 97-216) (pp. 5-19)	[11]−229,668,000	
Supplemental Appropriations Act, 1982 *(net)* (P.L. 97-257) (pp. 21-78)	[12]14,177,105,924	
Total, supplemental appropriation acts *(net)*		21,020,437,924
CONTINUING APPROPRIATIONS		
Continuing Appropriations, 1983 (P.L. 97-276) (pp. 257-276):		
Legislative Branch, 1983 (p. 260)	[13]*(1,335,637,000)*	
House of Representatives (p. 260)	60,663	
Smithsonian Institution (p. 265)	36,500,000	
Department of Energy (p. 265)	242,118,000	
Department of Health and Human Services (pp. 268-269)	96,000,000	
Department of Education (p. 269)	9,000,000	
Department of Commerce (p. 270)	13,555,000	
Executive office of the President (p. 270)	365,000	
Native Hawaiians Study Commission (p. 273)	190,000	
Department of Transportation (p. 274)	883,000,000	
Total	1,280,788,663	
Further Continuing Appropriations, 1983 (P.L. 97-377) (pp. 277-364):		
Treasury, Postal Service and general government, 1983 (p. 277)	[13]*(10,876,737,000)*	
Foreign assistance and related programs, 1983 (pp. 278-280)	[13]*(11,231,729,565)*	
Department of Defense, 1983 (pp. 280-310)	[13]*(231,603,561,000)*	
Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1983 (pp. 310-321)	[13]*(9,264,172,000)*	
Departments of Labor, Health and Human Services, Education and related agencies, 1983 (pp. 321-346)	[13]*(96,222,529,000*	
Energy and water development, 1983 (p. 347)	[13]*(13,985,230,000)*	
Department of Housing and Urban Development *(net)* (pp. 347-349)	6,002,315,689	

See footnotes at end of table, p. 1436.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 97th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes," p. II)]

Title of appropriation act		Amount
CONTINUING APPROPRIATIONS—Continued		
Further Continuing Appropriations, 1983 (P.L. 97-377) (pp. 277-364)—Continued:		
Department of Energy (p. 349)	$2,000,000	
Department of Transportation (p. 356)	30,800,000	
Department of the Interior (p. 363)	3,094,000	
Total *(net)*	6,038,209,689	
Total, continuing appropriations *(net)*		$7,318,998,352
MISCELLANEOUS LAWS CARRYING APPROPRIATIONS		
Legislative acts (trust funds) (pp. 1560-1561)	[14]14,849,000,000	
Private appropriation acts (p. 1405)	66,922	
Total appropriations in miscellaneous laws		14,849,066,922
Grand total, regular annual, supplemental, continuing and other acts *(net)*		522,050,648,982
Consisting of—		
New budget *(obligational)* authority	*(531,018,430,482)*	
Rescissions of unobligated balances	*(−8,967,781,500)*	
PERMANENT FEDERAL FUNDS AND TRUST FUNDS		
Federal funds:		
Interest on public debt (p. 1415)	133,229,000,000	
Other (pp. 1407-1418)	22,650,910,000	
Total, Federal funds	155,879,910,000	
Trust funds:		
Social Security Administration (p. 1423)	164,199,213,000	
Other (pp. 1419-1432)	155,707,871,000	
Total, Trust funds	319,907,084,000	
Total, permanent Federal funds and Trust funds		475,786,994,000
Grand total, all funds *(net)*		997,837,642,982
Fiscal year 1982 *(net)*	20,992,915,540	
Fiscal year 1983 *(net)*	969,738,727,442	
Fiscal year 1984	6,976,000,000	
Fiscal year 1985	130,000,000	
RECAPITULATION AND RECONCILIATION		
Federal funds		660,096,715,982
Trust funds		[15]337,740,927,000
Adjustment for interfund and intragovernmental transactions (see par. 2, "Compilers' Notes", p. IV)		−135,001,748,000
Net total new budget *(obligational)* authority for session		862,835,894,982

---

[1] Funding for programs and activities normally included in this bill is provided under Sec. 101(d) of Public Law 97-377, Further Continuing Appropriations, 1983.

[2] Funding for programs and activities normally included in this bill is provided under Sec. 101(c) of Public Law 97-377, Further Continuing Appropriations, 1983.

[3] Funding for programs and activities normally included in this bill is provided under Sec. 101(f) of Public Law 97-377, Further Continuing Appropriations, 1983.

[4] Funding for programs and activities normally included in this bill is provided under Sec. 101(b)(1) of Public Law 97-377, Further Continuing Appropriations, 1983.

[5] Consists of administrative expenses for the New York City Loan Guarantee program.

[6] Funding for programs and activities normally included in this bill is provided under Sec. 101(e)(1), (2) and (3), of Public Law 97-377, Further Continuing Appropriations, 1983.

[7] Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimated at $4,615,600,000 in 1981-1982 volume). (See footnote 22 on p. 1535, this volume, for accounts involved).

[8] Funding for programs and activities normally included in this bill is provided under Sec. 101(e) of Public Law 97-276, Continuing Appropriations, 1983.

[9] Funding for programs and activities normally included in this bill is provided under Sec. 101(a)(3) of Public Law 97-377, Further Continuing Appropriations, 1983.

[10] Includes amounts provided through further continuing appropriations for programs and activities normally funded in seven regular annual appropriations bills. These bills are (1) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Bill, 1983, S. 2956 (*$9,264,172,000*); (2) the Department of Defense Appropriation Bill, 1983, H.R. 7355, (*$231,603,561,000*); (3) the Energy and Water Development Appropriation Bill, 1983, H.R. 7145 (*$13,985,230,000*); (4) the Foreign Assistance and Related Programs Appropriation Bill, 1983, S. 3075 (*$11,231,729,565*); (5) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1983, H.R. 7205, (*$96,222,529,000*); (6) the Legislative Branch Appropriation Bill, 1983, H.R. 7073 and S. 2939 (*$1,335,637,000*); and (7) the Treasury, Postal Service, and General Government Appropriations Bill, 1983, H.R. 7158 (*$10,876,737,000*).

[11] Reflects rescissions of $5,678,120,000.

[12] Reflects rescissions of $400,846,000.

[13] For informational purposes only. Amount included in total for "regular annual appropriations acts (net)" above.

[14] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contract authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[15] Includes $2,984,843,000 in "current" trust funds; and $14,849,000,000 in trust funds from Legislative Acts, and $319,907,084,000 in "permanent" trust funds.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1982 AND 1983

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II)]

Agency and item	Fiscal year 1982—97th Cong., 1st sess. 97th Cong., 2d sess.	Fiscal year 1983—97th Cong., 2d sess.	Increase (+) or decrease (−) 1983, compared with 1982
Department of Agriculture:			
Regular annual and supplemental acts:			
Agricultural programs	$14,347,399,000	$12,951,493,000	−$1,395,906,000
Rural development programs	2,623,044,000	3,407,812,000	+784,768,000
Domestic food programs	13,572,951,000	13,896,189,000	+323,238,000
International programs	1,071,321,000	1,106,032,000	+34,711,000
Forest Service	1,443,778,000	1,532,883,000	+89,105,000
Total, regular annual and supplemental acts	33,058,493,000	32,894,409,000	−164,084,000
Permanent appropriations:			
Federal funds	3,523,059,000	3,164,399,000	−358,660,000
(Authority to borrow)	*(875,307,000)*	*(1,345,000)*	*(−873,962,000)*
Trust funds	221,889,000	230,589,000	+8,700,000
Total, Department of Agriculture	36,803,441,000	36,289,397,000	−514,044,000
Department of Commerce:			
Regular annual, supplemental and continuing acts	1,801,480,000	1,761,255,000	−40,225,000
Permanent appropriations:			
Federal funds	16,186,000		−16,186,000
Trust funds	68,080,000	72,289,000	+4,209,000
Total, Department of Commerce	1,885,746,009	1,833,544,000	−52,202,000
Department of Defense—Civil:			
Regular annual and supplemental acts	3,019,595,000	3,001,385,000	−18,210,000
Permanent appropriations:			
Federal funds	8,416,000	8,849,000	+433,000
Trust funds	70,005,000	71,005,000	+1,000,000
Total, Department of Defense—Civil	3,098,016,000	3,081,239,000	−16,777,000
Department of Defense—Military:			
Regular annual and supplemental acts:			
Army	52,408,484,000	56,960,150,000	+4,551,666,000
Navy	69,259,131,000	82,020,737,000	+12,761,606,000
Air Force	65,180,045,000	74,041,492,000	+8,861,447,000
Department of Defense	25,485,743,000	25,903,066,000	+417,323,000
Other		−386,000,000	−386,000,000
Total, regular annual and supplemental acts	212,333,403,000	238,539,445,000	+26,206,042,000
Permanent appropriations:			
Federal funds	1,200,000	1,200,000	
(Authority to borrow)	*(1,200,000)*	*(1,200,000)*	
Trust funds	17,300,000	16,600,000	−700,000
Total, Department of Defense—Military	212,351,903,000	238,557,245,000	+26,205,342,000
District of Columbia—Federal funds:			
Regular annual and supplemental acts	557,170,000	573,012,600	+15,842,600
Rescission		−48,832,500	−48,832,500
Permanent appropriations:			
Federal funds	80,000,000		−80,000,000
Total, District of Columbia—Federal Funds	637,170,000	524,180,100	−112,989,900

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1982 AND 1983—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II)]

Agency and item	Fiscal year 1982—97th Cong., 1st sess. 97th Cong., 2d sess.	Fiscal year 1983—97th Cong., 2d sess.	Increase (+) or decrease (−) 1983, compared with 1982
District of Columbia—Payable from District revenue:			
(Regular annual and supplemental acts)	*($1,951,058,600)*	*($1,998,841,900)*	*(+$47,783,300)*
Department of Education:			
Regular annual, supplemental and continuing acts	14,699,194,000	15,087,392,000	+388,198,000
Permanent appropriations:			
Federal funds	9,961,000		−9,961,000
Total, Department of Education	14,709,155,000	15,087,392,000	+378,237,000
Department of Energy:			
Regular annual, supplemental and continuing acts	9,202,327,000	10,465,975,000	+1,263,648,000
Permanent appropriations:			
Federal funds	279,770,000	179,000,000	−100,770,000
(Authority to borrow)	*(279,720,000)*	*(179,000,000)*	*(−100,720,000)*
Total, Department of Energy	9,482,097,000	10,644,975,000	+1,162,878,000
Environmental Protection Agency:			
Regular annual and supplemental acts	3,757,217,000	3,719,688,200	−37,528,800
Foreign Assistance:			
Regular annual and supplemental acts	7,487,064,970	10,800,029,565	+3,312,964,595
Permanent appropriations:			
Federal funds	19,000,000		−19,000,000
(Contract authority)	*(19,000,000)*		*(−19,000,000)*
Trust funds	15,288,354,000	15,834,302,000	+545,948,000
(Contract authority)	*(15,273,000,000)*	*(15,819,000,000)*	*(+546,000,000)*
Total, Foreign Assistance	22,794,418,970	26,634,331,565	+3,839,912,595
General Government:			
Regular annual, supplemental and continuing acts	11,432,282,280	11,653,405,569	+221,123,289
Rescission	−403,609,800		+403,609,800
Total, regular annual, supplemental and continuing acts *(net)*	11,028,672,480	11,653,405,569	+624,733,089
Appropriated during 96th Cong., 1st. sess. for fiscal year 1982	[1] 172,000,000		−172,000,000
Appropriated during 96th Cong., 2nd. sess. for fiscal year 1983		[1] 172,000,000	+172,000,000
Appropriated during 97th Cong., 1st. sess. for fiscal year 1983		−35,000,000	−35,000,000
Permanent appropriations:			
Federal funds	12,594,355,000	13,403,307,000	+808,952,000
(Authority to borrow)	*(1,720,638,000)*	*(1,757,552,000)*	*(+36,914,000)*
Trust funds	37,683,304,000	39,766,122,000	+2,082,818,000
Total, General Government *(net)*	61,478,331,480	64,959,834,569	+3,481,503,089
General Services Administration:			
Regular annual and supplemental acts	465,972,680	442,488,000	−23,484,680
Permanent appropriations:			
Federal funds	1,067,000	1,000,000	−67,000
Trust funds	184,000	184,000	
Total, General Services Administration	467,223,680	443,672,000	−23,551,680
Department of Health and Human Services:			
Regular annual, supplemental and continuing acts:			
Food and Drug Administration	338,332,000	349,130,000	+10,798,000
Health Services Administration	1,873,285,000	1,698,846,000	−174,439,000
Center for Disease Control	300,040,000	329,701,000	+29,661,000
National Institutes of Health	3,649,298,000	4,001,980,000	+352,682,000

See footnotes at end of table, p. 1441.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1982 AND 1983—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II)]

Agency and item	Fiscal year 1982—97th Cong., 1st sess. 97th Cong., 2d sess.	Fiscal year 1983—97th Cong., 2d sess.	Increase (+) or decrease (−) 1983, compared with 1982
Department of Health and Human Services—Continued:			
Alcohol, Drug Abuse and Mental Health Administration	$858,437,000	$854,061,000	−$4,376,000
Health Resources Administration	297,770,000	323,963,000	+26,193,000
Assistant Secretary for Health	257,014,000	175,555,000	−81,459,000
Health Care Financing Administration	32,155,638,000	30,056,165,000	−2,099,473,000
Social Security Administration	17,746,738,000	19,346,744,000	+1,600,006,000
Human Development Services Administration	5,208,405,000	5,428,943,000	+220,538,000
Departmental Management	226,248,000	265,238,000	+38,990,000
Total, regular annual, supplemental and continuing acts	[2] 62,911,205,000	[3] 62,830,326,000	−80,879,000
Appropriated during 97th Cong., 1st. sess. for fiscal year 1983		1,787,341,000	+1,787,341,000
Permanent appropriations:			
Federal funds	450,000	450,000	
Trust funds	207,979,206,000	225,496,758,000	+17,517,552,000
Total, Department of Health and Human Services	[2] 270,890,861,000	[3] 290,114,875,000	+19,224,014,000
Department of Housing and Urban Development:			
Regular annual, supplemental and continuing acts	24,166,816,040	14,807,123,689	−9,359,692,351
Rescission	−7,051,213,000	−2,830,360,000	+4,220,853,000
Total, regular annual, supplemental and continuing acts *(net)*	17,115,603,040	11,976,763,689	−5,138,839,351
Permanent appropriations:			
Federal funds	1,474,257,000	119,848,000	−1,354,409,000
(Contract authority)	*(30,257,000)*	*(24,800,000)*	*(−5,457,000)*
(Authority to borrow)	*(1,439,169,000)*	*(88,526,000)*	*(−1,350,643,000)*
Trust funds	3,000		−3,000
Total, Department of Housing and Urban Development *(net)*	18,589,863,040	12,096,611,689	−6,493,251,351
Department of the Interior:			
Regular annual, supplemental and continuing acts:			
Bureau of Reclamation	819,589,000	794,863,000	−24,726,000
Land and Water Resources	552,693,000	507,211,000	−45,482,000
Fish and Wildlife and Parks	1,061,637,000	1,196,507,000	+134,870,000
Rescission	−30,000,000		+30,000,000
Energy and Minerals	833,789,000	931,018,000	+97,229,000
Indian Affairs	998,360,000	1,007,343,000	+8,983,000
Territorial Affairs	191,506,000	169,702,000	−21,804,000
Secretarial Offices	76,591,000	96,507,000	+19,916,000
Total, regular annual, supplemental and continuing acts *(net)*	4,504,165,000	4,703,151,000	+198,986,000
Permanent appropriations:			
Federal funds	879,833,000	1,026,925,000	+147,092,000
(Contract authority)	*(30,000,000)*		*(−30,000,000)*
Trust funds	500,358,000	538,850,000	+38,492,000
Total, Department of the Interior *(net)*	5,884,356,000	6,268,926,000	+384,570,000
The Judiciary:			
Regular annual and supplemental acts	722,543,000	791,007,000	+68,464,000
Permanent appropriations:			
Trust funds	10,631,000	10,355,000	−276,000
Total, The Judiciary	733,174,000	801,362,000	+68,188,000

See footnotes at end of table, p. 1441.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1982 AND 1983—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II)]

Agency and item	Fiscal year 1982—97th Cong., 1st sess. 97th Cong., 2d sess.	Fiscal year 1983—97th Cong., 2d sess.	Increase (+) or decrease (−) 1983, compared with 1982
Department of Justice:			
Regular annual and supplemental acts	$2,608,398,000	$2,864,062,000	+$255,664,000
Department of Labor:			
Regular annual and supplemental acts	9,972,034,000	11,678,179,000	+1,706,145,000
Rescission	−48,186,000		+48,186,000
Total, regular annual and supplemental acts *(net)*	9,923,848,000	11,678,179,000	+1,754,331,000
Permanent appropriations:			
Trust funds	19,382,600,000	23,437,000,000	+4,054,400,000
Total, Department of Labor *(net)*	29,306,448,000	35,115,179,000	+5,808,731,000
Legislative Branch:			
Regular annual, supplemental and continuing acts	1,364,644,433	1,335,697,663	−28,946,770
Permanent appropriations:			
Federal funds	24,902,000	62,765,000	+37,863,000
Trust funds	6,404,000	6,900,000	+496,000
Total, Legislative Branch	1,395,950,433	1,405,362,663	+9,412,230
National Aeronautics and Space Administration:			
Regular annual and supplemental acts	6,267,200,000	6,809,200,000	+542,000,000
Postal Service:			
Regular annual and supplemental acts	915,470,400	789,000,000	−126,470,400
Rescission	−208,660,000		+208,660,000
Total, Postal Service *(net)*	706,810,400	789,000,000	+82,189,600
Department of State:			
Regular annual and supplemental acts	2,293,110,000	2,294,940,000	+1,830,000
Permanent appropriations:			
Federal funds	205,200,000	218,599,000	+13,399,000
Trust funds	429,209,000	464,075,000	+34,866,000
Total, Department of State	2,927,519,000	2,977,614,000	+50,095,000
Department of Transportation:			
Regular annual, supplemental and continuing acts:			
Office of the Secretary	38,550,000	44,900,000	+6,350,000
Coast Guard	2,217,258,927	2,402,848,350	+185,589,423
Federal Aviation Administration	2,680,521,000	3,298,197,000	+617,676,000
Federal Highway Administration	536,963,000	571,600,000	+34,637,000
Rescission		−9,623,000	−9,623,000
Maritime Administration	83,389,000	118,413,000	+35,024,000
National Highway Traffic Safety Administration	74,900,000	74,000,000	−900,000
Federal Railroad Administration	1,050,558,000	919,675,000	−130,883,000
Rescission	−104,000,000		+104,000,000
Urban Mass Transportation Administration	3,534,238,000	3,565,831,000	+31,593,000
Rescission	−2,000,000		+2,000,000
Research and Special Programs Directorate	17,441,000	20,022,000	+2,581,000
Office of the Inspector General	13,492,000	24,946,000	+11,454,000
Total, regular annual, supplemental and continuing acts *(net)*	10,141,310,927	11,030,809,350	+889,498,423
Appropriated during 96th Cong., 2nd sess. for fiscal year 1982	166,000,000		−166,000,000
Legislative acts (Public Laws 97-248, 97-327, 97-364, 97-424):			
Trust funds *(contract authority)*		14,849,000,000	+14,849,000,000

IVa: COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1982 AND 1983—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II)]

Agency and item	Fiscal year 1982—97th Cong., 1st sess. 97th Cong., 2d sess.	Fiscal year 1983—97th Cong., 2d sess.	Increase (+) or decrease (−) 1983, compared with 1982
Department of Transportation—Continued:			
Permanent appropriations:			
Federal funds	$587,899,000	$413,821,000	−$174,078,000
(Contract authority)	*(414,899,000)*	*(406,821,000)*	*(−8,078,000)*
Trust funds	8,030,917,000	7,918,530,000	−112,387,000
(Contract authority)	*(8,023,887,000)*	*(7,911,500,000)*	*(−112,387,000)*
Total, Department of Transportation *(net)*	18,926,126,927	34,212,160,350	+15,286,033,423
Department of the Treasury:			
Regular annual and supplemental acts	8,644,123,239	9,028,723,000	+384,599,761
Private appropriation acts	62,616	4,306	−58,310
Permanent appropriations:			
Federal funds	119,626,196,000	137,279,747,000	+17,653,551,000
Trust funds	4,574,205,000	4,574,750,000	+545,000
Total, Department of the Treasury	132,844,586,855	150,883,224,306	+18,038,637,451
Veterans Administration:			
Regular annual and supplemental acts	24,253,742,000	24,081,218,000	−172,524,000
Permanent appropriations:			
Trust funds	1,362,900,000	1,468,775,000	+105,875,000
Total, Veterans Administration	25,616,642,000	25,549,993,000	−66,649,000
Grand Total:			
Regular annual, supplemental and continuing acts	456,714,960,969	481,991,544,636	+25,276,583,667
Rescissions	−7,847,668,800	−2,888,815,500	+4,958,853,300
Appropriated in fiscal 1981 for fiscal 1982	338,000,000		−338,000.000
Appropriated in fiscal 1981 and fiscal 1982 for fiscal year 1983 *(net)*		1,924,341,000	+1,924,341,000
Private appropriation acts	62,616	4,306	−58,310
Legislative acts:			
Trust funds		[4] 14,849,000,000	+14,849,000,000
Permanent appropriations:			
Federal Funds	139,331,751,000	155,879,910,000	+16,548,159,000
(Contract authority)	*(494,156,000)*	*(431,621,000)*	*(−62,535,000)*
(Authority to borrow)	*(4,316,034,000)*	*(2,027,623,000)*	*(−2,288,411,000)*
Trust funds	295,625,549,000	319,907,084,000	+24,281,535,000
(Contract authority)	*(23,296,887,000)*	*(23,730,500,000)*	*(+433,613,000)*
Total	884,162,654,785	971,663,068,442	+87,500,413,657
Less:			
Adjustments for interfund and intragovernmental transactions (see par. 2, "Compilers' Notes", p. IV)	−116,352,230,000	−135,001,748,000	−18,649,518,000
Appropriated in fiscal 1981 for fiscal 1982	−338,000,000		+338,000,000
Appropriated in fiscal 1981 and fiscal 1982 for fiscal year 1983 *(net)*		−1,924,341,000	−1,924,341,000
Net total	767,472,424,785	834,736,979,442	+67,264,554,657

---

[1] Also included under "Permanent appropriations, Federal funds".

[2] Excludes $6,379,418,000 appropriated in fiscal year 1982 to liquidate "indefinite" budget authority provided in fiscal year 1981 for certain programs in the Department of Health and Human Services (estimated at $6,914,793,000 in 1980-1981 volume). Includes authority to obligate $4,615,600,000 in "indefinite" budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 when final amounts become known (see table VIII on pp. 1390-1391, 1981-1982 volume, for accounts involved).

[3] Excludes $5.492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimated at $4,615,600,000 in 1981-1982 volume). (See footnote 22 on p. 1535, 1982-1983 volume, for accounts involved.)

[4] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contract authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d). This amount represents budget authority which falls within those exceptions.

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS		*1982*		*1982*	
Agriculture, rural development and related agencies:					
Agricultural programs	$6,357,862,000	Sept. 9 (97-800)	$6,322,717,000	Sept. 21	$6,322,717,000
Rural development programs	3,358,967,000	do	3,393,036,000	do	3,393,036,000
Domestic food programs	11,876,764,000	do	11,876,954,000	do	11,876,954,000
International programs	1,110,910,000	do	1,102,525,000	do	1,102,525,000
Related agencies	379,162,000	do	371,722,000	do	371,722,000
Total	23,083,665,000		23,066,954,000		23,066,954,000
Departments of Commerce, Justice, and State, the Judiciary, and related agencies: [2]					
Department of Commerce and related agencies	2,092,177,000	Aug. 10 (97-721)	2,657,160,000	Dec. 9	2,592,221,000
(Appropriations to liquidate contract authorizations)	*(454,010,000)*	do	*(454,010,000)*	do	*(454,010,000)*
Department of Justice and related agencies	3,066,250,000	do	3,099,523,000	do	3,099,523,000
Department of State and related agencies	2,661,234,000	do	2,513,544,000	do	2,513,544,000
The Judiciary	851,133,000	do	799,340,000	do	799,340,000
Total	8,670,794,000		9,069,567,000		9,004,628,000
Department of Defense: [3]					
Military personnel	47,902,500,000	Dec. 2 (97-943)	45,076,265,000	Dec. 8	45,136,265,000
Retired military personnel	16,510,800,000	do	16,154,800,000	do	16,154,800,000
Operation and maintenance	71,087,451,000	do	66,894,464,000	do	66,894,464,000
Procurement	89,616,914,000	do	80,753,133,000	do	79,820,133,000
Research, development, test, and evaluation	24,398,894,000	do	22,114,054,000	do	22,114,054,000
Special foreign currency program	3,800,000	do	3,800,000	do	3,800,000
General provisions	*(1,000,000,000)*	do	*(1,200,000,000)*	do	*(1,200,000,000)*
Related agencies	92,050,000	do	106,976,000	do	106,976,000
Total	249,612,409,000		231,193,492,000		230,230,492,000
District of Columbia:					
Federal payment to the District of Columbia	579,870,000	Sept. 21 (97-849)	545,470,000	Sept. 30	545,470,000
(Out of District revenues)	*(1,981,549,400)*	do	*(1,971,653,200)*	do	*(1,971,653,200)*
Energy and water development: [4]					
Department of Energy	9,319,232,000	Sept. 21 (97-850)	8,989,333,000		
Department of Defense—Civil	2,736,600,000	do	2,972,722,000		
Department of the Interior	933,820,000	do	946,807,000		
Independent agencies	679,567,000	do	690,174,000		
Total	13,669,219,000		13,599,036,000		
Foreign assistance and related programs: [5]					
Multilateral Economic Assistance					
Bilateral Economic Assistance					
Military Assistance					
Export-Import Bank of the United States					
Total					

See footnotes at end of table, p. 1450.

SUPPLEMENTAL APPROPRIATION BILLS, 97TH CONG., 2D SESS.

2d sess., differs to some extent from previous tabulations. (See explanation, par. 4, "Compilers' Note," p. II.)]

Estimates considered by Senate[1]	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1982		*1982*		*1982*			
$6,357,862,000	Sept. 22 (97-566)	$6,274,229,000	Sept. 28	$6,274,229,000	Dec. 18	$12,951,493,000	H.R. 7072	97-370
3,358,967,000	......do......	3,422,730,000	......do......	3,422,730,000	......do......	3,407,812,000		
11,876,764,000	......do......	13,977,362,000	......do......	13,977,362,000	......do......	13,896,189,000		
1,110,910,000	......do......	1,109,539,000	......do......	1,109,539,000	......do......	1,106,032,000		
379,162,000	......do......	372,129,000	......do......	372,129,000	......do......	372,022,000		
23,083,665,000		25,155,989,000		25,155,989,000		31,733,548,000		
2,092,177,000	Sept. 24 (97-584)	2,677,617,000				2,697,120,000	H.R. 6957 S. 2957	[2]
(454,010,000)	......do......	*(454,010,000)*				*(454,010,000)*		
3,066,250,000	......do......	3,103,008,000				3,259,459,000		
2,661,234,000	......do......	2,525,251,000				2,516,586,000		
851,133,000	......do......	792,407,000				791,007,000		
8,670,794,000		9,098,283,000				9,264,172,000		
44,895,500,000	Sept. 23 (97-580)	43,810,320,000				45,066,808,000	H.R. 7355 S. 2951	[3]
16,510,800,000	......do......	16,228,800,000				16,154,800,000		
70,191,122,000	......do......	67,363,622,000				67,279,010,000		
89,493,114,000	......do......	83,012,879,000				80,287,703,000		
24,312,700,000	......do......	22,876,984,000				20,704,284,000		
3,800,000	......do......	3,800,000				3,800,000		
(1,000,000,000)	......do......	*(800,000,000)*				*(1,200,000,000)*		
91,300,000	......do......	106,700,000				*(107,156,000)*		
245,498,336,000		233,403,105,000				231,603,561,000		
579,870,000		534,180,100	Dec. 7	524,180,100	Dec. 22	524,180,100	H.R. 7144	97-378
(1,981,549,400)		*(2,007,309,900)*	......do......	*(2,007,309,900)*	......do......	*(1,998,841,900)*		
						9,410,547,000	H.R. 7145	[4]
						2,967,985,000		
						794,863,000		
						811,835,000		
						13,985,230,000		
4,136,332,031	Dec. 3 (97-672)	3,913,455,031				1,541,026,565	S. 3075	[5]
5,348,011,000		5,251,065,000				5,062,703,000		
1,560,700,000	......do......	1,720,700,000				1,510,000,000		
2,556,000,000	......do......	3,018,000,000				3,118,000,000		
13,601,043,031		13,903,220,031				11,231,729,565		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS—Con.		*1982*		*1982*	
Department of Housing and Urban Development—Independent agencies:					
Department of Housing and Urban Development *(net)*	$5,687,449,000	Aug. 10 (97-720)	$5,870,949,000	Sept. 15	$5,870,949,000
(Appropriations to liquidate contract authorizations)	*(9,538,000,000)*	do	*(9,538,000,000)*	do	*(9,538,000,000)*
Independent agencies	40,955,759,000	do	41,124,790,000	do	41,129,290,000
Corporations *(limitations on administrative expenses)*	*(66,160,000)*	do	*(66,160,000)*	do	*(66,160,000)*
Total *(net)*	46,643,208,000		46,995,739,000		47,000,239,000
Department of the Interior and related agencies:					
Department of the Interior	3,550,584,000	Dec. 2 (97-942)	3,709,974,000	Dec. 3	3,709,974,000
Related agencies	3,026,376,000	do	3,676,548,000	do	3,676,548,000
Total	6,576,960,000		7,386,522,000		7,386,522,000
Departments of Labor, Health and Human Services, and Education, and Related Agencies:[7]					
Department of Labor	6,482,814,000	Sept. 29 (97-894)	5,980,130,000	Dec. 1	5,984,130,000
Department of Health and Human Services	62,908,040,000	do	64,213,214,000	do	64,240,814,000
Department of Education and Special Institutions	9,899,245,000	do	14,287,390,000	do	14,287,390,000
Related agencies	746,844,000	do	878,296,000	do	878,296,000
Total	80,036,943,000		85,359,030,000		85,390,630,000
Legislative Branch:[9]					
Congressional operations	644,052,000	Sept. 9 (97-801)	621,951,000		
Other agencies	494,665,000	do	462,857,000		
Total	1,138,717,000		1,084,808,000		
Military construction	8,211,827,000	Aug. 11 (97-726)	7,000,249,000	Aug. 19	7,000,249,000
Department of Transportation and related agencies:					
Department of Transportation *(net)*	9,730,959,350	Aug. 19 (97-783)	10,568,066,350	Sept. 21	10,568,066,350
(Appropriations to liquidate contract authorizations)	*(9,241,685,000)*	do	*(9,241,685,000)*	do	*(9,241,685,000)*
Related agencies	665,852,569	do	631,333,569	do	631,333,569
General provision	*(8,337,500,000)*	do	*(8,820,000,000)*	do	*(8,820,000,000)*
Total *(net)*	10,396,811,919		11,199,399,919		11,199,399,919
Treasury, Postal Service, and General Government:[10]					
Department of the Treasury	4,271,207,000	Sept. 22 (97-854)	4,425,890,000	Nov. 30	4,450,890,000
United States Postal Service	500,000,000	do	708,000,000	do	708,000,000
Executive Office of the President	90,480,000	do	85,540,000	do	85,540,000
Independent agencies	5,626,127,000	do	5,552,913,000	do	5,552,913,000
General reductions		do		do	−117,106,900
Total	10,487,814,000		10,772,343,000		10,680,236,100
Total, regular annual appropriation acts *(net)*	459,108,237,919		447,182,609,919		431,504,820,019
(Appropriations to liquidate contract authorizations)	*(19,233,695,000)*		*(19,233,695,000)*		*(19,233,695,000)*
SUPPLEMENTAL APPROPRIATION ACTS					
Supplemental, Agriculture, 1982	5,000,000,000	Feb. 4 (97-424)	5,000,000,000	Feb. 9	5,000,000,000
Supplemental, Environmental Protection Agency, 1982[11]	*(2,400,000,000)*	Feb. 4 (97-427)	*(2,400,000,000)*		
Supplemental, Labor, 1982	1,952,865,000	Feb. 4 (97-425)	1,950,000,000	Feb. 9	1,950,000,000

See footnotes at end of table, p. 1450.

SUPPLEMENTAL APPROPRIATION BILLS, 97TH CONG., 2D SESS.—Continued

2d sess., differs to some extent from previous tabulations. (See explanation, par. 4, "Compilers' Note," p. II.)]

Estimates considered by Senate [1]	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1982		*1982*		*1982*			
$441,548,000	Sept. 16 (97-549)	$7,042,481,000	Sept. 24	$7,043,731,000	Sept. 30	$5,974,448,000	H.R. 6956	97-272
(9,538,000,000)	do	*(9,538,000,000)*	do	*(9,538,000,000)*	do	*(9,538,000,000)*		
40,955,759,000	do	40,488,964,200	do	40,460,146,200	do	40,920,960,200		
(66,160,000)	do	*(66,160,000)*	do	*(66,160,000)*	do	*(66,160,000)*		
41,397,307,000		47,531,445,200		47,503,877,200		46,895,408,200		
3,550,584,000	Dec. 8 (6)	3,822,760,000	Dec. 14	3,822,760,000	Dec. 30	3,905,194,000	H.R. 7356	97-394
3,026,376,000	do	3,568,847,000	do	3,568,847,000	do	3,594,831,000		
6,576,960,000		7,391,607,000		7,391,607,000		7,500,025,000		
8,950,882,000	Dec. 8 (97-680)	11,452,595,00				11,678,179,000	H.R. 7205	(7)
63,382,218,000	do	69,536,504,00				[8] 68,654,566,000		
9,899,245,000	do	15,017,746,00				15,011,145,000		
746,844,000	do	874,808,00				878,639,000		
82,979,189,000		96,881,653,00				[8] 96,222,529,000		
916,095,000	Sept. 22 (97-573)	873,420,663				873,180,000	H.R. 7073 S. 2939	(9)
494,665,000	do	461,914,00				462,457,000		
1,410,760,000		1,335,334,663				1,335,637,000		
8,211,827,000	Sept. 22 (97-572)	7,099,708,000	Sept. 27	7,099,708,000	Oct. 15	7,043,040,000	H.R. 6968	97-323
10,054,459,350	Sept. 22 (97-567)	10,904,470,350	Dec. 2	10,304,470,350	Dec. 18	9,998,596,350	H.R. 7019	97-369
(9,241,685,000)	do	*(9,241,685,000)*	do	*(9,241,685,000)*	do	*(9,241,685,000)*		
665,852,569	do	651,929,569	do	651,929,569	do	647,752,569		
(8,487,000,000)	do	*(8,912,500,000)*	do	*(8,912,500,000)*	do	*(8,915,000,000)*		
10,720,311,919		11,556,399,919		10,956,399,919		10,646,348,919		
						4,453,890,000	H.R. 7158	(10)
						789,000,000		
						85,449,000		
						5,548,398,000		
						10,876,737,000		
442,730,062,950		453,890,924,913		98,631,761,219		478,862,145,784		
(19,233,685,000)		*(19,233,685,000)*		*(18,779,685,000)*		*(19,233,695,000)*		
5,000,000,000		5,123,000,000	Feb. 10	5,123,000,000	Feb. 15	5,123,000,000	H.J. Res. 389	97-147
							H.J. Res. 390	(11)
1,952,865,000		1,950,000,000	Feb. 10	1,950,000,000	Feb. 22	1,950,000,000	H.J. Res. 391	97-148

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
SUPPLEMENTAL APPROPRIATION ACTS—Con.		*1982*		*1982*	
Supplemental, Health and Human Services, 1982[12]		Feb. 4 (97-426)	$123,000,000	Feb. 9	$123,000,000
Supplemental, Urgent, 1982 *(net)*[13]	*($3,552,358,000)*	Mar. 23 (97-469)	*(4,868,934,000)*	May 12	*(5,892,274,000)*
Supplemental, Urgent, 1982 *(net)*[14]	*(4,543,371,000)*			June 23	*(425,483,000)*
Supplemental, Urgent, 1982 *(net)*[15]	*(3,552,358,000)*			June 24	*(5,892,274,000)*
Supplemental, Urgent, 1982 *(net)*	4,543,371,000			June 24	425,483,000
Supplemental Appropriations Act, 1982 *(net)*	15,704,332,000	July 27 (97-673)	14,355,319,924	July 29	13,756,719,924
Total, supplemental appropriation acts *(net)*	27,200,568,000		21,428,319,924		21,255,202,924
CONTINUING APPROPRIATIONS					
Continuing, Further, 1982		Mar. 23 (97-465)		Mar. 24	
Continuing Appropriations, 1983:					
Legislative branch[16]	*(1,138,717,000)*	Sept. 16 (97-834)	*(1,084,808,000)*	Sept. 22	*(1,084,808,000)*
House of Representatives		do	60,663	do	60,663
Department of Housing and Urban Development *(net)*		do		do	
Smithsonian Institution	36,500,000	do	36,500,000	do	36,500,000
Department of Energy	242,118,000	do	242,118,000	do	242,118,000
Department of Labor		do		do	
Department of Health and Human Services		do		do	
Department of Education		do		do	
Department of Commerce		do		do	
Executive office of the President		do		do	
Native Hawaiians Study Commission		do		do	
Department of Transportation		do		do	
Total	278,618,000		278,678,663		278,678,663
Further Continuing Appropriations, 1983:					
Treasury, Postal Service and general government[16]		Dec. 10 (97-959)		Dec. 14	
Foreign assistance and related programs[16]		do		do	
Department of Defense[16]		do		do	
Departments of Commerce, Justice, and State, the Judiciary, and related agencies[16]		do		do	
Departments of Labor, Health and Human Services, Education and related agencies[16]		do		do	
Energy and water development[16]		do		do	
Department of Housing and Urban Development *(net)*		do	6,356,270,000	do	6,356,270,000
Department of Energy		do		do	
Department of Transportation		do		do	
Department of the Interior		do		do	
Total *(net)*			6,356,270,000		6,356,270,000
Total, continuing appropriations	278,618,000		6,634,948,663		6,634,948,663
DEFERRALS[17]					
Supplemental Appropriations Act, 1982 (P.L. 97-257)	*(38,414,751)*	July 27 (97-673)		July 29	
RECAPITULATION					
Grand total:					
New budget *(obligational)* authority *(net)*	486,587,423,919		475,245,878,506		459,394,971,606
Appropriations	*(486,587,423,919)*		*(478,350,721,506)*		*(462,499,814,606)*
Rescissions of unobligated balances	*(13,293,029,244)*		*(−3,104,843,000)*		*(−3,104,843,000)*
(Appropriations to liquidate contract authorizations)	*(19,233,695,000)*		*(19,233,695,000)*		*(19,233,695,000)*

See footnotes at the end of table, p. 1450.

SUPPLEMENTAL APPROPRIATION BILLS, 97TH CONG., 2D SESS.—Continued

2d sess., differs to some extent from previous tabulations. (See explanation, par. 4, "Compilers' Note," p. II.)]

Estimates considered by Senate [1]	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1982		*1982*		*1982*			
							H.J. Res. 392	(12)
($4,579,679,000)	May 18 (97-402)	*(-$1,157,080,165)*	May 27	*($3,066,319,835)*		*($3,246,715,000)*	H.R. 5922	(13)
(4,543,371,000)			(14)				H.R. 6645	(14)
(4,579,679,000)			June 24	*(3,066,319,835)*		*(3,246,715,000)*	H.R. 6682	(15)
4,543,371,000			June 29	-387,047,000	July 18	-229,668,000	H.R. 6685	97-216
16,056,184,000	Aug. 3 (97-516)	13,964,580,099	Aug. 11	14,009,661,424	Sept. 10	14,177,105,924	H.R. 6863	97-257
27,552,420,000		21,037,580,099		20,695,614,424		21,020,437,924		
			Mar. 31		Mar. 31		H.J. Res. 409	97-161
(1,410,760,000)	Sept. 23 (97-581)	*(1,335,334,663)*	Sept. 29	*(1,335,334,663)*	Oct. 2	[16] *(1,335,637,000)*	H.J. Res. 599	97-276
	do	60,663	do	60,663	do	60,663		
41,397,307,000	do	47,503,877,200	do	47,503,877,200	do			
36,500,000	do	36,500,000	do	36,500,000	do	36,500,000		
242,118,000	do	242,118,000	do	242,118,000	do	242,118,000		
	do	296,500,000	do	296,500,000	do			
51,028,000	do	160,432,000	do	160,432,000	do	96,000,000		
9,000,000	do	59,000,000	do	59,000,000	do	9,000,000		
13,555,000	do	13,555,000	do	13,555,000	do	13,555,000		
	do	365,000	do	365,000	do	365,000		
200,000	do		do	200,000	do	190,000		
400,000,000	do	883,000,000	do	883,000,000	do	883,000,000		
42,149,708,000		49,195,407,863		49,195,607,863		1,280,788,663		
	Dec. 15		Dec. 19		Dec. 21	[16] *(10,876,737,000)*	H.J. Res. 631	97-377
	do		do		do	[16] *(11,231,729,565)*		
	do		do		do	[16] *(231,603,561,000)*		
	do		do		do	[16] *(9,264,172,000)*		
	do		do		do	[16] *(96,067,029,000)*		
	do		do		do	[16] *(13,985,230,000)*		
	do	2,901,996,000	do	2,901,996,000	do	6,002,315,689		
	do		do		do	2,000,000		
	do	26,000,000	do	26,000,000	do	30,800,000		
	do		do	3,243,000	do	3,094,000		
		2,927,996,000		2,931,239,000		6,038,209,689		
42,149,708,000		52,123,403,863		52,126,846,863		7,318,998,352		
(44,929,751)	Aug. 3 (97-516)	*(2,915,000)*	Aug. 11	*(2,915,000)*	Sept. 10	*(66,915,000)*	H.R. 6863	97-257
512,432,190,950		527,051,908,875		171,454,222,506		[10] 507,201,582,060		
(512,432,190,950)		*(534,411,210,375)*		*(180,403,004,006)*		*(516,169,363,560)*		
(13,293,029,244)		*(-7,359,301,500)*		*(-8,948,781,500)*		*(-8,967,781,500)*		
(19,233,685,000)		*(19,233,685,000)*		*(18,779,685,000)*		*(19,233,695,000)*		

[1] The amounts in the "Estimates Considered by Senate" column will differ to some extent from the budget estimates shown in Tables VIII, VIIIa and VIIIb because of (1) estimates which were submitted after the Senate Committee reported the bill but considered by the committee of conference, and (2) estimates considered by the Senate Committee but deferred by the committee of conference for later consideration.

[2] H.R. 6957, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983, was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 10, 1982, and was passed by the House on December 9, 1982, but was not considered by the Senate. S. 2956 was reported by the Senate Committee on Appropriations on September 24, 1982, and incorporated by reference, with certain exceptions, under section 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 105, and pp. 310-321, this volume, for relevant section of continuing resolution).

[3] H.R. 7355, the Department of Defense Appropriation Bill, 1983, was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on December 2, 1982, and was passed by the House on December 8, 1982, but was not considered by the Senate. S. 2951 was reported by the Senate Committee on Appropriations on September 23, 1982, but was not passed by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(c) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 131, and pp. 280-310, this volume for relevant section of continuing resolution).

[4] H.R. 7145, the Energy and Water Development Appropriation Bill, 1983, was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 21, 1982, but was not considered by the House. No action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(f) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 143, and p. 347, this volume, for relevant section of continuing resolution).

[5] S. 3075, the Foreign Assistance and Related Programs Appropriations Bill, 1983, was not approved by the Congress. The bill was reported by the Committee on Appropriations of the Senate on December 3, 1982, but was not considered by the Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(b)(1) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 145, and pp. 278-280, this volume, for relevant section of continuing resolution).

[6] There was no written report in the Senate.

[7] H.R. 7205, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983, was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 29, 1982, and was passed by the House on December 1, 1982. The Senate Committee on Appropriations reported the bill on December 8, 1982, but no further action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under sections 101(e)(1), (2) and (3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 203, and pp. 321-346, this volume, for relevant section of continuing resolution).

[8] Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimated at $4,615,600,000 in 1981-1982 volume). (See footnote 22 on p. 1535, this volume, for accounts involved.)

[9] H.R. 7073, the Legislative Branch Appropriation Bill, 1983, was not approved by the Congress. This bill was reported by the Committee on Appropriations of the House of Representatives on September 9, 1982, but was not considered by the House. S. 2939 was reported by the Senate Committee on Appropriations on September 22, 1982, but was not considered by the Senate. However, S. 2939 was incorporated by reference, with certain exceptions, under section 101(e) of Public Law 97-276, approved October 2, 1982, Making Continuing Appropriations for fiscal year 1983 (see "note" on p. 205, and p. 260, this volume, for relevant section of continuing resolution).

[10] H.R. 7158, the Treasury, Postal Service, and General Government Appropriations Bill, 1983, was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 22, 1982, and was passed by the House on November 30, 1982. The Senate did not act on the bill. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(a)(3) of Public Law 97-377, approved December 21, 1982. Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 251, and p. 277, this volume, for relevant section of continuing resolution).

[11] The amounts in this bill (H.J. Res. 390) were subsequently included in the Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216).

[12] The amounts in this bill (H.J. Res. 392) were included in the Urgent Supplemental Appropriations for the Department of Agriculture, 1982 (Public Law 97-147).

[13] Vetoed by the President June 24, 1982. House sustained Presidential veto June 24, 1982. Amounts subsequently considered in Public Law 97-216.

[14] This bill (H.R. 6645) was considered by the Senate on June 23, 1982, and was ordered placed on the calendar June 24, 1982. The amounts in this bill were subsequently included in the Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216).

[15] Vetoed by the President June 25, 1982. House sustained Presidential veto July 13, 1982. Amounts subsequently considered in Public Law 97-216.

[16] For informational purposes only. Amounts for these bills are included in the totals for "regular annual appropriation acts".

[17] See pp. 365-382 and pp. 383-389 for status reports on rescissions and deferrals.

NOTE.—The President's Budget for 1983, as submitted February 8, 1982 (H. Doc. 97-124), tentatively estimated total new budget (obligational) authority for fiscal year 1983 at $801.9 billion in net ($936.9 billion gross, including $135 billion in intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget purposes only). An estimated $475.8 billion does not require action by Congress. This amount includes permanent appropriations such as interest on the public debt and various trust funds for which the obligational authority is already provided in the basic law. Virtually all of the remaining $461.1 billion is for consideration at this session of Congress in the appropriation bills. Approximately $7.2 billion of the $461.1 billion was shown in the February budget as being "for later transmittal" for supplemental requirements under present law, new legislation, allowances, and for contingencies and civilian pay raises.

VI. COMPARISON OF BUDGET ESTIMATES AND LOAN AND BORROWING AUTHORIZATIONS CARRIED IN APPROPRIATION ACTS, 97TH CONG., 2D SESS.

[NOTE.—For informational purposes only, to separately identify this *type* of new budget authority. The amounts are included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Loan and borrowing authorizations, fiscal year 1983 and prior years	Increase (+) or decrease (−), authorizations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENTS OF COMMERCE, JUSTICE, STATE, AND THE JUDICIARY, AND RELATED AGENCIES			
RELATED AGENCIES			
SMALL BUSINESS ADMINISTRATION			
Business loan and investment fund	$143,700,000	$338,700,000	+$195,000,000
ENERGY AND WATER DEVELOPMENT			
DEPARTMENT OF ENERGY			
Bonneville Power Administration Fund	455,000,000	249,500,000	−205,500,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Housing for the elderly or handicapped fund	276,617,000	276,617,000	
National Credit Union Administration *(limitation)*	*(600,000,000)*	*(600,000,000)*	
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES			
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION			
Land acquisition and development fund	1,200,000		−1,200,000
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES			
FEDERAL RAILROAD ADMINISTRATION			
Redeemable preference shares		5,000,000	+5,000,000
Total, regular annual acts	876,517,000	869,817,000	−6,700,000
SUPPLEMENTAL ACTS			
SUPPLEMENTAL APPROPRIATIONS, 1982			
DEPARTMENT OF AGRICULTURE			
Commodity Credit Corporation	5,000,000,000	5,000,000,000	
FURTHER CONTINUING APPROPRIATIONS, 1983			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Housing for the elderly or handicapped fund		181,200,000	+181,200,000
Grand total, loan and borrowing authority	5,876,517,000	6,051,017,000	+174,500,000

VIa. COMPARISON OF BUDGET ESTIMATES AND CONTRACT AUTHORIZATIONS CARRIED IN APPROPRIATION ACTS, 97TH CONG., 2D SESS.

[NOTE.—For informational purposes only, to separately identify this *type* of new budget authority. The amounts are included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Contract authorizations, fiscal year 1983, and prior years	Increase (+) or decrease (−), contract authorizations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENT OF TRANSPORTATION			
FEDERAL HIGHWAY ADMINISTRATION			
Highway-related safety grants *(rescission)*	*(−$10,000,000)*	−$9,623,000	−$9,623,000
SUPPLEMENTAL ACTS			
URGENT SUPPLEMENTAL, 1982 (P.L. 97-216)			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Annual contributions for assisted housing *(rescission)*	*(−5,999,789,165)*	−4,098,640,000	−4,098,640,000
(Limitation of contract authority)	*(−178,003,321)*	*(−94,382,000)*	*(+83,621,321)*
Rent Supplement *(Limitation)*	*(−3,340,000)*	*(−3,340,000)*	
FURTHER CONTINUING APPROPRIATIONS, 1983			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Annual contributions for assisted housing	*(−2,415,541,079)*	8,651,475,689	+8,651,475,689
(Increased Limitation)	*(−2,051,579)*	*(519,711,198)*	*(+521,762,777)*
Rent supplement *(rescission)*	*(−2,830,360,000)*	−2,830,360,000	−2,830,360,000
(Limitation)	*(−105,160,000)*	*(−105,160,000)*	
Total, Department of Housing and Urban Development *(net)*	*(−5,245,901,079)*	5,821,115,689	+5,821,115,689
Grand total, contract authority *(net)*	*(−11,255,690,244)*	1,712,852,689	+1,712,852,689
Current contract authority	*(−2,415,541,079)*	*(8,651,475,689)*	*(+8,651,475,689)*
Rescission of Contract Authority	*(−8,840,149,165)*	*(−6,938,623,000)*	*(−6,938,623,000)*
Limitation of Contract Authority	*(−286,503,321)*	*(−202,882,000)*	*(+83,621,321)*
Increased Limitation of Contract Authority	*(−2,051,579)*	*(519,711,198)*	*(+521,762,777)*

VIb. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS, 97TH CONG., 2D SESS.

[NOTE.—For informational purposes only, to separately identify the amounts appropriated. The amounts are *not* included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENTS OF COMMERCE, JUSTICE, STATE, AND THE JUDICIARY, AND RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
MARITIME ADMINISTRATION			
Operating-differential subsidies	$454,010,000	$454,010,000	
ENERGY AND WATER DEVELOPMENT			
DEPARTMENT OF THE INTERIOR			
BUREAU OF RECLAMATION			
Construction program		3,000,000	+$3,000,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
HOUSING PROGRAMS			
Housing payments	9,538,000,000	9,538,000,000	
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
FEDERAL AVIATION ADMINISTRATION			
Grants-in-aid for airports *(Airport and Airway Trust Fund)*	234,000,000	234,000,000	
FEDERAL HIGHWAY ADMINISTRATION			
Highway-related safety grants *(Trust Fund)*	22,998,000	22,998,000	
Federal-aid highways *(Trust Fund)*	8,200,000,000	8,200,000,000	
Total, Federal Highway Administration	8,222,998,000	8,222,998,000	
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
State and community highway safety *(Trust Fund)*	103,552,000	103,552,000	
URBAN MASS TRANSPORTATION ADMINISTRATION			
Urban formula grants	681,135,000	681,135,000	
Total, Department of Transportation and related agencies	9,241,685,000	9,241,685,000	
Total, regular annual acts	19,233,695,000	19,236,695,000	+3,000,000

VIb. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS, 97TH CONG., 2D SESS.—Continued

[NOTE.—For informational purposes only, to separately identify the amounts appropriated. The amounts are *not* included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
SUPPLEMENTAL ACTS			
SUPPLEMENTAL APPROPRIATIONS, 1982			
DEPARTMENT OF DEFENSE			
MILITARY PERSONNEL			
Reserve personnel, Navy	$300,000	$300,000	
OPERATION AND MAINTENANCE			
Operation and maintenance, Navy	43,641,000	43,641,000	
Total, Department of Defense	43,941,000	43,941,000	
URGENT SUPPLEMENTAL, 1982 (P.L. 97-216)			
DEPARTMENT OF TRANSPORTATION			
CIVIL AERONAUTICS BOARD			
Payments to air carriers	8,242,000	8,242,000	
Total, supplemental acts	52,183,000	52,183,000	
FURTHER CONTINUING APPROPRIATIONS, 1983			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Low-rent public housing	1,400,000,000		−$1,400,000,000
Grand total, appropriations to liquidate contract authorizations	20,685,878,000	19,288,878,000	−1,397,000,000

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 97TH CONG.

Category	Number of Public Law	Category	Number of Public Law
AGRICULTURE ACTS (pp. 395-415)	97-179 97-218 97-325	INTERIOR ACTS (pp. 863-903)	97-184 97-202 97-224 97-229 97-243 97-275 97-304 97-310 97-338 97-357
COMMERCE ACTS (pp. 417-446)	97-219 97-247 97-254 97-259 97-286 97-456	JUDICIAL ACTS (pp. 905-939)	97-164 97-267
DEFENSE ACTS (pp. 447-571)	97-214 97-226 97-252 97-269 97-295 97-321 97-339	LABOR, HEALTH AND HUMAN SERVICES ACTS (pp. 941-1026).	97-300 97-363 97-404 97-414
DISTRICT OF COLUMBIA ACTS (pp. 573-575)	97-186 97-328 97-334	LEGISLATIVE BRANCH ACTS (pp. 1027-1032)	97-245 97-264 97-346 97-379
		MARITIME ACTS (pp. 1033-1066)	97-176 97-212 97-348 97-389 97-453
EDUCATION ACTS (pp. 577-583)	97-203 97-301	PUBLIC WORKS ACTS (pp. 1067-1089)	97-293 97-373
		RECONCILIATION ACTS (pp. 1091-1128)	97-253
		REVENUE ACTS (pp. 1129-1183)	97-204 [1] 97-248 97-270 97-362 97-448
FOREIGN OPERATIONS AND STATE ACTS (585-608)	97-208 97-241	SCIENCE ACTS (pp. 1185-1206)	97-324 97-415 [1] 97-425 [1] 97-451
GENERAL GOVERNMENT ACTS (pp. 609-792)	97-177 97-258 97-330 97-418	TRANSPORTATION ACTS (pp. 1207-1373)	97-261 97-322 97-327 97-331 97-364 97-424 97-468
HOUSING ACTS (pp. 793-862)	97-320	VETERANS ACTS (pp. 1375-1403)	97-174 97-251 97-306

---

[1] Only the index of this public law is printed in this volume.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations (See explanation, par. 4, "Compilers' Notes," p. II.)]

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, 1982, PUBLIC LAW 97-147, APPROVED FEBRUARY 15, 1982

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF AGRICULTURE				
COMMODITY CREDIT CORPORATION				
Reimbursement for net realized losses	97-134	$5,000,000,000	$5,000,000,000	
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
SOCIAL SECURITY ADMINISTRATION				
Low Income Energy Assistance			123,000,000	+$123,000,000
Total, Urgent Supplemental, 1982 (Public Law 97-147)		5,000,000,000	5,123,000,000	+123,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF LABOR, 1982, PUBLIC LAW 97-148, APPROVED FEBRUARY 22, 1982

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF LABOR				
Employment and Training Administration				
Grants to States for unemployment insurance and employment services *(trust fund transfer)*	97-137	*($337,625,000)*	*($343,490,000)*	*(+$5,865,000)*
Advances to the Unemployment Trust Fund and Other Funds	97-137	1,947,000,000	1,950,000,000	+3,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-216, APPROVED JULY 18, 1982

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I				
CHAPTER I				
DEPARTMENT OF LABOR				
EMPLOYMENT AND TRAINING ADMINISTRATION				
Program administration *(by transfer)*	97-125	*($8,742,000)*	*($8,742,000)*	
Employment and training assistance			45,000,000	+$45,000,000
EMPLOYMENT STANDARDS ADMINISTRATION				
Salaries and expenses *(by transfer)*	97-125	*(4,259,000)*	*(4,259,000)*	
BUREAU OF LABOR STATISTICS				
Salaries and expenses *(by transfer)*	97-125	*(5,623,000)*	*(5,623,000)*	
Total, Department of Labor			45,000,000	+45,000,000
(By transfer)		*(18,624,000)*	*(18,624,000)*	
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
HEALTH SERVICES ADMINISTRATION				
Health services			60,080,000	+60,080,000
HEALTH RESOURCES ADMINISTRATION				
Health resources			1,000,000	+1,000,000
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES				
Work incentives			35,000,000	+35,000,000
DEPARTMENTAL MANAGEMENT				
Office of Inspector General *(by transfer)*			*(13,941,000)*	*(+13,941,000)*
SOCIAL SECURITY ADMINISTRATION				
Refugee and entrant assistance			20,000,000	+20,000,000
Total, Department of Health and Human Services			116,080,000	+116,080,000
DEPARTMENT OF EDUCATION				
Student loan insurance	97-125	978,166,000	1,300,000,000	+321,834,000
DEPARTMENTAL MANAGEMENT				
Salaries and expenses	97-154	6,550,000	5,650,000	−900,000
Total, Department of Education		984,716,000	1,305,650,000	+320,934,000
RELATED AGENCIES				
ACTION				
Operating expenses, domestic programs			2,000,000	+2,000,000
CORPORATION FOR PUBLIC BROADCASTING				
Public Broadcasting Fund *(advance for FY 1984)*			24,400,000	+24,400,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-216, APPROVED JULY 18, 1982—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE				
Salaries and expenses	97-168	$309,000	$309,000	
Total, related agencies		309,000	26,709,000	+$26,400,000
Total, chapter I		985,025,000	1,493,439,000	+508,414,000
CHAPTER II				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
HOUSING PROGRAMS				
Annual contributions for assisted housing	97-125			
(rescission of contract authority)	97-171	*(−5,999,789,165)*	−4,098,640,000	−4,098,640,000
(Limitation for annual contract authority)	97-125 97-171	*(−178,003,321)*	*(−94,382,000)*	*(−94,382,000)*
Payments for operation of low-income housing projects			198,000,000	+198,000,000
Rent supplement *(rescission, indefinite)*	97-125	*(−1,750,480,000)*	−1,579,480,000	[1] −1,579,480,000
(Limitation for annual contract authority)	97-125	*(−3,340,000)*	*(−3,340,000)*	*(−3,340,000)*
Total, Department of Housing and Urban Development *(net)*		*(−7,750,269,165)*	−5,480,120,000	−5,480,120,000
INDEPENDENT AGENCIES				
ENVIRONMENTAL PROTECTION AGENCY				
Construction grants	97-125	2,400,000,000	2,400,000,000	
Total, chapter II *(net)*		2,400,000,000	−3,080,120,000	−5,480,120,000
New budget *(obligational)* authority		*(2,400,000,000)*	*(2,598,000,000)*	*(+198,000,000)*
Rescissions		*(−7,750,269,165)*	*(−5,678,120,000)*	[1] *(−5,678,120,000)*
CHAPTER III				
DEPARTMENT OF TRANSPORTATION				
COAST GUARD				
Operating expenses			17,500,000	+17,500,000
FEDERAL HIGHWAY ADMINISTRATION				
Federal-Aid Highway program			91,000,000	+91,000,000
Total, Department of Transportation			108,500,000	+108,500,000
RELATED AGENCIES				
CIVIL AERONAUTICS BOARD				
Payments to air carriers	97-125	20,158,000	20,158,000	
(Liquidation of fiscal year 1981 obligations)	97-125	*(8,242,000)*	*(8,242,000)*	
INTERSTATE COMMERCE COMMISSION				
Payments for directed rail service	97-125	8,000,000	8,000,000	
Total, related agencies		28,158,000	28,158,000	
Total, chapter III		28,158,000	136,658,000	+108,500,000

[1] Reflects actual rescissions rather than comparison with requests.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-216, APPROVED JULY 18, 1982—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER IV				
DEPARTMENT OF THE TREASURY				
BUREAU OF GOVERNMENT FINANCIAL OPERATIONS				
Salaries and expenses	97-125	$81,604,000	$81,604,000	
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS				
Salaries and expenses	97-125 97-154	23,825,000	23,825,000	
UNITED STATES CUSTOMS SERVICE				
Salaries and expenses	97-154	6,865,000	14,865,000	+$8,000,000
Total, Department of the Treasury		112,294,000	120,294,000	+8,000,000
U.S. POSTAL SERVICE				
Payment to the Postal Service fund			42,000,000	+42,000,000
INDEPENDENT AGENCIES				
GENERAL SERVICES ADMINISTRATION				
Office of Inspector General			500,000	+500,000
MERIT SYSTEMS PROTECTION BOARD				
Salaries and expenses	97-125 97-154	6,339,000	4,006,000	−2,333,000
OFFICE OF SPECIAL COUNSEL				
Salaries and expenses	97-125	238,000	238,000	
U.S. TAX COURT				
Salaries and expenses	97-168	1,530,000	1,530,000	
Total, independent agencies		8,107,000	6,274,000	−1,833,000
Total, chapter IV		120,401,000	168,568,000	+48,167,000
CHAPTER V				
DEPARTMENT OF COMMERCE				
GENERAL ADMINISTRATION				
Salaries and expenses	97-125	3,171,000	3,171,000	
ECONOMIC DEVELOPMENT ADMINISTRATION				
Salaries and expenses *(by transfer)*	97-168	*(2,800,000)*	*(3,500,000)*	*(+700,000)*
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION				
Operations, research and facilities			2,000,000	+2,000,000
Total, Department of Commerce		3,171,000	5,171,000	+2,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-216, APPROVED JULY 18, 1982—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER VI				
DEPARTMENT OF AGRICULTURE				
FOOD AND NUTRITION SERVICE				
Food stamp program	97-125	$1,006,616,000	$1,006,616,000	
CHAPTER VII				
DEPARTMENT OF DEFENSE—CIVIL				
DEPARTMENT OF THE ARMY				
CORPS OF ENGINEERS—CIVIL				
Flood Control and Coastal Emergencies			40,000,000	+$40,000,000
RECAPITULATION				
Grand total, all chapters:				
New budget *(obligational)* authority *(net)*		4,543,371,000	−229,668,000	−4,773,039,000
Appropriations, 1982		*(4,543,371,000)*	*(5,424,052,000)*	*(+880,681,000)*
Appropriations, 1984			*(24,400,000)*	*(+24,400,000)*
Rescissions, 1982		*(−7,750,269,165)*	*(−5,678,120,000)*	[1]*(−5,678,120,000)*
(By transfer)		*(21,424,000)*	*(36,065,000)*	*(+14,641,000)*
(Liquidation of fiscal year 1981 obligations)		*(8,242,000)*	*(8,242,000)*	
(Limitation on annual contract authority)		*(−181,343,321)*	*(−97,722,000)*	*(−97,722,000)*

[1] Reflects actual rescissions rather than comparison with requests

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982

TITLE I—GENERAL SUPPLEMENTALS

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I				
CHAPTER I				
DEPARTMENT OF AGRICULTURE				
COMMODITY CREDIT CORPORATION				
Authority to borrow	H 97-168	$5,000,000,000	$5,000,000,000	
Total, Chapter I:				
New budget *(obligational)* authority		5,000,000,000	5,000,000,000	
(Authority to borrow)		*(5,000,000,000)*	*(5,000,000,000)*	
CHAPTER II				
DEPARTMENT OF COMMERCE				
BUREAU OF THE CENSUS				
Periodic censuses and programs *(deferral)*	H 97-140	*(−1,015,000)*	[1] *(−915,000)*	*(−$915,000)*
ECONOMIC DEVELOPMENT ADMINISTRATION				
Economic development revolving fund:				
(limitation on direct loans)		*(30,000,000)*	*(30,000,000)*	
(Limitation on guaranteed loans)		*(45,000,000)*	*(150,000,000)*	*(+105,000,000)*
INTERNATIONAL TRADE ADMINISTRATION				
Operations and administration:				
(Limitation on direct loans)		*(12,484,000)*	*(12,484,000)*	
(Limitation on guaranteed loans)		*(28,250,000)*	*(28,250,000)*	
Participation in United States expositions	H 97-219	10,000,000	10,000,000	
MINORITY BUSINESS DEVELOPMENT AGENCY				
Minority business development *(deferral)*		*(−10,000,000)*	*(−12,000,000)*	*(−2,000,000)*
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION				
Operations, research and facilities			2,163,000	+2,163,000
Coastal zone management *(by transfer)*			*(3,000,000)*	*(+3,000,000)*
Foreign fishing observer fund		3,250,000	1,000,000	−2,250,000
PATENT AND TRADEMARK OFFICE				
Salaries and expenses		2,500,000	2,500,000	
Total, Department of Commerce		15,750,000	15,663,000	−87,000
RELATED AGENCIES				
DEPARTMENT OF TRANSPORTATION				
MARITIME ADMINISTRATION				
Federal Ship Financing Fund *(limitation on guaranteed loans)*		*(675,000,000)*	*(675,000,000)*	

[1] Reflects amount approved for deferral rather than amount of deferral disapproved.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF THE TREASURY				
BUREAU OF GOVERNMENT FINANCIAL OPERATIONS				
Fishermen's Protective Fund	H97-168	$2,000,000	$2,000,000	
SECURITIES AND EXCHANGE COMMISSION				
Salaries and expenses			400,000	+$400,000
SMALL BUSINESS ADMINISTRATION				
Business loan and investment fund:				
(Limitation on guaranteed loans)		*(2,735,000,000)*	*(3,000,000,000)*	*(+265,000,000)*
(Deferral)	H97-140	*(−2,500,000)*	(1)	
Surety bond guarantees revolving fund *(deferral)*	H97-140	*(−3,000,000)*	(1)	
Pollution control equipment contract guarantee revolving fund *(limitation on guaranteed loans)*		*(150,000,000)*	*(250,000,000)*	*(+100,000,000)*
Total, Department of Commerce and related agencies		17,750,000	18,063,000	+313,000
DEPARTMENT OF JUSTICE				
LEGAL ACTIVITIES				
Salaries and expenses, general legal activities	H97-185	2,183,000	383,000	−1,800,000
(By transfer)			*(1,800,000)*	*(+1,800,000)*
Salaries and expenses, United States attorneys and marshals	H97-185	18,205,000	9,015,000	−9,190,000
Support of United States prisoners	H97-168 H97-185	7,423,000	7,423,000	
Fees and expenses of witnesses	H97-168	4,750,000	4,750,000	
FEDERAL BUREAU OF INVESTIGATION				
Salaries and expenses	H97-185	4,000,000	4,400,000	+400,000
DRUG ENFORCEMENT ADMINISTRATION				
Salaries and expenses	H97-185	4,860,000	4,860,000	
FEDERAL PRISON SYSTEM				
Salaries and expenses	H97-185	285,000	130,000	−155,000
Buildings and facilities	H97-185 H97-219	37,750,000	40,750,000	+3,000,000
(By transfer)			*(1,000,000)*	*(+1,000,000)*
Federal Prison Industries, Incorporated: *(limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated)*	H97-185	*(5,579,000)*	*(5,400,000)*	*(−179,000)*
OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS				
Research and Statistics *(by transfer)*			*(450,000)*	*(+450,000)*
Total, Department of Justice		79,456,000	71,711,000	−7,745,000

---

[1] Reflects amount approved for deferral rather than amount of deferral disapproved.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF STATE				
Administration of Foreign Affairs				
Salaries and expenses		$7,996,000	$37,978,000	+$29,982,000
(By transfer)	H97-168	*(31,228,000)*		*(−31,228,000)*
Acquisition, operation, and maintenance of buildings abroad		8,883,000	17,655,000	+8,772,000
(By transfer)	H97-168	*(8,772,000)*		*(−8,772,000)*
Payment to the American Institute in Taiwan	H97-168	244,000	244,000	
Payment to the Foreign Service Retirement and Disability Fund		4,615,000	4,615,000	
International Commissions				
American Sections, International Commissions *(reappropriation—FY 1983)*			95,000	+95,000
Total, Department of State		21,738,000	60,587,000	+38,849,000
RELATED AGENCIES				
Board for International Broadcasting				
Grants and expenses *(deferral)*	H97-102	*(−914,751)*	[1]	
Rescission			−2,000,000	−2,000,000
Commission on Wartime Relocation and Internment of Civilians				
Salaries and expenses *(reappropriation FY 1983)*	H97-185	90,000	90,000	
Funds Appropriated to the President				
Radio Broadcasting to Cuba	H97-107	10,000,000		−10,000,000
Total, Department of State and related agencies *(net)*		31,828,000	58,677,000	+26,849,000
THE JUDICIARY				
Courts of Appeals, District Courts, and Other Judicial Services				
Defender services		2,350,000	1,500,000	−850,000
Total, Chapter II:				
New budget *(obligational)* authority *(net)*		131,384,000	149,951,000	+18,567,000
Appropriations		*(131,294,000)*	*(151,766,000)*	*(+20,472,000)*
Reappropriation, FY 1983		*(90,000)*	*(185,000)*	*(+95,000)*
Rescission			*(−2,000,000)*	*(−2,000,000)*
(By transfer)		*(40,000,000)*	*(6,250,000)*	*(−33,750,000)*
(Limitation on direct loans)		*(42,484,000)*	*(42,484,000)*	
(Limitation on guaranteed loans)		*(3,633,250,000)*	*(4,103,250,000)*	*(+470,000,000)*
(Deferrals)		*(−17,429,751)*	*(−12,915,000)*	*(−12,915,000)*
(Limitation on expenses)		*(5,579,000)*	*(5,400,000)*	*(−179,000)*

---

[1] Reflects amount approved for deferral rather than amount of deferral disapproved.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER III	H97-168			
DEPARTMENT OF DEFENSE—MILITARY				
MILITARY PERSONNEL				
Military personnel, Army		$105,400,000	$53,700,000	−$51,700,000
Military personnel, Navy		154,200,000	57,474,000	−96,726,000
Military personnel, Marine Corps		50,700,000	37,145,000	−13,555,000
Military personnel, Air Force		28,300,000	4,500,000	−23,800,000
Reserve personnel, Army		9,400,000	9,000,000	−400,000
Reserve personnel, Navy *(liquidation of obligations)*		*(300,000)*	*(300,000)*	
Reserve personnel, Marine Corps		2,800,000	2,000,000	−800,000
Reserve personnel, Air Force		4,000,000	3,650,000	−350,000
National Guard personnel, Army		9,700,000	9,600,000	−100,000
National Guard personnel, Air Force		2,200,000	2,000,000	−200,000
Total, Military Personnel		366,700,000	179,069,000	−187,631,000
RETIRED MILITARY PERSONNEL				
Retired pay, Defense		97,685,000	47,685,000	−50,000,000
OPERATION AND MAINTENANCE				
Operation and maintenance, Army		362,900,000	4,300,000	−358,600,000
(Transfer from other accounts)			*(23,500,000)*	*(+23,500,000)*
Operation and maintenance, Navy		191,874,000		−191,874,000
(Transfer from other accounts)		*(37,226,000)*	*(117,400,000)*	*(+80,174,000)*
(Liquidation of contract authority)		*(43,641,000)*	*(43,541,000)*	
Operation and maintenance, Marine Corps		25,300,000	4,800,000	−20,500,000
(Transfer from other accounts)			*(2,000,000)*	*(+2,000,000)*
Operation and maintenance, Air Force		103,300,000	23,000,000	−80,300,000
Operation and maintenance, Defense Agencies		61,200,000	25,800,000	−35,400,000
Defense stock fund		109,200,000		−109,200,000
Operation and maintenance, Army Reserve		800,000	800,000	
Operation and maintenance, Navy Reserve		200,000	200,000	
Operation and maintenance, Air Force Reserve		600,000	600,000	
Operation and maintenance, Army National Guard		1,500,000	1,500,000	
Operation and maintenance, Air National Guard		1,400,000	1,400,000	
Total, Operation and Maintenance		858,274,000	62,400,000	−795,874,000
(Transfer from other accounts)		*(37,226,000)*	*(142,900,000)*	*(+105,674,000)*
PROCUREMENT				
Procurement of weapons and tracked combat vehicles, Army		126,000,000		−126,000,000
Other procurement, Army		20,000,000		−20,000,000
Shipbuilding and conversion, Navy		263,400,000		−263,400,000
Reappropriation FY 1983		343,721,000		−343,721,000
Procurement, Marine Corps		20,000,000		−20,000,000
Aircraft procurement, Air Force		219,100,000	120,000,000	−99,100,000
Other procurement, Air Force		40,470,000	19,700,000	−20,770,000
Procurement, Defense agencies		10,000,000	6,500,000	−3,500,000
Total, Procurement		1,042,691,000	146,200,000	−896,491,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION				
Research, development, test, and evaluation, Air Force		$57,000,000		−$57,000,000
Total, Chapter III:				
New budget *(obligational)* authority		2,422,350,000	$435,354,000	−1,986,996,000
Appropriations		*(2,078,629,000)*	*(435,354,000)*	*(−1,643,275,000)*
Reappropriation FY 1983		*(343,721,000)*		*(−343,721,000)*
(By transfer)		*(37,226,000)*	*(142,900,000)*	*(+105,674,000)*
(Appropriation to liquidate contract authority and obligations)		*(43,941,000)*	*(43,941,000)*	
CHAPTER IV				
DISTRICT OF COLUMBIA				
DISTRICT OF COLUMBIA FUNDS				
Governmental direction and support	H97-192	*(2,982,400)*	*(2,982,400)*	
Economic development and regulation	H97-192	*(4,603,800)*	*(4,603,800)*	
Public safety and justice	H97-192	*(2,601,500)*	*(2,601,500)*	
(By transfer)			*(800,000)*	*(+800,000)*
(Rescission)	H97-192	*(−14,700,000)*	*(−14,700,000)*	
Public education system	H97-192	*(7,768,900)*	*(7,768,900)*	
Human support services	H97-192	*(38,144,400)*	*(38,144,400)*	
(Trust fund rescission)[1]	H97-192	[1]*(−227,400)*	[1]*(−227,400)*	
(By transfer)			*(1,900,000)*	*(+1,900,000)*
Environmental services and supply	H97-192	*(368,900)*	*(368,900)*	
Personal services	H97-192	*(7,401,500)*	*(7,401,500)*	
Total, operating expenses *(net)*		*(49,171,400)*	*(49,171,400)*	
Appropriations		*(63,871,400)*	*(63,871,400)*	
Rescission[2]		[2]*(−14,700,000)*	[2]*(−14,700,000)*	
(By transfer)			*(2,700,000)*	*(+2,700,000)*
Capital outlay	H97-192	*(10,555,000)*	*(10,555,000)*	
Washington Convention Center Enterprise Fund	H97-192	*(774,000)*	*(774,000)*	
Total, Chapter IV:				
District of Columbia funds *(net)*		*(60,500,400)*	*(60,500,400)*	
Appropriations		*(75,200,400)*	*(75,200,400)*	
Rescission[2]		*(−14,700,000)*	*(−14,700,000)*	
(By transfer)			*(2,700,000)*	*(+2,700,000)*
CHAPTER V				
DEPARTMENT OF THE INTERIOR				
BUREAU OF RECLAMATION				
Operation and Maintenance *(by transfer)*	H97-206	*(2,000,000)*	*(2,000,000)*	
DEPARTMENT OF ENERGY				
OPERATING EXPENSES				
Atomic Energy Defense Activities	H97-162	59,400,000	57,000,000	−2,400,000

---

[1] Not reflected in totals for this chapter or for this table.

[2] Rescissions of District of Columbia funds not reflected in rescission totals for this table.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
PLANT AND CAPITAL EQUIPMENT				
Energy Supply, Research and Development *(by transfer)*			*($14,000,000)*	*(+$14,000,000)*
Atomic Energy Defense Activities	H 97-162	$38,000,000	7,300,000	−30,700,000
Total, Chapter V:				
New budget *(obligational)* authority		97,400,000	64,300,000	−33,100,000
(By transfer)		*(2,000,000)*	*(16,000,000)*	*(+14,000,000)*
CHAPTER VI				
BILATERAL ECONOMIC ASSISTANCE				
FUNDS APPROPRIATED TO THE PRESIDENT				
AGENCY FOR INTERNATIONAL DEVELOPMENT				
Payment to the Foreign Service Retirement and Disability Fund		1,031,000	1,031,000	
Overseas and special development activites *(foreign currency program)*	H 97-198	*(920,000)*	*(920,000)*	
International disaster assistance	H 97-211	50,000,000		−50,000,000
Lebanon emergency relief *(by transfer)*			*(50,000,000)*	*(+50,000,000)*
ECONOMIC SUPPORT FUND				
Caribbean basin initiative	H 97-161	350,000,000	350,000,000	
Total, Agency for International Development		401,031,000	351,031,000	−50,000,000
MILITARY ASSISTANCE PROGRAM				
Military assistance program	H 97-168	61,988,000	2,000,000	−59,988,000
International military education and training	H 97-168	3,512,000	3,512,000	
Foreign military credit sales:				
Direct credits and forgiven loans	H 97-168	50,000,000	50,000,000	
(Loan guarantees)	H 97-168	*(186,000,000)*		*(−186,000,000)*
Special Defense Acquisition Fund:				
(Limitation on obligations)		*(300,000,000)*	*(125,000,000)*	*(−175,000,000)*
Total, Military Assistance		115,500,000	55,512,000	−59,988,000
Total, Chapter VI:				
New budget *(obligational)* authority		516,531,000	406,543,000	−109,988,000
(By transfer)			*(50,000,000)*	*(+50,000,000)*
(Limitation on guaranteed loans)		*(186,000,000)*		*(−186,000,000)*
(Limitation on obligations)		*(300,000,000)*	*(125,000,000)*	*(−175,000,000)*
(Foreign currency program)		*(920,000)*	*(920,000)*	
CHAPTER VII				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION				
Guarantees of mortgage-backed securities *(limitation on guaranteed loans)*		*(−20,250,000,000)*		*(+20,250,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
COMMUNITY PLANNING AND DEVELOPMENT				
Community development grants *(limitation on guaranteed loans)*		*(−$100,000,000)*		*(+$100,000,000)*
INDEPENDENT AGENCIES				
FEDERAL EMERGENCY MANAGEMENT AGENCY				
Salaries and expenses		1,000,000		−1,000,000
State and local assistance		1,408,000		−1,408,000
Total, Federal Emergency Management Agency		2,408,000		−2,408,000
SELECTIVE SERVICE SYSTEM				
Salaries and expenses		1,367,000	$150,000	−1,217,000
VETERANS ADMINISTRATION				
Medical and prosthetic research *(by transfer)*			*(4,198,000)*	*(+4,198,000)*
Medical administration and miscellaneous operating expenses *(by transfer)*			*(8,000,000)*	*(+8,000,000)*
Grants to the Republic of the Philippines *(by transfer)*	H 97-206	*(500,000)*	*(500,000)*	
Total, Chapter VII:				
New budget *(obligational)* authority		3,775,000	150,000	−3,625,000
(By transfer)		*(500,000)*	*(12,698,000)*	*(+12,198,000)*
(Limitation on guaranteed loans)		*(−20,350,000,000)*		*(+20,350,000,000*
CHAPTER VIII				
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of lands and resources		60,000,000	55,000,000	−5,000,000
Land acquisition			700,000	+700,000
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource management		1,800,000	1,800,000	
Construction and anadromous fish			4,000,000	+4,000,000
NATIONAL PARK SERVICE				
Operation of the national park system		2,200,000	2,200,000	
Construction	H 97-206	9,000,000	10,680,000	+1,680,000
Land and Water Conservation Fund *(rescission of contract authority)*			−30,000,000	−30,000,000
Land acquisition and State assistance			30,000,000	+30,000,000
Total, National Park Service *(net)*		11,200,000	12,880,000	+1,680,000
GEOLOGICAL SURVEY				
Surveys, investigations, and research	H 97-206	6,200,000	6,200,000	
Exploration of national petroleum reserve in Alaska *(rescission)*	H 97-210	*(−16,200,000)*		

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
BUREAU OF MINES				
Mines and minerals		$4,073,000	$4,073,000	
(By transfer)		*(991,000)*	*(991,000)*	
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Abandoned mine reclamation fund			13,251,000	+$13,251,000
BUREAU OF INDIAN AFFAIRS				
Operation of Indian programs		12,450,000	18,100,000	+5,650,000
Construction			1,000,000	+1,000,000
OFFICE OF TERRITORIAL AFFAIRS				
Administration of territories		3,402,000	3,402,000	
Trust Territory of the Pacific Islands		21,000,000	24,957,000	+3,957,000
Total, Territorial Affairs		24,402,000	28,359,000	+3,957,000
OFFICE OF THE SECRETARY				
Inspector General	H 97-206	3,150,000	3,150,000	
Total, Department of Interior		123,275,000	148,513,000	+25,238,000
RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
National forest system		76,600,000	64,900,000	−11,700,000
Construction and land acquisition			3,000,000	+3,000,000
DEPARTMENT OF ENERGY				
Fossil energy research and development			1,080,000	+1,080,000
Fossil energy construction *(deferral)*			*(−64,000,000)*	*(−64,000,000)*
Economic regulation *(reappropriation FY 1983)*		2,300,000	3,000,000	+700,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
HEALTH SERVICES ADMINISTRATION				
Indian health facilities			11,200,000	+11,200,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
NATIONAL ENDOWMENT FOR THE ARTS				
Salaries and expenses			246,000	+246,000
(By transfer)	H 97-219	*(246,000)*		*(−246,000)*
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE				
Permitting and enforcement *(rescission)*	H 97-203	*(−8,000,000)*	−8,000,000	−8,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
NATIVE HAWAIIANS STUDY COMMISSION				
Salaries and expenses		$175,000		−$175,000
Total, Chapter VIII:				
New budget *(obligational)* authority *(net)*		202,350,000	$223,939,000	+21,589,000
Appropriations		*(200,050,000)*	*(258,939,000)*	*(+58,889,000)*
Reappropriation FY 1983		*(2,300,000)*	*(3,000,000)*	*(+700,000)*
Rescissions		*(−24,200,000)*	*(−38,000,000)*	*(−38,000,000)*
(By transfer)		*(1,237,000)*	*(991,000)*	*(−246,000)*
(Deferrals)			*(−64,000,000)*	*(−64,000,000)*
CHAPTER IX				
DEPARTMENT OF LABOR				
EMPLOYMENT AND TRAINING ADMINISTRATION				
Employment and training assistance			4,000,000	+4,000,000
(Rescission)	H 97-210	*(−47,429,000)*	−48,186,000	−48,186,000
Community service employment for older Americans			210,572,000	+210,572,000
Grants to States for unemployment insurance and employment services			20,000,000	+20,000,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION				
Salaries and expenses *(by transfer)*		*(1,157,000)*	*(400,000)*	*(−757,000)*
Total, Department of Labor *(net)*			186,386,000	+186,386,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
CENTERS FOR DISEASE CONTROL				
Preventive health services			11,500,000	+11,500,000
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION				
Alcohol, drug abuse, and mental health			10,000,000	+10,000,000
HEALTH RESOURCES ADMINISTRATION				
Health resources			7,000,000	+7,000,000
ASSISTANT SECRETARY FOR HEALTH				
Salaries and expenses		10,313,000	10,313,000	
Health maintenance organization loan and loan guarantee fund	H 97-168	17,500,000	17,500,000	
Total, Assistant Secretary for Health		27,813,000	27,813,000	
HEALTH CARE FINANCING ADMINISTRATION				
Grants to States for Medicaid		552,757,000	112,000,000	−440,757,000
Program management		5,941,000		−5,941,000
Total, Health Care Financing Administration		558,698,000	112,000,000	−446,698,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
SOCIAL SECURITY ADMINISTRATION				
Increase in limitation on administrative expenses		*($42,900,000)*	*($42,900,000)*	
Total, Department of Health and Human Services		586,511,000	168,313,000	−$418,198,000
DEPARTMENT OF EDUCATION				
Compensatory education for the disadvantaged			148,000,000	+148,000,000
School assistance in federally affected areas			200,000	+200,000
Education for the handicapped			26,500,000	+26,500,000
Vocational and adult education			2,520,000	+2,520,000
Student financial assistance			217,000,000	+217,000,000
Higher and continuing education		5,184,000	10,000,000	+4,816,000
Higher education facilities loan and insurance		9,746,000	9,746,000	
SPECIAL INSTITUTIONS				
American Printing House for the Blind			200,000	+200,000
National Technical Institute for the Deaf			1,052,000	+1,052,000
Gallaudet College			2,080,000	+2,080,000
Howard University		5,808,000	5,808,000	
OFFICE OF THE INSPECTOR GENERAL				
Salaries and expenses	H 97-206	430,000	430,000	
Total, Department of Education		21,168,000	423,536,000	+402,368,000
RELATED AGENCIES				
Railroad Retirement Board:				
Dual benefits payments account			11,000,000	+11,000,000
Soldiers' and Airmen's Home:				
Operation and maintenance *(trust funds)*		796,000	796,000	
Capital outlay *(trust funds)*			953,000	+953,000
Total, Related Agencies		796,000	12,749,000	+11,953,000
Total, Chapter IX:				
New budget *(obligational)* authority *(net)*		608,475,000	790,984,000	+182,509,000
Appropriations		*(608,475,000)*	*(839,170,000)*	+230,695,000
Rescission		*(−47,423,000)*	*(−48,186,000)*	*(−48,186,000)*
(Increase in limitations on administrative expenses)		*(42,900,000)*	*(42,900,000)*	
(By transfer)		*(1,157,000)*	*(400,000)*	*(−757,000)*
CHAPTER X				
LEGISLATIVE BRANCH				
SENATE				
SALARIES, OFFICERS AND EMPLOYEES				
Offices of the Majority and Minority Leaders	H 97-219	120,000	120,000	
Administrative, clerical, and legislative assistance to Senators	H 97-185	80,000	80,000	
Offices of the secretaries for the Majority and Minority	H 97-219	100,000	100,000	
Total, Salaries, Officers and Employees		300,000	300,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
CONTINGENT EXPENSES OF THE SENATE				
Miscellaneous items	H 97-219	$938,000	$938,000	
HOUSE OF REPRESENTATIVES				
Payments to Widows and Heirs of Deceased Members of Congress			121,325	+$121,325
ALLOWANCES AND EXPENSES				
Official expenses of Members		5,987,000	5,987,000	
Total, House of Representatives		5,987,000	6,108,325	+121,325
JOINT ITEMS				
CONTINGENT EXPENSES OF THE HOUSE				
Joint Committee on Taxation		84,000		−84,000
ARCHITECT OF THE CAPITOL				
CAPITOL BUILDINGS AND GROUNDS				
Acquisition of property as an addition to the Capitol grounds		4,500,000		−4,500,000
Senate office buildings		11,500,000		−11,500,000
Capitol Power Plant		1,500,000	1,200,000	−300,000
LIBRARY OF CONGRESS				
James Madison Memorial Building	H 97-185	8,525,000		−8,525,000
Total, Architect of the Capitol		26,025,000	1,200,000	−24,825,000
COPYRIGHT ROYALTY TRIBUNAL				
Salaries and expenses	H 97-206	84,000	51,000	−33,000
GENERAL ACCOUNTING OFFICE				
Salaries and expenses		2,211,000		−2,211,000
Total, Chapter X: New budget *(obligational)* authority		35,629,000	8,597,325	−27,031,675
CHAPTER XI				
MILITARY CONSTRUCTION				
Military construction, Army		34,000,000		−34,000,000
Military construction, Air Force		84,400,000	12,700,000	−71,700,000
Total, military construction		118,400,000	12,700,000	−105,700,000
Family housing, Defense		80,300,000	32,300,000	−48,000,000
Total, Chapter XI: New budget *(obligational)* authority		198,700,000	45,000,000	−153,700,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER XII				
DEPARTMENT OF TRANSPORTATION				
COAST GUARD				
Operating expenses		$30,500,000	$30,500,000	
Alteration of bridges			3,000,000	+$3,000,000
Total, Coast Guard		30,500,000	33,500,000	+3,000,000
FEDERAL AVIATION ADMINISTRATION				
Operations	H 97-185	130,145,000	103,145,000	−27,000,000
(By transfer)			*(10,000,000)*	*(+10,000,000)*
Research, engineering and development *(Airport and Airway Trust Fund)*		16,000,000	16,000,000	
Aircraft purchase loan guarantee program: *(Decrease in limitation on new loan guarantees)*		*(−50,000,000)*		*(+50,000,000)*
Total, Federal Aviation Administration		146,145,000	119,145,000	−27,000,000
FEDERAL HIGHWAY ADMINISTRATION				
Interstate transfer grants—highways			112,500,000	+112,500,000
Access Highways to Public Recreation Areas on certain lakes			6,875,000	+6,875,000
Total, Federal Highway Administration			119,375,000	+119,375,000
FEDERAL RAILROAD ADMINISTRATION				
Rail service assistance		11,948,000	1,355,000	−10,593,000
Appropriation for debt reduction		−11,948,000	−1,355,000	+10,593,000
Rescission			−5,000,000	−5,000,000
Appropriation			5,000,000	+5,000,000
Redeemable preference shares			20,000,000	+20,000,000
(By transfer)	H 97-219	*(5,000,000)*		*(−5,000,000)*
Rescission			−99,000,000	−99,000,000
Appropriation			99,000,000	+99,000,000
Settlements of railroad litigation		816,000,000	639,424,275	−176,575,725
Appropriation for debt reduction		−816,000,000	−639,424,275	+176,575,725
Commuter rail service:				
(Deferral)	H 97-171	*(−37,500,000)*		
Appropriation			10,000,000	+10,000,000
Railroad rehabilitation and improvement financing funds:				
Appropriation		28,566,000	24,766,000	−3,800,000
Appropriation for debt reduction		−28,566,000	−24,766,000	+3,800,000
(Decrease in limitations on guaranteed loans)		*(−135,000,000)*	*(−170,000,000)*	*(−35,000,000)*
Rail labor assistance *(by transfer)*			*(9,000,000)*	*(+9,000,000)*
Total, Federal Railroad Administration *(net)*			30,000,000	+30,000,000
URBAN MASS TRANSPORTATION ADMINISTRATION				
Urban discretionary grants			15,000,000	+15,000,000
Interstate transfer grants—transit			22,000,000	+22,000,000
Total, Urban Mass Transportation Administration			37,000,000	+37,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
RELATED AGENCIES				
NATIONAL TRANSPORTATION SAFETY BOARD				
Emergency Fund			$1,000,000	+$1,000,000
DEPARTMENT OF THE TREASURY				
OFFICE OF THE SECRETARY				
Investment in Fund Anticipation Notes			*(20,000,000)*	*(+20,000,000)*
Rescission			*(−99,000,000)*	*(−99,000,000)*
Appropriation			*(99,000,000)*	*(+99,000,000)*
Total, Related Agencies			1,000,000	+1,000,000
Total, Chapter XII:				
New budget *(obligational)* authority *(net)*		$176,645,000	340,020,000	+163,375,000
Appropriations		*(1,033,159,000)*	*(1,109,565,275)*	*(+76,406,275)*
Rescissions			*(−104,000,000)*	*(−104,000,000)*
Appropriation for debt reduction		*(−856,514,000)*	*(−665,545,275)*	*(+190,968,725)*
(By transfer)		*(5,000,000)*	*(19,000,000)*	*(+14,000,000)*
(Decrease in limitation on guaranteed loans)		*(−185,000,000)*	*(−170,000,000)*	*(+15,000,000)*
(Deferral)		*(−37,500,000)*		
CHAPTER XIII				
DEPARTMENT OF THE TREASURY				
Bureau of Government Financial Operations:				
Postal savings system liquidation		200,000	200,000	
Payment to the city of Fairfax, Virginia			41,959	+41,959
Total, Bureau of Government Financial Operations		200,000	241,959	+41,959
Internal Revenue Service:				
Salaries and expenses		8,084,000	8,084,000	
Taxpayer service and returns processing		78,232,000	72,354,000	−5,878,000
Examinations and appeals		15,563,000	15,563,000	
Investigations and collections		21,604,000	19,121,000	−2,483,000
Total, Internal Revenue Service		123,483,000	115,122,000	−8,361,000
United States Secret Service: Salaries and expenses	H97-201	12,772,000	8,998,000	−3,774,000
Reappropriation FY 1982	H97-201	1,400,000	1,400,000	
Total, United States Secret Service		14,172,000	10,398,000	−3,774,000
UNITED STATES POSTAL SERVICE				
Payment to the Postal Service Fund			39,000,000	+39,000,000
Rescission	H97-155	*(−215,230,000)*	−208,660,000	−208,660,000
Total, United States Postal Service *(net)*			−169,660,000	−169,660,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
INDEPENDENT AGENCIES				
General Services Administration:				
Federal Buildings Fund:				
Limitation on availability of revenue:				
Construction and acquisition of facilities		*($857,000)*	*($857,000)*	
National Archives and Records Service:				
Operating expenses			4,100,000	+$4,100,000
Office of Personnel Management:				
Payment to Civil Service Retirement and Disability Fund		303,257,000	303,257,000	
Government payment for annuitants, employees health benefits		303,806,000	303,806,000	
Total, Office of Personnel Management		607,063,000	607,063,000	
Total, Chapter XIII:				
New budget *(obligational)* authority *(net)*		744,918,000	567,264,959	−177,653,041
Appropriations		*(743,518,000)*	*(774,524,959)*	*(+31,006,959)*
Rescissions		*(−215,230,000)*	*(−208,660,000)*	*(−208,660,000)*
Reappropriation FY 1982		*(1,400,000)*	*(1,400,000)*	
(Increase in limitations on availability of revenue)		*(857,000)*	*(857,000)*	
Total, title I—General Supplementals:				
New budget *(obligational)* authority *(net)*		10,138,157,000	8,032,103,284	−2,106,053,716
Appropriations		*(5,647,160,000)*	*(4,093,909,559)*	*(−1,553,250,441)*
Rescissions		*(−286,859,000)*	*(−400,846,000)*	*(−400,846,000)*
Reappropriation FY 1982		*(1,400,000)*	*(1,400,000)*	
Authority to borrow		*(5,000,000,000)*	*(5,000,000,000)*	
Appropriation for debt reduction		*(−856,514,000)*	*(−665,545,275)*	*(+190,968,725)*
Subtotal, fiscal year 1982 *(net)*		*(9,792,046,000)*	*(8,028,918,284)*	*(−1,763,127,716)*
Reappropriation FY 1983		*(346,111,000)*	*(3,185,000)*	*(−342,926,000)*
(Appropriation to liquidate contract authority and obligations)		*(43,941,000)*	*(43,941,000)*	
(By transfer)		*(87,120,000)*	*(248,239,000)*	*(+161,119,000)*
(Increase in limitation on administrative expenses)		*(42,900,000)*	*(42,900,000)*	
(Limitation on direct loans)		*(42,484,000)*	*(42,484,000)*	
(Limitation on guaranteed loans)		*(−16,715,750,000)*	*(3,933,250,000)*	*(+20,649,000,000)*
(Limitation on obligations)		*(300,000,000)*	*(125,000,000)*	*(−175,000,000)*
(Deferrals)		*(−54,929,751)*	*(−76,915,000)*	*(−76,915,000)*
(District of Columbia funds—net)		*(60,500,400)*	*(60,500,400)*	
(Foreign Currency Program)		*(920,000)*	*(920,000)*	
(Increase in limitation on availability of revenue)		*(857,000)*	*(857,000)*	
(Limitation on expenses)		*(5,579,000)*	*(5,400,000)*	*(−179,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
TITLE II				
INCREASED PAY COSTS FOR THE FISCAL YEAR 1982				
LEGISLATIVE BRANCH				
SENATE				
Salaries, officers and employees		$8,771,000	$8,771,000	
Office of the Legislative Counsel of the Senate		66,000	66,000	
Office of Senate Legal Counsel		13,000	13,000	
Senate policy committees		110,000	110,000	
Inquiries and investigations		1,975,000	1,975,000	
Folding documents		6,000	6,000	
Total, Senate		10,941,000	10,941,000	
HOUSE OF REPRESENTATIVES				
House leadership offices		141,000	141,000	
Salaries, officers and employees		1,651,000	1,651,000	
Committee employees		1,955,000	1,955,000	
Committee on Appropriations *(studies and investigations)*		16,000	16,000	
Office of the Legislative Counsel		137,000	137,000	
Office of the Law Revision Counsel		29,000	29,000	
Members' clerk hire		4,902,000	4,902,000	
Allowances and expenses		1,279,000	1,279,000	
Special and select committees		374,000	374,000	
Total, House of Representatives		10,484,000	10,484,000	
JOINT ITEMS				
Joint Economic Committee		55,000	55,000	
Joint Committee on Taxation		169,000	169,000	
Education of pages		11,000	11,000	
Total, Joint Items		235,000	235,000	
OFFICE OF TECHNOLOGY ASSESSMENT				
Salaries and expenses		250,000	150,000	−$100,000
CONGRESSIONAL BUDGET OFFICE				
Salaries and expenses		408,000	358,000	−50,000
ARCHITECT OF THE CAPITOL				
Office of the Architect of the Capitol: Salaries		187,000	137,000	−50,000
Capitol buildings		230,000	230,000	
Capitol grounds		74,000	50,000	−24,000
Senate office buildings		374,000	200,000	−174,000
Senate garage		3,000		−3,000
House office buildings		568,000	200,000	−368,000
Capitol power plant		106,000	106,000	
Library buildings and grounds: structural and mechanical care		138,000	70,000	−68,000
Total, Architect of the Capitol		1,680,000	993,000	−687,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
BOTANIC GARDEN				
Salaries and expenses		$56,000	$40,000	−$16,000
LIBRARY OF CONGRESS				
Salaries and expenses		4,224,000	3,187,000	−1,037,000
Copyright Office: Salaries and expenses		630,000	504,000	−126,000
Congressional Research Service: Salaries and expenses		1,605,000	1,605,000	
Books for the blind and physically handicapped: Salaries and expenses		163,000		−163,000
Collection and distribution of library materials *(special foreign currency program)*		16,000		−16,000
Total, Library of Congress		6,638,000	5,296,000	−1,342,000
COPYRIGHT ROYALTY TRIBUNAL				
Salaries and expenses		36,000	36,000	
GENERAL ACCOUNTING OFFICE				
Salaries and expenses		9,225,000	6,700,000	−2,525,000
GOVERNMENT PRINTING OFFICE				
Office of Superintendent of Documents: Salaries and expenses		303,000		−303,000
Total, Legislative Branch		40,256,000	35,233,000	−5,023,000
THE JUDICIARY				
SUPREME COURT OF THE UNITED STATES				
Salaries and expenses		427,000	427,000	
Care of the building and grounds		32,000		−32,000
Total, Supreme Court of the United States		459,000	427,000	−32,000
COURT OF CUSTOMS AND PATENT APPEALS				
Salaries and expenses		58,000	58,000	
UNITED STATES COURT OF INTERNATIONAL TRADE				
Salaries and expenses		166,000	86,000	−80,000
COURT OF CLAIMS				
Salaries and expenses		270,000	270,000	
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES				
Salaries of judges		2,850,000	2,850,000	
(By transfer)			*(50,000)*	*(+50,000)*
Salaries of supporting personnel		12,900,000	2,400,000	−10,500,000
(By transfer)			*(10,500,000)*	*(+10,500,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
Defender services		$670,000	$670,000	
Bankruptcy courts, salaries and expenses		3,500,000	3,500,000	
Total, Courts of Appeals, District Courts, and other Judicial Services		19,920,000	9,420,000	−$10,500,000
(By transfer)			*(10,550,000)*	*(+10,550,000)*
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS				
Salaries and expenses		750,000	750,000	
FEDERAL JUDICIAL CENTER				
Salaries and expenses		170,000	170,000	
Total, The Judiciary		21,793,000	11,181,000	−10,612,000
(By transfer)			*(10,550,000)*	*(+10,550,000)*
EXECUTIVE OFFICE OF THE PRESIDENT				
White House Office: Salaries and expenses	H 97-168	775,000	775,000	
Executive Residence at the White House: Operating expenses	H 97-168	143,000	122,980	−20,020
Special Assistance to the President: Salaries and expenses	H 97-168	56,000	48,160	−7,840
Council of Economic Advisers: Salaries and expenses	H 97-168	37,000	31,820	−5,180
Council on Environmental Quality and Office of Environmental Quality		17,000	17,000	
Office of Policy Development: Salaries and expenses	H 97-168	121,000	104,060	−16,940
National Security Council: Salaries and expenses	H 97-168	233,000	200,380	−32,620
Office of Administration: Salaries and expenses	H 97-168	221,000	190,060	−30,940
Office of Management and Budget: Salaries and expenses	H 97-168	1,677,000	1,442,220	−234,780
Office of Federal Procurement Policy: Salaries and expenses		86,000	73,960	−12,040
Total, Office of Management and Budget		1,763,000	1,516,180	−246,820
Office of Science and Technology Policy: Salaries and expenses	H 97-168	64,000		−64,000
Office of the United States Trade Representative: Salaries and expenses	H 97-168	188,000	188,000	
Total, Executive Office of the President		3,618,000	3,193,640	−424,360
DEPARTMENT OF AGRICULTURE				
Office of the Secretary	H 97-168	284,000	284,000	
Departmental administration	H 97-168	550,000	550,000	
Office of the Inspector General	H 97-168	693,000	693,000	
(Transfer from food stamp program)	H 97-168	*(385,000)*	*(385,000)*	
Office of the General Counsel	H 97-168	441,000	441,000	
World Agricultural Outlook Board	H 97-168	69,000	69,000	
Foreign Agricultural Service	H 97-168	542,000	542,000	
Agricultural Stabilization and Conservation Service: Salaries and expenses	H 97-168	1,077,000	1,077,000	
(Transfer from Commodity Credit Corporation)	H 97-168	*(5,681,000)*	*(5,681,000)*	
Rural Electrification Administration: Salaries and expenses	H 97-168	600,000	600,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
Farmers Home Administration: Salaries and expenses	H97-168	$5,092,000	$5,092,000	
Soil Conservation Service:				
Conservation operations *(by transfer)*	H97-168	*(7,849,000)*	*(7,849,000)*	
River basin surveys and investigations *(by transfer)*	H97-168	*(618,000)*	*(618,000)*	
Watershed planning *(by transfer)*	H97-168	*(355,000)*	*(355,000)*	
Watershed and flood prevention operations			2,000,000	+$2,000,000
Resource conservation and development			500,000	+500,000
Animal and Plant Health Inspection Service:				
Salaries and expenses	H97-168	4,585,000	4,585,000	
Agricultural Marketing Service:				
Marketing services	H97-168	800,000	800,000	
Funds for strengthening markets, income and supply (sec. 32) *(increase in limitation)*	H97-168	*(190,000)*	*(190,000)*	
Food Safety and Inspection Service:				
Salaries and expenses	H97-168	10,022,000	10,022,000	
Packers and Stockyards Administration:				
Salaries and expenses	H97-168	377,000	377,000	
Forest Service:				
Forest research	H97-168	1,753,000	1,753,000	
State and private forestry	H97-168	486,000	486,000	
National forest system	H97-168	16,813,000	18,813,000	+2,000,000
Construction and land acquisition	H97-168	3,598,000	3,598,000	
Total, Forest Service		22,650,000	24,650,000	+2,000,000
Total, Department of Agriculture		47,782,000	52,282,000	+4,500,000
(By transfer)		*(14,888,000)*	*(14,888,000)*	
(Increase in limitation)		*(190,000)*	*(190,000)*	
DEPARTMENT OF COMMERCE				
General Administration:				
Salaries and expenses *(by transfer)*	H97-168	*(1,467,000)*	*(1,467,000)*	
Bureau of the Census:				
Salaries and expenses *(by transfer)*	H97-168	*(2,200,000)*	*(2,200,000)*	
Economic and Statistical Analysis:				
Salaries and expenses *(by transfer)*	H97-168	*(1,295,000)*	*(1,295,000)*	
National Oceanic and Atmospheric Administration:				
Operations, research, and facilities			21,294,000	+21,294,000
Patent and Trademark Office: Salaries and expenses	H97-168	3,874,000	3,874,000	
Total, Department of Commerce		3,874,000	25,168,000	+21,294,000
(By transfer)		*(4,962,000)*	*(4,962,000)*	
DEPARTMENT OF DEFENSE—MILITARY				
MILITARY PERSONNEL				
Military personnel, Army	H97-168	1,476,573,000	1,476,573,000	
Military personnel, Navy	H97-168	1,073,144,000	1,073,144,000	
Military personnel, Marine Corps	H97-168	316,634,000	316,634,000	
Military personnel, Air Force	H97-168	1,244,286,000	1,198,858,000	−45,428,000
Reserve personnel, Army	H97-168	104,800,000	104,800,000	
Reserve personnel, Navy	H97-168	28,230,000	28,230,000	
Reserve personnel, Marine Corps	H97-168	12,880,000	12,880,000	
Reserve personnel, Air Force	H97-168	32,403,000	32,403,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
National Guard personnel, Army	H97-168	$162,300,000	$162,300,000	
National Guard personnel, Air Force	H97-168	54,033,000	54,033,000	
Total, Military Personnel		4,505,283,000	4,459,855,000	−$45,428,000
OPERATION AND MAINTENANCE				
Operation and maintenance, Army	H97-168	245,000,000	180,000,000	−65,000,000
Operation and maintenance, Navy	H97-168	238,400,000	238,400,000	
Operation and maintenance, Marine Corps	H97-168	12,700,000	12,700,000	
Operation and maintenance, Air Force	H97-168	162,500,000	86,774,000	−75,726,000
(Transfer from other accounts)			*(75,726,000)*	*(+75,726,000)*
Operation and maintenance, Defense agencies	H97-168	145,800,000	144,800,000	−1,000,000
Operation and maintenance, Army Reserve	H97-168	11,611,000	11,211,000	−400,000
Operation and maintenance, Navy Reserve	H97-168	3,247,000	3,247,000	
Operation and maintenance, Marine Corps Reserve	H97-168	145,000	145,000	
Operation and maintenance, Air Force Reserve	H97-168	9,500,000	9,500,000	
Operation and maintenance, Army National Guard	H97-168	20,947,000	20,247,000	−700,000
Operation and maintenance, Air National Guard	H97-168	23,400,000	23,400,000	
National Board for the Promotion of Rifle Practice, Army	H97-168	16,000	16,000	
Court of Military Appeals, Defense	H97-168	93,000	93,000	
Total, Operation and Maintenance		873,359,000	730,533,000	−142,826,000
(Transfer from other accounts)			*(75,726,000)*	*(+75,726,000)*
FAMILY HOUSING, DEFENSE				
Family housing, Defense	H97-168	15,743,000	9,800,000	−5,943,000
Total, Department of Defense—Military		5,394,385,000	5,200,188,000	−194,197,000
(Transfer from other accounts)			*(75,726,000)*	*(+75,726,000)*
DEPARTMENT OF DEFENSE—CIVIL				
DEPARTMENT OF THE ARMY				
CORPS OF ENGINEERS—CIVIL				
Construction, general			13,000,000	+13,000,000
Operation and maintenance, general			17,000,000	+17,000,000
(By transfer)	H97-168	*(17,000,000)*		*(−17,000,000)*
General expenses			5,000,000	+5,000,000
(By transfer)	H97-168	*(5,000,000)*		*(−5,000,000)*
Total, Corps of Engineers, Civil			35,000,000	+35,000,000
(By transfer)		*(22,000,000)*		*(−22,000,000)*
CEMETERIAL EXPENSES, ARMY				
Salaries and expenses	H97-168	79,000	79,000	
SOLDIERS' AND AIRMEN'S HOME				
Operation and maintenance	H97-168	753,000	753,000	
Total, Department of Defense—Civil		832,000	35,832,000	+35,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF EDUCATION				
Departmental Management: Salaries and expenses	H97-168	$4,676,000	$4,676,000	
Office of the Inspector General: Salaries and expenses	H97-168	559,000	559,000	
Total, Department of Education		5,235,000	5,235,000	
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
FOOD AND DRUG ADMINISTRATION				
Salaries and expenses	H97-168	10,300,000	10,300,000	
HEALTH SERVICES ADMINISTRATION				
Indian health services	H97-168	6,600,000	18,160,000	+$11,560,000
(By transfer)	H97-185	*(11,560,000)*		*(−11,560,000)*
CENTERS FOR DISEASE CONTROL				
Preventive health services	H97-168	4,832,000	4,832,000	
(By transfer)	H97-168	*(2,300,000)*	*(2,300,000)*	
NATIONAL INSTITUTES OF HEALTH				
National Library of Medicine	H97-168	633,000	633,000	
Office of the Director	H97-168	1,056,000	1,056,000	
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION				
Saint Elizabeths Hospital	H97-168	1,000,000	1,000,000	
(By transfer)	H97-168	*(3,454,000)*	*(3,454,000)*	
HEALTH RESOURCES ADMINISTRATION				
Health resources *(by transfer)*	H97-168	*(1,270,000)*	*(1,270,000)*	
ASSISTANT SECRETARY FOR HEALTH				
Salaries and expenses	H97-168	2,858,000	2,858,000	
HEALTH CARE FINANCING ADMINISTRATION				
Program management	H97-168	3,260,000	3,260,000	
(By transfer)	H97-168	*(4,800,000)*	*(4,800,000)*	
SOCIAL SECURITY ADMINISTRATION				
Assistance payments program	H97-168	1,600,000	1,600,000	
Special benefits for disabled coal miners	H97-168	300,000	300,000	
Supplemental security income program	H97-168	20,711,000	20,711,000	
Refugee assistance	H97-168	123,000	123,000	
Increase in limitation on administrative expenses	H97-168	*(71,100,000)*	*(71,100,000)*	
Total, Social Security Administration		22,734,000	22,734,000	
(Increase in limitation on administrative expenses)		*(71,100,000)*	*(71,100,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES				
Human development services	H 97-168	$2,497,000	$2,497,000	
DEPARTMENTAL MANAGEMENT				
General Departmental management	H 97-168	6,473,000	6,473,000	
Office of the Inspector General	H 97-168	1,559,000	1,559,000	
Office for Civil Rights	H 97-168	397,000	397,000	
Office of Consumer Affairs	H 97-168	88,000	88,000	
Total, Departmental Management		8,517,000	8,517,000	
Total, Department of Health and Human Services		64,287,000	75,847,000	+$11,560,000
(Increase in limitation on administrative expenses)		*(71,100,000)*	*(71,100,000)*	
(By transfer)		*(23,384,000)*	*(11,824,000)*	*(−11,560,000)*
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of lands and resources	H 97-168	3,728,000	3,728,000	
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource management	H 97-168	2,400,000	4,572,000	+2,172,000
(By transfer)	H 97-168	*(1,000,000)*		*(−1,000,000)*
NATIONAL PARK SERVICE				
Operation of the national park system	H 97-168	6,446,000	6,446,000	
National recreation and preservation	H 97-168	235,000	235,000	
John F. Kennedy Center for the Performing Arts	H 97-168	70,000	70,000	
Total, National Park Service		6,751,000	6,751,000	
GEOLOGICAL SURVEY				
Surveys, investigations, and research	H 97-168	7,042,000	7,042,000	
BUREAU OF INDIAN AFFAIRS				
Operation of Indian programs	H 97-168	8,252,000	8,252,000	
OFFICE OF THE SOLICITOR				
Salaries and expenses	H 97-168	150,000	150,000	
OFFICE OF THE SECRETARY				
Departmental Management	H 97-168	775,000	775,000	
Total, Department of the Interior		29,098,000	31,270,000	+2,172,000
(By transfer)		*(1,000,000)*		*(−1,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF JUSTICE				
GENERAL ADMINISTRATION				
Salaries and expenses	H 97-168	$1,041,000	$1,041,000	
UNITED STATES PAROLE COMMISSION				
Salaries and expenses	H 97-168	206,000	206,000	
LEGAL ACTIVITIES				
Salaries and expenses, general legal activities	H 97-168	5,022,000	5,022,000	
Salaries and expenses, Foreign Claims Settlement Commission	H 97-168	29,000	29,000	
Salaries and expenses, Antitrust Division	H 97-168	1,020,000		−$1,020,000
Salaries and expenses, United States attorneys and marshals	H 97-168	12,167,000	12,167,000	
Salaries and expenses, Community Relations Service	H 97-168	227,000	227,000	
Total, Legal Activities		18,465,000	17,445,000	−1,020,000
FEDERAL BUREAU OF INVESTIGATION				
Salaries and expenses	H 97-168	23,000,000	23,000,000	
IMMIGRATION AND NATURALIZATION SERVICE				
Salaries and expenses	H 97-168	12,000,000	12,000,000	
DRUG ENFORCEMENT ADMINISTRATION				
Salaries and expenses	H 97-168	6,000,000	6,000,000	
FEDERAL PRISON SYSTEM				
Salaries and expenses	H 97-168	9,000,000	6,700,000	−2,300,000
OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS				
Research and statistics *(by transfer)*	H 97-168	*(232,000)*	*(232,000)*	
Total, Department of Justice		69,712,000	66,392,000	−3,320,000
(By transfer)		*(232,000)*	*(232,000)*	
DEPARTMENT OF LABOR				
EMPLOYMENT AND TRAINING ADMINISTRATION				
Program administration *(by transfer)*	H 97-168	*(4,847,000)*	*(4,847,000)*	
LABOR-MANAGEMENT SERVICES ADMINISTRATION				
Salaries and expenses *(by transfer)*	H 97-168	*(1,710,000)*	*(1,710,000)*	
EMPLOYMENT STANDARDS ADMINISTRATION				
Salaries and expenses *(by transfer)*	H 97-168	*(4,974,000)*	*(4,974,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION				
Salaries and expenses *(by transfer)*	H 97-168	*($2,927,000)*	*($2,927,000)*	
BUREAU OF LABOR STATISTICS				
Salaries and expenses *(by transfer)*	H 97-168	*(3,498,000)*	*(3,498,000)*	
DEPARTMENTAL MANAGEMENT				
Salaries and expenses *(by transfer)*	H 97-168	*(3,377,000)*	*(3,377,000)*	
Total, Department of Labor *(by transfer)*		*(21,333,000)*	*(21,333,000)*	
DEPARTMENT OF STATE				
ADMINISTRATION OF FOREIGN AFFAIRS				
Salaries and expenses	H 97-168	22,078,000	22,078,000	
DEPARTMENT OF TRANSPORTATION				
FEDERAL HIGHWAY ADMINISTRATION				
Limitation on general operating expenses *(increase in limitation)*	H 97-168	*(2,829,000)*	*(2,500,000)*	*(−$329,000)*
FEDERAL RAILROAD ADMINISTRATION				
Office of the administrator	H 97-168	240,000	200,000	−40,000
URBAN MASS TRANSPORTATION ADMINISTRATION				
Administrative expenses	H 97-168	500,000	500,000	
FEDERAL AVIATION ADMINISTRATION				
Operations	H 97-168	83,794,000	83,794,000	
Operation and maintenance, Metropolitan Washington airports	H 97-168	456,000	456,000	
Total, Federal Aviation Administration		84,250,000	84,250,000	
COAST GUARD				
Operating expenses	H 97-168	78,100,000	64,100,000	−14,000,000
(By transfer)			*(14,000,000)*	*(+14,000,000)*
Reserve training	H 97-168	1,500,000	2,000,000	+500,000
(By transfer)			*(868,000)*	*(+868,000)*
Total, Coast Guard		79,600,000	66,100,000	−13,500,000
(By transfer)			*(14,868,000)*	*(+14,868,000)*
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION				
Limitation on administrative expenses *(increase in limitation)*		*(38,000)*	*(38,000)*	
OFFICE OF THE INSPECTOR GENERAL				
Salaries and expenses	H 97-168	500,000	445,000	−55,000
(By transfer)	H 97-168	*(155,000)*	*(155,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION				
Research and special programs *(by transfer)*	H 97-168	*($218,000)*		*(−$218,000)*
OFFICE OF THE SECRETARY				
Salaries and expenses	H 97-168	1,385,000	$700,000	−685,000
Total, Department of Transportation		166,475,000	152,195,000	−14,280,000
(By transfer)		*(373,000)*	*(15,023,000)*	*(+14,650,000)*
(Increase in limitations)		*(2,867,000)*	*(2,538,000)*	*(−329,000)*
DEPARTMENT OF THE TREASURY				
Office of the Secretary:				
Salaries and expenses	H 97-168	1,766,000	1,766,000	
International affairs	H 97-168	992,000	992,000	
Office of Revenue Sharing: Salaries and expenses	H 97-168	181,000	61,000	−120,000
Federal Law Enforcement Training Center:				
Salaries and expenses	H 97-168	255,000	255,000	
Bureau of Government Financial Operations:				
Salaries and expenses	H 97-168	2,588,000	2,588,000	
Chrysler Corporation Loan Guarantee Program	H 97-168	9,000		−9,000
Bureau of Alcohol, Tobacco and Firearms:				
Salaries and expenses	H 97-168	2,685,000	2,685,000	
United States Customs Service: Salaries and expenses	H 97-168	18,565,000	18,565,000	
Bureau of the Mint: Salaries and expenses	H 97-168	3,386,000	3,386,000	
Bureau of the Public Debt:				
Administering the public debt	H 97-168	1,594,000	1,594,000	
Internal Revenue Service:				
Salaries and expenses	H 97-168	8,068,000	8,068,000	
Taxpayer service and returns processing	H 97-168	25,222,000	25,222,000	
Examination and appeals	H 97-168	34,846,000	34,846,000	
Investigation and collections	H 97-168	23,117,000	23,117,000	
Total, Internal Revenue Service		91,253,000	91,253,000	
United States Secret Service: Salaries and expenses	H 97-168	5,855,000	5,855,000	
Total, Department of the Treasury		129,129,000	129,000,000	−129,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Research and program management	H 97-168	31,050,000	80,000,000	+48,950,000
VETERANS ADMINISTRATION				
Medical care	H 97-168	97,308,000	147,308,000	+50,000,000
(By transfer)	H 97-168	*(50,000,000)*		*(−50,000,000)*
Medical and prosthetic research	H 97-168	4,244,000	4,244,000	
Medical administration and miscellaneous operating expenses	H 97-168	1,078,000		−1,078,000
General operating expenses	H 97-168	21,925,000	21,925,000	
Construction, minor projects	H 97-168	579,000		−579,000
Total, Veterans Administration		125,134,000	173,477,000	+48,343,000
(By transfer)		*(50,000,000)*		*(−50,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
OTHER INDEPENDENT AGENCIES				
ACTION:				
Operating expenses, domestic programs	H 97-168	$952,000	$952,000	
Administrative Conference of the United States: Salaries and expenses	H 97-168	52,000	52,000	
Civil Aeronautics Board: Salaries and expenses	H 97-168	766,000	375,000	−$391,000
Commission of Fine Arts: Salaries and expenses	H 97-168	8,000	12,000	+4,000
Committee for Purchase from the Blind and other Severely Handicapped: Salaries and expenses	H 97-168	19,000	19,000	
Commodity Futures Trading Commission	H 97-168	888,000	788,000	−100,000
Consumer Product Safety Commission:				
Salaries and expenses	H 97-168	675,000	500,000	−175,000
Equal Employment Opportunity Commission:				
Salaries and expenses	H 97-168	4,850,000	4,850,000	
Farm Credit Administration:				
Limitation on administrative expenses *(increase in limitation)*	H 97-206	*(259,000)*	*(259,000)*	
Federal Communications Commission:				
Salaries and expenses	H 97-168	3,124,000	3,000,000	−124,000
Federal Election Commission: Salaries and expenses	H 97-168	184,000	184,000	
Federal Emergency Management Agency:				
Salaries and expenses *(by transfer)*	H 97-168	*(2,084,000)*	*(2,584,000)*	*(+500,000)*
Federal Home Loan Bank Board:				
(Increase in limitation on administrative expenses)	H 97-168	*(630,000)*	*(400,000)*	*(−230,000)*
(Increase in limitation on nonadministrative expenses)	H 97-168	*(800,000)*	*(300,000)*	*(−500,000)*
Federal Savings and Loan Insurance Corporation *(Increase in limitation on administrative expenses)*	H 97-168	*(30,000)*	*(30,000)*	
Federal Labor Relations Authority:				
Salaries and expenses	H 97-168	645,000	645,000	
Federal Maritime Commission: Salaries and expenses	H 97-168	273,000	273,000	
Federal Mine Safety and Health Review Commission:				
Salaries and expenses	H 97-168	225,000	225,000	
General Services Administration:				
Federal Buildings Fund:				
Limitations on availability of revenue *(increase in limitations)*:				
Program direction	H 97-168	*(3,022,000)*	*(3,022,000)*	
Federal Supply Service: operating expenses	H 97-168	4,088,000	4,088,000	
Transportation and Public Utilities Service:				
Operating expenses	H 97-168	611,000	611,000	
National Archives and Records Service: Operating expenses	H 97-168	1,681,000	1,681,000	
Automated Data and Telecommunications Service:				
Operating expenses	H 97-168	488,000	488,000	
Federal property resources service:				
Operating expenses	H 97-168	578,000	578,000	
(By transfer)	H 97-168	*(501,000)*	*(501,000)*	
General management and administration:				
Salaries and expenses	H 97-168	4,994,000	4,994,000	
Office of Inspector General	H 97-168	677,000	677,000	
Consumer Information Center	H 97-168	29,000		−29,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
Holocaust Memorial Council			$17,000	+$17,000
Intelligence community staff	H 97-168	$632,000	632,000	
INTERGOVERNMENTAL AGENCIES				
Advisory Commission on Intergovernmental Relations:				
Salaries and expenses	H 97-168	82,000	82,000	
International Communication Agency:				
Salaries and expenses	H 97-168	7,115,000	7,115,000	
International Trade Commission: Salaries and expenses		603,000	603,000	
Merit Systems Protection Board:				
Salaries and expenses	H 97-168	326,000	326,000	
Office of the Special Counsel	H 97-168	104,000	104,000	
Total, Merit Systems Protection Board		430,000	430,000	
National Capital Planning Commission:				
Salaries and expenses	H 97-168	106,000	106,000	
National Foundation on the Arts and the Humanities:				
National endowment for the arts: Salaries and expenses	H 97-168	170,000	170,000	
National Labor Relations Board: Salaries and expenses	H 97-168	2,400,000	2,400,000	
National Science Foundation:				
Research and related activities	H 97-168	1,900,000	1,900,000	
National Transportation Safety Board:				
Salaries and expenses	H 97-168	580,000	580,000	
Nuclear Regulatory Commission: Salaries and expenses	H 97-168	3,344,000		−3,344,000
Office of Personnel Management:				
Salaries and expenses	H 97-168	3,312,000	3,312,000	
(By transfer from trust funds)	H 97-168	*(803,000)*	*(803,000)*	
Pennsylvania Avenue Development Corporation:				
Salaries and expenses	H 97-168	48,000	48,000	
Railroad Retirement Board:				
Limitation on administration *(increase in administration)*	H 97-168	*(661,000)*	*(661,000)*	
Selective Service System: Salaries and expenses	H 97-168	938,000	938,000	
Smithsonian Institution:				
Salaries and expenses	H 97-168	2,300,000	2,700,000	+400,000
Salaries and expenses, Woodrow Wilson International Center for Scholars			25,000	+25,000
UNITED STATES TAX COURT				
Salaries and expenses		381,000	381,000	
Total, Other Independent Agencies:				
New budget *(obligational)* authority		50,148,000	46,431,000	−3,717,000
(Increase in limitation)		*(4,741,000)*	*(4,011,000)*	*(−730,000)*
(By transfer)		*(3,388,000)*	*(3,888,000)*	*(+500,000)*
(Limitation on administration)		*(661,000)*	*(661,000)*	
Total, title II—Increased pay costs:				
New budget *(obligational)* authority		6,204,886,000	6,145,002,640	−59,883,360
(By transfer)		*(141,560,000)*	*(158,426,000)*	*(+16,866,000)*
(Increase in limitations on administrative expenses)		*(78,898,000)*	*(77,839,000)*	*(−1,059,000)*
(Limitation on administration)		*(661,000)*	*(661,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

SUMMARY

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—GENERAL SUPPLEMENTALS				
Chapter I:				
Agriculture:				
New budget *(obligational)* authority		$5,000,000,000	$5,000,000,000	....
Authority to borrow		*(5,000,000,000)*	*(5,000,000,000)*	....
Chapter II:				
Commerce, Justice, State and the Judiciary:				
New budget *(obligational)* authority *(net)*		131,384,000	149,951,000	+$18,567,000
Appropriations		*(131,294,000)*	*(151,766,000)*	*(+20,472,000)*
Reappropriation FY 1983		*(90,000)*	*(185,000)*	*(+95,000)*
Rescission		....	*(−2,000,000)*	*(−2,000,000)*
(By transfer)		*(40,000,000)*	*(6,250,000)*	*(−33,750,000)*
(Limitation on direct loans)		*(42,484,000)*	*(42,484,000)*	....
(Limitation on guaranteed loans)		*(3,633,250,000)*	*(4,103,250,000)*	*(+470,000,000)*
(Limitation on expenses)		*(5,579,000)*	*(5,400,000)*	*(−179,000)*
(Deferrals)		*(−17,429,751)*	*(−12,915,000)*	*(−12,915,000)*
Chapter III:				
Defense:				
New budget *(obligational)* authority		2,422,350,000	435,354,000	−1,986,996,000
Appropriations		*(2,078,629,000)*	*(435,354,000)*	*(−1,643,275,000)*
Reappropriation FY 1983		*(343,721,000)*	....	*(−343,721,000)*
(By transfer)		*(37,226,000)*	*(142,900,000)*	*(+105,674,000)*
(Appropriations to liquidate contract authority and obligations)		*(43,941,000)*	*(43,941,000)*	....
Chapter IV:				
District of Columbia:				
District of Columbia funds *(net)*		*(60,500,400)*	*(60,500,400)*	....
(By transfer)		....	*(2,700,000)*	*(+2,700,000)*
Chapter V:				
Energy and Water Development:				
New budget *(obligational)* authority		97,400,000	64,300,000	−33,100,000
(By transfer)		*(2,000,000)*	*(16,000,000)*	*(+14,000,000)*
Chapter VI:				
Foreign Operations:				
New budget *(obligational)* authority		516,531,000	406,543,000	−109,988,000
(By transfer)		....	*(50,000,000)*	*(+50,000,000)*
(Limitation on guaranteed loans)		*(186,000,000)*	....	*(−186,000,000)*
(Limitation on obligations)		*(300,000,000)*	*(125,000,000)*	*(−175,000,000)*
(Foreign Currency Program)		*(920,000)*	*(920,000)*	....
Chapter VII:				
Housing & Urban Development—Independent Agencies:				
New budget *(obligational)* authority		3,775,000	150,000	−3,625,000
(By transfer)		*(500,000)*	*(12,698,000)*	*(+12,198,000)*
(Limitation on guaranteed loans)		*(−20,350,000,000)*	....	*(+20,350,000,000)*
Chapter VIII:				
Interior and Related Agencies:				
New budget *(obligational)* authority *(net)*		202,350,000	223,939,000	+21,589,000
Appropriations		*(200,050,000)*	*(258,939,000)*	*(+58,889,000)*
Reappropriation FY 1983		*(2,300,000)*	*(3,000,000)*	*(+700,000)*
Rescissions		*(−24,200,000)*	*(−38,000,000)*	*(−38,000,000)*
(By transfer)		*(1,237,000)*	*(991,000)*	*(−246,000)*
(Deferrals)		....	*(−64,000,000)*	*(−64,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

SUMMARY—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (-), appropriations compared with estimates
TITLE I—GENERAL SUPPLEMENTALS—Continued				
Chapter IX:				
Labor, Health and Human Services, and Education:				
New budget *(obligational)* authority		$608,475,000	$790,984,000	+$182,509,000
Appropriations		*(608,475,000)*	*(839,170,000)*	*(+230,695,000)*
Rescissions		*(-47,429,000)*	*(-48,186,000)*	*(-48,186,000)*
(Increase in limitations on administrative expenses)		*(42,900,000)*	*(42,900,000)*	....
(By transfer)		*(1,157,000)*	*(400,000)*	*(-757,000)*
Chapter X:				
Legislative Branch:				
New budget *(obligational)* authority		35,629,000	8,597,325	-27,031,675
Chapter XI:				
Military Construction:				
New budget *(obligational)* authority		198,700,000	45,000,000	-153,700,000
Chapter XII:				
Transportation:				
New budget *(obligational)* authority *(net)*		176,645,000	340,020,000	+163,375,000
Appropriations		*(1,033,159,000)*	*(1,109,565,275)*	*(+76,406,275)*
Rescissions		....	*(-104,000,000)*	*(-104,000,000)*
Appropriation for debt reduction		*(-856,514,000)*	*(-665,545,275)*	*(+190,968,725)*
(By transfer)		*(5,000,000)*	*(19,000,000)*	*(+14,000,000)*
(Limitation on guaranteed loans)		*(-185,000,000)*	*(-170,000,000)*	*(+15,000,000)*
(Deferrals)		*(-37,500,000)*	....	....
Chapter XIII:				
Treasury, Postal Service & General Government:				
New budget *(obligational)* authority *(net)*		744,918,000	567,264,959	-177,653,041
Appropriations		*(743,518,000)*	*(774,524,959)*	*(+31,006,959)*
Rescissions		*(-215,230,000)*	*(-208,660,000)*	*(-208,660,000)*
Reappropriation FY 1982		*(1,400,000)*	*(1,400,000)*	....
(Increase in limitations on availability of revenue)		*(857,000)*	*(857,000)*	....
Total, title I—General Supplementals:				
New budget *(obligational)* authority *(net)*		10,138,157,000	8,032,103,284	-2,106,053,716
Appropriations		*(5,647,160,000)*	*(4,093,909,559)*	*(-1,553,250,441)*
Rescissions		*(-286,859,000)*	*(-400,846,000)*	*(-400,846,000)*
Reappropriation FY 1982		*(1,400,000)*	*(1,400,000)*	....
Authority to borrow		*(5,000,000,000)*	*(5,000,000,000)*	....
Appropriation for debt reduction		*(-856,514,000)*	*(-665,545,275)*	*(+190,968,725)*
Subtotal, fiscal year 1982 *(net)*		*(9,792,046,000)*	*(8,028,918,284)*	*(-1,763,127,716)*
Reappropriation FY 1983		*(346,111,000)*	*(3,185,000)*	*(-342,926,000)*
(Appropriation to liquidate contract authority and obligations)		*(43,941,000)*	*(43,941,000)*	....
(By transfer)		*(87,120,000)*	*(248,239,000)*	*(+161,119,000)*
(Increase in limitation on administrative expenses)		*(42,900,000)*	*(42,900,000)*	....
(Increase in limitations on availability of revenue)		*(857,000)*	*(857,000)*	....
(Limitation on direct loans)		*(42,484,000)*	*(42,484,000)*	....
(Limitation on guaranteed loans)		*(-16,715,750,000)*	*(3,933,250,000)*	*(+20,649,000,000)*
(Limitation on obligations)		*(300,000,000)*	*(125,000,000)*	*(-175,000,000)*
(Limitation on expenses)		*(5,579,000)*	*(5,400,000)*	*(-179,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1982, PUBLIC LAW 97-257, APPROVED SEPTEMBER 10, 1982—Continued

SUMMARY—Continued

Agency and item	H. Doc. 97-125 as amended by:	Supplemental estimates of new budget (obligational) authority, 1982	New budget (obligational) authority appropriated, 1982	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—GENERAL SUPPLEMENTALS—Continued				
Total. title I—General Supplementals—Continued:				
(Deferrals)		*(−$54,929,751)*	*(−$76,915,000)*	*(−$76,915,000)*
(District of Columbia funds—net)		*(60,500,400)*	*(60,500,400)*	....
(Foreign Currency Program)		*(920,000)*	*(920,000)*	....
Total, title II—Increased Pay Costs:				
New budget *(obligational)* authority		6,204,886,000	6,145,002,640	−59,883,360
(By transfer)		*(141,560,000)*	*(158,426,000)*	*(+16,866,000)*
(Increase in limitations)		*(78,898,000)*	*(77,839,000)*	*(−1,059,000)*
(Limitation on administration)		*(661,000)*	*(661,000)*	....
Grand total—titles I and II:				
New budget *(obligational)* authority *(net)*		16,343,043,000	14,177,105,924	−2,165,937,076
Appropriations		*(11,852,046,000)*	*(10,238,912,199)*	*(−1,613,133,801)*
Rescissions		*(−286,859,000)*	*(−400,846,000)*	*(−400,846,000)*
Reappropriation FY 1982		*(1,400,000)*	*(1,400,000)*	....
Authority to borrow		*(5,000,000,000)*	*(5,000,000,000)*	....
Appropriation for debt reduction		*(−856,514,000)*	*(−665,545,275)*	*(+190,968,725)*
Subtotal, fiscal year 1982 *(net)*		*(15,996,932,000)*	*(14,173,920,924)*	*(−1,823,011,076)*
Reappropriation FY 1983		*(346,111,000)*	*(3,185,000)*	*(−342,926,000)*
(Appropriation to liquidate contract authority and obligations)		*(43,941,000)*	*(43,941,000)*	....
(By transfer)		*(228,680,000)*	*(406,665,000)*	*(+177,985,000)*
(Increase in limitation on administrative expenses)		*(121,798,000)*	*(120,739,000)*	*(−1,059,000)*
(Increase in limitations on availability of revenue)		*(857,000)*	*(857,000)*	....
(Limitation on direct loans)		*(42,484,000)*	*(42,484,000)*	....
(Limitation on guaranteed loans)		*(−16,715,750,000)*	*(3,933,250,000)*	*(+20,649,000,000)*
(Limitation on obligations)		*(300,000,000)*	*(125,000,000)*	*(−175,000,000)*
(Deferrals)		*(−54,929,751)*	*(−76,915,000)*	*(−76,915,000)*
(Limitation on expenses)		*(5,579,000)*	*(5,400,000)*	*(−179,000)*
(Limitation on administration)		*(661,000)*	*(661,000)*	....
(Foreign Currency Program)		*(920,000)*	*(920,000)*	....
(District of Columbia funds—net)		*(60,500,400)*	*(60,500,400)*	....

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-370, APPROVED DECEMBER 18, 1982

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—AGRICULTURAL PROGRAMS			
PRODUCTION, PROCESSING AND MARKETING			
Office of the Secretary	$5,406,000	$3,884,000	−$1,522,000
Standard Level User Charges, USDA		56,377,000	+56,377,000
Advisory Committees, USDA		1,398,000	+1,398,000
Departmental Administration	13,647,000	13,166,000	−481,000
Office of Governmental and Public Affairs	7,288,000	6,677,000	−611,000
Office of Congressional Affairs	464,000	439,000	−25,000
Office of the Inspector General	33,769,000	27,943,000	−5,826,000
(Transfer from food stamp program)	*(10,149,000)*	*(14,270,000)*	*(+4,121,000)*
Total, Office of the Inspector General	*(43,918,000)*	*(42,213,000)*	*(−1,705,000)*
Office of the General Counsel	13,689,000	12,386,000	−1,303,000
(Transfer from food stamp program)	*(508,000)*	*(628,000)*	*(+120,000)*
Federal Grain Inspection Service	5,195,000	5,369,000	+174,000
Inspection and Weighing Services *(limitation on administrative expenses, from fees collected)*	*(44,313,000)*	*(44,313,000)*	
Agricultural Research Service	468,548,000	452,378,000	−16,170,000
Special fund *(reappropriation, indefinite)*		2,000,000	+2,000,000
Buildings and facilities		1,927,000	+1,927,000
Scientific activities overseas *(foreign currency program)*	2,977,000	2,977,000	
Cooperative State Research Service	232,103,000	244,966,000	+12,863,000
Extension Service	311,911,000	328,672,000	+16,761,000
National Agricultural Library	9,016,000	8,849,000	−167,000
Total, Agricultural Research Service	1,024,555,000	1,041,769,000	+17,214,000
Animal and Plant Health Inspection Service:			
Salaries and expenses	227,533,000	267,915,000	+40,382,000
Buildings and facilities	2,386,000	2,386,000	
Total, Animal & Plant Health Inspection Service	229,919,000	270,301,000	+40,382,000
Food Safety and Inspection Service	319,876,000	315,557,000	−4,319,000
Economic Research Service	40,584,000	37,751,000	−2,833,000
Statistical Reporting Service	53,694,000	51,035,000	−2,659,000
Agricultural Cooperative Service	3,683,000	4,639,000	+956,000
World Agricultural Outlook Board	1,535,000	1,403,000	−132,000
Agricultural Marketing Service:			
Marketing Services	31,370,000	31,912,000	+542,000
(Limitation on administrative expenses, from fees collected)		*(30,910,000)*	*(+30,910,000)*
Funds for strengthening markets, income, and supply (Section 32) *(by transfer)*	*(4,729,000)*	*(5,670,000)*	*(+941,000)*
Transportation Office	2,398,000	2,367,000	−31,000
Payments to States and possessions		1,000,000	+1,000,000
Total, Agricultural Marketing Service	33,768,000	35,279,000	+1,511,000
Packers and Stockyards Administration	8,564,000	8,668,000	+104,000
Total, Production, Processing and Marketing	1,795,636,000	1,894,041,000	+98,405,000

See footnotes at end of table, p. 1499.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-370, APPROVED DECEMBER 18, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
FARM INCOME STABILIZATION			
Agricultural Stabilization and Conservation Service:			
Salaries and expenses	$62,046,000	$55,962,000	−$6,084,000
(Transfer from Commodity Credit Corporation)	*(314,818,000)*	*(314,818,000)*	
Total, salaries and expenses, ASCS	*(376,864,000)*	*(370,780,000)*	*(−6,084,000)*
Dairy indemnity program		7,000,000	+7,000,000
Total, Agricultural Stabilization and Conservation Service	62,046,000	62,962,000	+916,000
CORPORATIONS			
Federal Crop Insurance Corporation:			
Administrative and operating expenses	293,703,000	235,200,000	−58,503,000
Subscription to capital stock	250,000,000	150,000,000	−100,000,000
Federal crop insurance corporation fund	173,233,000	143,233,000	−30,000,000
Total, Federal Crop Insurance Corporation	716,936,000	528,433,000	−188,503,000
Commodity Credit Corporation:			
Reimbursement for net realized losses	10,466,057,000	10,466,057,000	
Direct loans *(limitation on direct loans)*		*(500,000,000)*	*(+500,000,000)*
Total, Farm Income Stabilization	11,245,039,000	11,057,452,000	−187,587,000
Total, title I, Agricultural programs:			
Definite appropriations	13,040,675,000	12,949,493,000	−91,182,000
Indefinite appropriations		2,000,000	+2,000,000
(By transfer)	*(330,204,000)*	*(335,386,000)*	*(+5,182,000)*
(Limitation on direct loans)		*(500,000,000)*	*(+500,000,000)*
(Limitation on administrative expenses, from fees collected)	*(44,313,000)*	*(75,223,000)*	*(+30,910,000)*
Total, new budget *(obligational)* authority, agricultural programs	13,040,675,000	12,951,493,000	−89,182,000
TITLE II—RURAL DEVELOPMENT PROGRAMS			
RURAL DEVELOPMENT ASSISTANCE			
Office of Rural Development Policy	2,501,000	2,000,000	−501,000
Farmers Home Administration:			
Rural Housing Insurance Fund:			
Direct loans *(loan authorization)*	*(24,000,000)*	*(24,000,000)*	
Insured loans *(loan authorization)*	*(1,121,000,000)*	*(3,261,000,000)*	*(+2,140,000,000)*
Sec. 501(e) *(payment authorization)*	*(5,000,000)*	*(5,000,000)*	
Rent supplement authorization *(limitation on obligations)*		*(123,745,000)*	*(+123,745,000)*
Reimbursement for interest and other losses	1,109,722,000	1,109,722,000	
Total, Rural Housing Insurance Fund	1,109,722,000	1,109,722,000	
(Loan authorization)	*(1,145,000,000)*	*(3,285,000,000)*	*(+2,140,000,000)*
(Limitation on obligations)		*(123,745,000)*	*(+123,745,000)*
(Payment authorization)	*(5,000,000)*	*(5,000,000)*	
Agricultural Credit Insurance Fund:			
Real estate loans:			
Insured	*(737,000,000)*	*(759,100,000)*	*(+22,100,000)*
Guaranteed	*(81,000,000)*	*(81,000,000)*	
Total, real estate loans *(loan authorization)*	*(818,000,000)*	*(840,100,000)*	*(+22,100,000)*

See footnotes at end of table, p. 1499.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-370, APPROVED DECEMBER 18, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Operating loans:			
Insured	*($1,460,000,000)*	*($1,460,000,000)*	
Guaranteed	*(50,000,000)*	*(50,000,000)*	
Total, operating loans *(loan authorization)*	*(1,510,000,000)*	*(1,510,000,000)*	
Emergency disaster loans *(loan authorization, indefinite)*[2]	*(1,540,000,000)*	*(1,540,000,000)*	
Economic Emergency loans *(loan authorization)*		*(600,000,000)*	*(+$600,000,000)*
Reimbursement for interest and other losses	682,074,000	682,074,000	
Total, Agricultural Credit Insurance Fund	682,074,000	682,074,000	
(Loan authorization)	*(2,328,000,000)*	*(2,950,100,000)*	*(+622,100,000)*
(Loan authorization, indefinite)	*(1,540,000,000)*	*(1,540,000,000)*	
Rural Development Insurance Fund:			
Reimbursement for losses	336,217,000	336,217,000	
Water and sewer facility loans *(loan authorization)*	*(300,000,000)*	*(375,000,000)*	*(+75,000,000)*
Industrial development loans:			
Guaranteed *(loan authorization)*		*(300,000,000)*	*(+300,000,000)*
Community facility loans *(loan authorization)*	*(130,000,000)*	*(130,000,000)*	
Total, Rural Development Insurance Fund	336,217,000	336,217,000	
(Loan authorizations)	*(430,000,000)*	*(805,000,000)*	*(+375,000,000)*
Rural water and waste disposal grants	120,000,000	125,000,000	+5,000,000
Very low-income housing repair grants	12,500,000	12,500,000	
Rural housing for domestic farm labor *(from unexpended balances)*	12,500,000	[3] *(12,500,000)*	−12,500,000
Mutual and self-help housing		12,500,000	+12,500,000
Rural community fire protection grants		3,250,000	+3,250,000
Compensation for construction defects	2,000,000	2,000,000	
Rural rental assistance payments	185,000,000		−185,000,000
Salaries and expenses	294,206,000	289,288,000	−4,918,000
(Transfer from loan accounts)	*(3,500,000)*	*(6,000,000)*	*(+2,500,000)*
Total, salaries and expenses	*(297,706,000)*	*(295,288,000)*	*(−2,418,000)*
Total, Farmers Home Administration	2,754,219,000	2,572,551,000	−181,668,000
(By transfer)	*(3,500,000)*	*(6,000,000)*	*(+2,500,000)*
(Loan authorization)	*(3,903,000,000)*	*(7,040,100,000)*	*(+3,137,100,000)*
(Loan authorization, indefinite)	*(1,540,000,000)*	*(1,540,000,000)*	
(Payment authorization)	*(5,000,000)*	*(5,000,000)*	
(Limitation on obligations)		*(123,745,000)*	*(+123,745,000)*
Rural Electrification Administration:			
Rural electrification & telephone revolving fund:			
Direct loans:			
Insured loans:			
Electric *(loan authorization)*	[4] *(625,000,000)*	[4] *(850,000,000)*	*(+225,000,000)*
Telephone *(loan authorization)*	[4] *(75,000,000)*	[4] *(250,000,000)*	*(+175,000,000)*
Total, Insured loans	[4] *(700,000,000)*	[4] *(1,100,000,000)*	*(+400,000,000)*
Guaranteed loans:			
Electric *(loan authorization)*	[4] *(3,615,000,000)*	[4] *(4,600,000,000)*	*(+985,000,000)*
Telephone *(loan authorization)*	[4] *(145,000,000)*	[4] *(145,000,000)*	
Total, Guaranteed loans	[4] *(3,760,000,000)*	[4] *(4,745,000,000)*	*(+985,000,000)*
Rural telephone bank		[4] *(30,000,000)*	*(+30,000,000)*
Direct loans *(limitation on obligations)*	[4] *(185,000,000)*	[4] *(185,000,000)*	

See footnotes at end of table, p. 1499.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-370, APPROVED DECEMBER 18, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Rural communication development fund	$91,000	$91,000	
Salaries and expenses	30,340,000	28,945,000	−$1,395,000
Total, Rural Electrification Administration	30,431,000	29,036,000	−1,395,000
(Loan authorizations)	[4]*(4,460,000,000)*	[4]*(5,845,000,000)*	*(+1,385,000,000)*
(Limitations on obligations)	[4]*(185,000,000)*	[4]*(185,000,000)*	
Total, Rural Development Assistance	2,787,151,000	2,603,587,000	−183,564,000
(By transfer)	*(3,500,000)*	*(6,000,000)*	*(+2,500,000)*
(Loan authorizations)	*(8,363,000,000)*	*(12,885,100,000)*	*(+4,522,100,000)*
(Loan authorizations, indefinite)	*(1,540,000,000)*	*(1,540,000,000)*	
(Payment authorization)	*(5,000,000)*	*(5,000,000)*	
(Limitation on obligations)	*(185,000,000)*	*(308,745,000)*	*(+123,745,000)*
CONSERVATION			
Soil Conservation Service:			
Conservation operations	336,580,000	326,198,000	−10,382,000
River basin surveys and investigations	16,743,000	16,068,000	−675,000
Watershed planning	9,152,000	8,675,000	−477,000
Watershed and flood prevention operations	117,721,000	194,925,000	+77,204,000
(Loan authorization)		*(26,000,000)*	*(+26,000,000)*
Resource conservation and development	10,312,000	25,744,000	+15,432,000
(Loan authorization)		*(4,000,000)*	*(+4,000,000)*
Great Plains conservation program	15,308,000	21,315,000	+6,007,000
Soil and water conservation grants	10,000,000		−10,000,000
Total, Soil Conservation Service	515,816,000	592,925,000	+77,109,000
Agricultural Stabilization and Conservation Service:			
Agricultural conservation program	56,000,000	190,000,000	+134,000,000
Forestry incentives program	(5)	12,500,000	+12,500,000
Water bank program	(5)	8,800,000	+8,800,000
Total, Agricultural Stabilization and Conservation Service	56,000,000	211,300,000	+155,300,000
Total, Conservation	571,816,000	804,225,000	+232,409,000
(Loan authorizations)		*(30,000,000)*	*(+30,000,000)*
Total, title II, Rural Development Programs:			
New budget *(obligational)* authority	3,358,967,000	3,407,812,000	+48,845,000
(By transfer)	*(3,500,000)*	*(6,000,000)*	*(+2,500,000)*
(Loan authorizations)	*(8,363,000,000)*	*(12,915,100,000)*	*(+4,552,100,000)*
(Loan authorizations, indefinite)	*(1,540,000,000)*	*(1,540,000,000)*	
(Limitation on obligations)	*(185,000,000)*	*(308,745,000)*	*(+123,745,000)*
(Payment authorizations)	*(5,000,000)*	*(5,000,000)*	
(Limitation on administrative expenses, from unexpended balances)		*(12,500,000)*	*(+12,500,000)*
Total, new budget *(obligational)* authority, rural development programs	3,358,967,000	3,407,812,000	+48,845,000
TITLE III—DOMESTIC FOOD PROGRAMS			
Food and Nutrition Service:			
Child nutrition programs	963,310,000	896,324,000	−66,986,000
(Transfer from sec. 32)	*(2,214,690,000)*	*(2,281,676,000)*	*(+66,986,000)*
Total, Child nutrition programs	963,310,000	896,324,000	−66,986,000
Special milk program		20,100,000	+20,100,000
Feeding program for Women, Infants and Children (WIC)	1,060,000,000	1,060,000,000	

See footnotes at end of table, p. 1499.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-370, APPROVED DECEMBER 18, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Commodity supplemental food program (CSFP)	$32,600,000	$32,600,000	
Food stamp program	10,815,657,000	10,815,657,000	
Nutrition assistance for Puerto Rico	825,000,000	825,000,000	
Food donations programs:			
Needy family program	65,200,000	56,266,000	−$8,934,000
Elderly feeding program	88,000,000	100,000,000	+12,000,000
Total, Food donations programs	153,200,000	156,266,000	+3,066,000
Food program administration	85,477,000	82,146,000	−3,331,000
Human Nutrition Information Service	8,289,000	8,096,000	−193,000
Total, title III, Domestic Food Programs:			
Definite appropriations	13,943,533,000	13,896,189,000	−47,344,000
(By transfer)	*(2,214,690,000)*	*(2,281,676,000)*	*(+66,986,000)*
Total, new budget *(obligational)* authority, Domestic Food Programs	13,943,533,000	13,896,189,000	−47,344,000
TITLE IV—INTERNATIONAL PROGRAMS			
Foreign Agricultural Service	79,207,000	74,454,000	−4,753,000
General Sales Manager *(transfer from Commodity Credit Corporation)*	*(5,599,000)*	*(5,599,000)*	
Public Law 480:			
Title I and III—Credit sales	378,000,000	378,000,000	
Title II—Commodities for disposition abroad	650,000,000	650,000,000	
Total, Public Law 480	1,028,000,000	1,028,000,000	
Office of International Cooperation and Development	3,703,000	3,578,000	−125,000
Total, title IV, International Programs:			
Definite appropriations	1,110,910,000	1,106,032,000	−4,878,000
(By transfer)	*(5,599,000)*	*(5,599,000)*	
Total, new budget *(obligational)* authority, International Programs	1,110,910,000	1,106,032,000	−4,878,000
TITLE V—RELATED AGENCIES			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration:			
Salaries and expenses	356,163,000	330,188,000	−25,975,000
Standard Level User Charges		18,942,000	+18,942,000
Total, Food and Drug Administration	356,163,000	349,130,000	−7,033,000
INDEPENDENT AGENCIES			
Commodity Futures Trading Commission	22,999,000	22,892,000	−107,000
Farm Credit Administration *(limitation on obligations)*	*(17,954,000)*	*(17,954,000)*	
Total, title V, Related Agencies:			
Definite appropriations	379,162,000	372,022,000	−7,140,000
(Limitation on obligations)	*(17,954,000)*	*(17,954,000)*	
Total, new budget *(obligational)* authority, Related Agencies	379,162,000	372,022,000	−7,140,000

See footnotes at end of table, p. 1499.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-370, APPROVED DECEMBER 18, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
RECAPITULATION			
Title I—Agricultural programs	$13,040,675,000	$12,951,493,000	−$89,182,000
Title II—Rural development programs	3,358,967,000	3,407,812,000	+48,845,000
Title III—Domestic food programs	13,943,533,000	13,896,189,000	−47,344,000
Title IV—International programs	1,110,910,000	1,106,032,000	−4,878,000
Title V—Related agencies	379,162,000	372,022,000	−7,140,000
Total, new budget *(obligational)* authority	31,833,247,000	31,733,548,000	−99,699,000
Memoranda:			
(By transfer)	*(2,553,993,000)*	*(2,628,661,000)*	*(+74,668,000)*
(Loan authorizations)	*(8,363,000,000)*	*(12,915,100,000)*	*(+4,552,100,000)*
(Loan authorizations, indefinite)	*(1,540,000,000)*	*(1,540,000,000)*	
(Payment authorizations)	*(5,000,000)*	*(5,000,000)*	
(Limitations on direct loans)		*(500,000,000)*	*(+500,000,000)*
(Limitations on obligations)	*(185,000,000)*	*(308,745,000)*	*(+123,745,000)*
(Limitations on administrative expenses)	*(44,313,000)*	*(75,223,000)*	*(+30,910,000)*

[1] Includes the following budget amendment:

H. Doc. 97-257:	
Department of Agriculture:	
Commodity Credit Corporation:	
Reimbursement for net realized losses	$10,466,057,000
Reimbursement for net realized losses *(indefinite)*	−3,783,244,000
Total, H. Doc. 97-257 *(net)*	6,682,813,000
H. Doc. 97-262:	
Department of Agriculture:	
Food and Nutrition Service:	
Child nutrition programs	352,219,000
Food stamp program	1,273,950,000
Total, H. Doc. 97-262	1,626,169,000
H. Doc. 97-266:	
Department of Agriculture:	
Food and Nutrition Service:	
Feeding program for Women, Infants and Children (WIC)	$1,060,000,000
Commodity supplemental food program (CSFP)	32,600,000
Total, H. Doc. 97-266	1,092,600,000
Total, budget amendments *(net)*	9,401,582,000

[2] The budget request and language in this appropriation act (Public Law 97-370) provide no limitation for emergency loans. Funds are available in amounts necessary to meet the needs resulting from natural disasters.

[3] Language in this appropriation act (Public Law 97-370) provides that $12,500,000 shall be available from the unexpended balances appropriated for this program in prior years.

[4] These amounts are excluded by law (Public Law 93-32) from the budget totals.

[5] The estimates for fiscal year 1983 were combined with and included under the Agricultural Conservation Program.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (S. 2956)

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (H.R. 6957), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 10, 1982, and was passed by the House on December 9, 1982, but was not considered by the Senate. S. 2956 was reported by the Senate Committee on Appropriations on September 24, 1982, and incorporated by reference, with certain exceptions, under section 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(d) of Public Law 97-377 for those programs and activities normally funded in H.R. 6957 (see pp. 310-321, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
DEPARTMENT OF COMMERCE AND RELATED AGENCIES			
DEPARTMENT OF COMMERCE			
General Administration			
Salaries and expenses	$31,613,000	$31,613,000	
White House Conference on Productivity		1,500,000	+$1,500,000
Bureau of the Census			
Salaries and expenses	64,125,000	66,319,000	+2,194,000
Periodic censuses and programs	91,294,000	97,294,000	+6,000,000
Total, Bureau of the Census	155,419,000	163,613,000	+8,194,000
Economic and Statistical Analysis			
Salaries and expenses	34,652,000	36,832,000	+2,180,000
Economic Development Administration			
Economic development assistance programs		168,500,000	+168,500,000
(By transfer)		*(30,000,000)*	*(+30,000,000)*
(Limitation on loan guarantees)		*(150,000,000)*	*(+150,000,000)*
Salaries and expenses	15,448,000	24,950,000	+9,502,000
(By transfer)		*(2,500,000)*	*(+2,500,000)*
Economic development revolving fund *(Limitation on loan guarantees)*		*(20,000,000)*	*(+20,000,000)*
Total, Economic Development Administration	15,448,000	193,450,000	+178,002,000
International Trade Administration			
Operations and administration	137,371,000	166,426,000	+29,055,000
(Limitation on direct loans)		*(12,484,000)*	*(+12,484,000)*
(Limitation on guaranteed loans)		*(28,250,000)*	*(+28,250,000)*
Minority Business Development Agency			
Minority business development	50,000,000	48,000,000	−2,000,000
United States Travel and Tourism Administration			
Salaries and expenses	5,033,000	8,100,000	+3,067,000
National Oceanic and Atmospheric Administration			
Operations, research, and facilities	732,670,000	850,127,000	+117,457,000
(By transfer from Promote and Develop Fund)	*(26,600,000)*	*(22,600,000)*	*(−4,000,000)*
(By transfer from CEIF receipts)	*(16,310,000)*	*(4,140,000)*	*(−12,170,000)*
Coastal zone management	6,409,000	8,409,000	+2,000,000
(By transfer)		*(7,170,000)*	*(+7,170,000)*
Federal ship financing fund, fishing vessels *(limitation on guaranteed loans)*	*(25,000,000)*		*(−25,000,000)*
Fishing vessel and gear damage compensation fund	1,750,000	1,750,000	
Fishermen's contingency fund	250,000	250,000	

See footnotes at end of table, pp. 1506-1507.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (S. 2956)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (H.R. 6957), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 10, 1982, and was passed by the House on December 9, 1982, but was not considered by the Senate. S. 2956 was reported by the Senate Committee on Appropriations on September 24, 1982, and incorporated by reference, with certain exceptions, under section 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(d) of Public Law 97-377 for those programs and activities normally funded in H.R. 6957 (see pp. 310-321, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Foreign fishing observer fund	$7,950,000	$6,950,000	−$1,000,000
Fishermen's guaranty fund	600,000	1,800,000	+1,200,000
Fisheries Loan Fund		10,000,000	+10,000,000
Total, National Oceanic and Atmospheric Administration	749,629,000	879,286,000	+129,657,000
PATENT AND TRADEMARK OFFICE			
Salaries and expenses	68,086,000	73,855,000	+5,769,000
SCIENCE AND TECHNICAL RESEARCH			
Scientific and technical research and services	106,342,000	117,861,000	+11,519,000
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION			
Salaries and expenses	12,417,000	12,164,000	−253,000
(By transfer)		*(503,000)*	*(+503,000)*
Public telecommunications facilities, planning and construction		15,000,000	+15,000,000
Total, National Telecommunications and Information Administration	12,417,000	27,164,000	+14,747,000
Total, Department of Commerce	1,366,010,000	1,747,700,000	+381,690,000
RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
MARITIME ADMINISTRATION			
Ship construction		25,000,000	+25,000,000
Operating-differential subsidies *(appropriation to liquidate contract authority)*	*(454,010,000)*	*(454,010,000)*	
Research and development	15,300,000	15,300,000	
Operations and training	71,013,000	78,113,000	+7,100,000
Federal ship financing fund *(limitation on guaranteed loans)*	*(600,000,000)*		*(−600,000,000)*
Total, Maritime Administration	86,313,000	118,413,000	+32,100,000
DEPARTMENT OF THE TREASURY			
CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM			
Administrative expenses	1,211,000	1,211,000	
FEDERAL COMMUNICATIONS COMMISSION			
Salaries and expenses	74,446,000	79,817,000	+5,371,000
FEDERAL MARITIME COMMISSION			
Salaries and expenses	10,428,000	11,500,000	+1,072,000
FEDERAL TRADE COMMISSION			
Salaries and expenses	60,838,000	63,638,000	+2,800,000

See footnotes at end of table, pp. 1506-1507.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (S. 2956)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (H.R. 6957), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 10, 1982, and was passed by the House on December 9, 1982, but was not considered by the Senate. S. 2956 was reported by the Senate Committee on Appropriations on September 24, 1982, and incorporated by reference, with certain exceptions, under section 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(d) of Public Law 97-377 for those programs and activities normally funded in H.R. 6957 (see pp. 310-321, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
INTERNATIONAL TRADE COMMISSION			
Salaries and expenses	$19,737,000	$19,150,000	−$587,000
MARINE MAMMAL COMMISSION			
Salaries and expenses	594,000	822,000	+228,000
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE			
Salaries and expenses	10,100,000	10,100,000	
SECURITIES AND EXCHANGE COMMISSION			
Salaries and expenses	84,300,000	88,040,000	+3,740,000
SMALL BUSINESS ADMINISTRATION			
Salaries and expenses	228,000,000	218,029,000	−9,971,000
(By transfer)	*(16,600,000)*	*(25,600,000)*	*(+9,000,000)*
Business loan and investment fund	143,700,000	338,700,000	+195,000,000
(Limitation on direct loans)	*(41,000,000)*		*(−41,000,000)*
(Limitation on guaranteed loans)	*(2,700,000,000)*	*(3,000,000,000)*	*(+300,000,000)*
Disaster Loan Fund *(limitation on direct loan)*	*(440,000,000)*		*(−440,000,000)*
Lease guarantees revolving fund	7,000,000		−7,000,000
Pollution control equipment contract guarantee fund *(limitation on guaranteed loans)*	*(150,000,000)*	*(250,000,000)*	*(+100,000,000)*
Total, Small Business Administration	378,700,000	556,729,000	+178,029,000
Total, Related agencies	726,667,000	949,420,000	+222,753,000
Total, title I, Department of Commerce and related agencies:			
New budget *(obligational)* authority	2,092,677,000	2,697,120,000	+604,443,000
(Liquidation of contract authorization)	*(454,010,000)*	*(454,010,000)*	
(By transfer)	*(59,510,000)*	*(92,513,000)*	*(+33,003,000)*
(Limitation on guaranteed loans)	*(3,475,000,000)*	*(3,448,250,000)*	*(−26,750,000)*
(Limitation on direct loans)	*(481,000,000)*	*(12,484,000)*	*(−468,516,000)*
TITLE II			
DEPARTMENT OF JUSTICE AND RELATED AGENCIES			
DEPARTMENT OF JUSTICE			
GENERAL ADMINISTRATION			
Salaries and expenses	48,532,000	54,873,000	+6,341,000
UNITED STATES PAROLE COMMISSION			
Salaries and expenses	6,856,000	6,663,000	−193,000
LEGAL ACTIVITIES			
Salaries and expenses, general legal activities	138,856,000	136,128,000	−2,728,000
Salaries and expenses, Antitrust Division	43,948,000	43,389,000	−559,000

See footnotes at end of table, pp. 1506-1507.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (S. 2956)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (H.R. 6957), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 10, 1982, and was passed by the House on December 9, 1982, but was not considered by the Senate. S. 2956 was reported by the Senate Committee on Appropriations on September 24, 1982, and incorporated by reference, with certain exceptions, under section 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(d) of Public Law 97-377 for those programs and activities normally funded in H.R. 6957 (see pp. 310-321, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Salaries and expenses, Foreign Claims Settlement Commission	$820,000	$774,000	−$46,000
Salaries and expenses, U.S. attorneys and marshals	330,331,000	330,981,000	+650,000
Support of U.S. prisoners	34,254,000	34,254,000	
Fees and expenses of witnesses	35,700,000	35,700,000	
Salaries and expenses, Community Relations Service	5,926,000	5,764,000	−162,000
Total, legal activities	589,835,000	586,990,000	−2,845,000
INTERAGENCY LAW ENFORCEMENT			
Organized crime drug enforcement	130,000,000	127,500,000	−2,500,000
FEDERAL BUREAU OF INVESTIGATION			
Salaries and expenses	819,182,000	825,154,000	+5,972,000
IMMIGRATION AND NATURALIZATION SERVICE			
Salaries and expenses	488,401,000	484,431,000	−3,970,000
DRUG ENFORCEMENT ADMINISTRATION			
Salaries and expenses	247,920,000	248,162,000	+242,000
FEDERAL PRISON SYSTEM			
Salaries and expenses	389,484,000	387,049,000	−2,435,000
National Institute of Corrections	11,054,000	11,050,000	−4,000
Buildings and facilities	6,667,000	6,667,000	
Federal Prison Industries, Incorporated: *(Limitation on administrative and vocational training expenses)*	*(8,740,000)*	*(8,740,000)*	
Total, Federal prison system	407,205,000	404,766,000	−2,439,000
OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS			
Law Enforcement Assistance	18,514,000	88,388,000	+69,874,000
Research and statistics	37,142,000	37,135,000	−7,000
Total, Office of Justice Assistance, Research, and Statistics	55,656,000	125,523,000	+69,867,000
Total, Department of Justice:			
New budget *(obligational)* authority	2,793,587,000	2,864,062,000	+70,475,000
(Limitation on expenses)	*(8,740,000)*	*(8,740,000)*	
RELATED AGENCIES			
COMMISSION ON CIVIL RIGHTS			
Salaries and expenses	11,626,000	11,626,000	
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION			
Salaries and expenses	144,937,000	142,771,000	−2,166,000

See footnotes at end of table, pp. 1506-1507.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (S. 2956)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (H.R. 6957), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 10, 1982, and was passed by the House on December 9, 1982, but was not considered by the Senate. S. 2956 was reported by the Senate Committee on Appropriations on September 24, 1982, and incorporated by reference, with certain exceptions, under section 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(d) of Public Law 97-377 for those programs and activities normally funded in H.R. 6957 (see pp. 310-321, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
LEGAL SERVICES CORPORATION			
Payment to the Legal Services Corporation	$265,000,000	$241,000,000	−$24,000,000
Total, Related agencies	421,563,000	395,397,000	−26,166,000
Total, title II, Department of Justice and related agencies:			
New budget *(obligational)* authority	3,215,150,000	3,259,459,000	+44,309,000
(Limitation on expenses)	*(8,740,000)*	*(8,740,000)*	
TITLE III			
DEPARTMENT OF STATE AND RELATED AGENCIES			
DEPARTMENT OF STATE			
ADMINISTRATION OF FOREIGN AFFAIRS			
Salaries and expenses	1,021,537,000	995,000,000	−26,537,000
Re-opening consulates		1,000,000	+1,000,000
Representation allowances	3,876,000	3,876,000	
Protection of foreign consulates in the United States	6,000,000		−6,000,000
Acquisition, operation, and maintenance of buildings abroad	190,040,000	193,040,000	+3,000,000
Acquisition, operation, and maintenance of buildings abroad *(special foreign currency program)*	9,960,000	8,360,000	−1,600,000
Emergencies in the diplomatic and consular service	4,400,000	4,400,000	
Buying-power maintenance	15,000,000	4,500,000	−10,500,000
Payment to the American Institute in Taiwan	8,744,000	8,744,000	
Payment to the Foreign Service Retirement and Disability Fund	91,312,000	91,312,000	
Total, administration of foreign affairs	1,350,869,000	1,310,232,000	−40,637,000
INTERNATIONAL ORGANIZATIONS AND CONFERENCES			
Contributions to international organizations	438,515,000	444,315,000	+5,800,000
Contributions for international peacekeeping activities	73,400,000	73,400,000	
International conferences and contingencies	9,200,000	9,200,000	
Total, international organizations and conferences	521,115,000	526,915,000	+5,800,000
INTERNATIONAL COMMISSIONS			
International Boundary and Water Commission, United States and Mexico:			
Salaries and expenses	8,754,000	8,754,000	
American sections, international commissions	2,918,000	2,918,000	
International fisheries commissions	8,526,000	8,526,000	
Total, international commissions	20,198,000	20,198,000	
OTHER			
United States Bilateral Science and Technology Agreements	1,700,000	1,700,000	
The Asia Foundation		4,100,000	+4,100,000
Total, Department of State	1,893,882,000	1,863,145,000	−30,737,000

See footnotes at end of table, pp. 1506-1507.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (S. 2956)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (H.R. 6957), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 10, 1982, and was passed by the House on December 9, 1982, but was not considered by the Senate. S. 2956 was reported by the Senate Committee on Appropriations on September 24, 1982, and incorporated by reference, with certain exceptions, under section 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(d) of Public Law 97-377 for those programs and activities normally funded in H.R. 6957 (see pp. 310-321, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
RELATED AGENCIES			
ARMS CONTROL AND DISARMAMENT AGENCY			
Arms control and disarmament activities	$15,142,000	$15,142,000	
BOARD FOR INTERNATIONAL BROADCASTING			
Grants and expenses	117,184,000	90,300,000	−$26,884,000
COMMISSION ON SECURITY AND COOPERATION IN EUROPE			
Salaries and expenses	550,000	550,000	
COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS			
Salaries and expenses		300,000	+300,000
UNITED STATES INFORMATION AGENCY			
Salaries and expenses	519,223,000	492,122,000	−27,101,000
Salaries and expenses *(special foreign currency)*	10,327,000	10,327,000	
Center for cultural and technical interchange between East and West	18,230,000	18,000,000	−230,000
Acquisition and construction of radio facilities	117,920,000	25,000,000	−92,920,000
Total, United States Information Agency	665,700,000	545,449,000	−120,251,000
JAPAN—UNITED STATES FRIENDSHIP COMMISSION			
Japan—United States Friendship Trust Fund	1,700,000	1,700,000	
(Foreign currency appropriation)	*(1,200,000)*	*(1,200,000)*	
FUNDS APPROPRIATED TO THE PRESIDENT			
Radio Broadcasting to Cuba	12,952,000		−12,952,000
Total, Related agencies	813,228,000	653,441,000	−159,787,000
Total, title III, new budget *(obligational)* authority, Department of State and related agencies	2,707,110,000	2,516,586,000	−190,524,000
TITLE IV—THE JUDICIARY			
SUPREME COURT OF THE UNITED STATES			
Salaries and expenses	12,922,000	12,675,000	−247,000
Care of the building and grounds	2,017,000	2,000,000	−17,000
Total, Supreme Court of the United States	14,939,000	14,675,000	−264,000
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT			
Salaries and expenses	2,660,000	4,309,000	+1,649,000
UNITED STATES COURT OF INTERNATIONAL TRADE			
Salaries and expenses	5,730,000	5,372,000	−358,000

See footnotes at end of table, pp. 1506-1507.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (S. 2956)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1983 (H.R. 6957), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 10, 1982, and was passed by the House on December 9, 1982, but was not considered by the Senate. S. 2956 was reported by the Senate Committee on Appropriations on September 24, 1982, and incorporated by reference, with certain exceptions, under section 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(d) of Public Law 97-377 for those programs and activities normally funded in H.R. 6957 (see pp. 310-321, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
COURT OF CLAIMS			
Salaries and expenses	$8,106,000		−$8,106,000
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES			
Salaries of judges	63,500,000	$64,500,000	+1,000,000
Salaries of supporting personnel	300,650,000	294,000,000	−6,650,000
Defender services	34,180,000	32,215,000	−1,965,000
Fees of jurors and commissioners	48,000,000	42,500,000	−5,500,000
Expenses of operation and maintenance of the courts	71,088,000	65,000,000	−6,088,000
Bankruptcy courts, salaries and expenses	95,500,000	89,000,000	−6,500,000
Services for drug dependent offenders	4,500,000	4,000,000	−500,000
Space and facilities	156,182,000	132,412,000	−23,770,000
Court Security	12,000,000	12,000,000	
Total, courts of appeals, district courts, and other judicial services	785,600,000	735,627,000	−49,973,000
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS			
Salaries and expenses	25,500,000	23,406,000	−2,094,000
FEDERAL JUDICIAL CENTER			
Salaries and expenses	8,598,000	7,618,000	−980,000
Total, title IV, new budget *(obligational)* authority, the Judiciary	851,133,000	791,007,000	−60,126,000
RECAPITULATION			
Grand total:			
New budget *(obligational)* authority	8,866,070,000	9,264,172,000	+398,102,000
(Limitation on expenses)	*(8,740,000)*	*(8,740,000)*	
(By transfer)	*(59,510,000)*	*(92,513,000)*	*(+33,003,000)*
(Limitation on direct loans)	*(481,000,000)*	*(12,484,000)*	*(−468,516,000)*
(Limitation on guaranteed loans)	*(3,475,000,000)*	*(3,448,250,000)*	*(−26,750,000)*
Memoranda:			
(Appropriations to liquidate contract authorizations)	*(454,010,000)*	*(454,010,000)*	
Total appropriations, including appropriations to liquidate contract authorizations	*(9,320,080,000)*	*(9,718,182,000)*	*(+398,102,000)*

---

[1] Includes the following budget amendments:

H. Doc. 97-168:	
Department of State:	
International Organizations and Conferences: Contributions for International peacekeeping activities	$13,400,000
United States Information Agency (International Communication Agency):	
Salaries and expenses	4,000,000
The Judiciary:	
Courts of Appeals, Districts Courts, and Other Judicial Services:	
Salaries of supporting personnel	3,550,000
Expenses of operation and maintenance of the courts	688,000
Bankruptcy courts, salaries and expenses	1,400,000
Space and facilities	2,082,000
Total, H. Doc. 97-168	25,120,000
H. Doc. 97-206:	
Department of State:	
Administration of Foreign Affairs:	
Protection of foreign consulates in the United States	$6,000,000
The Judiciary:	
Courts of Appeals, District Courts and Judicial Services:	
Space and facilities	−4,000,000
Court security	12,000,000
Total, H. Doc. 97-206 *(Net)*	14,000,000
H. Doc. 97-247:	
Board for International Broadcasting:	
Grants and expenses	21,300,000
United States Information Agency:	
Salaries and expenses	19,780,000
Acquisition and construction of radio facilities	2,920,000
Total, H. Doc. 97-247	44,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (S. 2956)—Continued

H. Doc. 97-248:	
Funds Appropriated to the President:	
Radio Broadcasting to Cuba	$5,252,000
H. Doc. 97-257:	
Department of Commerce:	
Economic and Statistical Analysis:	
Salaries and expenses	2,000,000
Department of Transportation:	
Maritime Administration:	
Research and development	−1,500,000
Department of Justice:	
General Administration:	
Salaries and expenses	8,312,000
Legal Activities:	
Salaries and expenses, general legal activities	2,291,000
Salaries and expenses, Antitrust Division	−2,518,000
Salaries and expense, United States Attorneys and Marshals	9,386,000
Support of United States prisoners	3,550,000
Fees and expenses of witnesses	300,000
Interagency Law Enforcement:	
Organized crime drug enforcement	$130,000,000
Federal Bureau of Investigation:	
Salaries and expenses	19,851,000
Immigration and Naturalization Service:	
Salaries and expenses	−36,198,000
Drug Enforcement Administration:	
Salaries and expenses	975,000
Federal Prison System:	
Salaries and expenses	12,951,000
Department of State:	
International conferences and contingencies	−376,000
United States bilateral science and technology agreements	−2,000,000
United States Information Agency:	
Salaries and expenses: *(Special Foreign Currency Program)*	−1,000,000
Total, H. Doc. 97-257 *(net)*	146,024,000
Total, budget amendments *(net)*	234,396,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1983, (H.R. 7355)

[NOTE.—The Department of Defense Appropriation Bill, 1983, (H.R. 7355), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on December 2, 1982, and was passed by the House on December 8, 1982, but was not considered by the Senate. S. 2951 was reported by the Senate Committee on Appropriations on September 23, 1982, but was not passed by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(c) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(c) of Public Law 97-377 for those programs and activities normally funded in H.R. 7355 (see pp. 280-310, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983 [2]	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—MILITARY PERSONNEL			
Military personnel, Army	$15,363,700,000	$14,454,848,000	−$908,852,000
Military personnel, Navy	11,275,300,000	10,537,408,000	−737,892,000
Military personnel, Marine Corps	3,496,300,000	3,293,277,000	−203,023,000
Military personnel, Air Force	12,857,800,000	12,099,850,000	−757,950,000
Reserve personnel, Army	1,302,000,000	1,247,250,000	−54,750,000
Reserve personnel, Navy	683,500,000	657,125,000	−26,375,000
Reserve personnel, Marine Corps	175,500,000	170,900,000	−4,600,000
Reserve personnel, Air Force	372,300,000	358,925,000	−13,375,000
National Guard personnel, Army	1,792,500,000	1,698,800,000	−93,700,000
National Guard personnel, Air Force	583,600,000	548,425,000	−35,175,000
Total, title I, new budget *(obligational)* authority, Military personnel	47,902,500,000	45,066,808,000	−2,835,692,000
TITLE II—RETIRED MILITARY PERSONNEL			
Retired pay, Defense	16,510,800,000	16,154,800,000	−356,000,000
TITLE III—OPERATION AND MAINTENANCE			
Operation and maintenance, Army	17,086,142,000	15,847,425,000	−1,238,717,000
Army stock fund	221,138,000	221,138,000	
Army conventional ammunition working capital fund	1,000,000		−1,000,000
Operation and maintenance, Navy	22,314,253,000	21,079,712,000	−1,234,541,000
Navy stock fund	354,372,000	354,372,000	
Operation and maintenance, Marine Corps	1,500,371,000	1,481,671,000	−18,700,000
Marine Corps stock fund	11,812,000	11,812,000	
Operation and maintenance, Air Force	18,138,363,000	16,915,766,000	−1,222,597,000
Air Force stock fund	161,600,000	161,600,000	
Operation and maintenance, Defense agencies	5,838,103,000	5,715,778,000	−122,325,000
Defense stock fund	160,500,000	160,500,000	
Operation and maintenance, Army Reserve	699,184,000	705,584,000	+6,400,000
Operation and maintenance, Navy Reserve	656,707,000	637,507,000	−19,200,000
Operation and maintenance, Marine Corps Reserve	48,494,000	51,094,000	+2,600,000
Operation and maintenance, Air Force Reserve	778,635,000	765,735,000	−12,900,000
Operation and maintenance, Army National Guard	1,152,317,000	1,195,067,000	+42,750,000
Operation and maintenance, Air National Guard	1,787,814,000	1,822,603,000	+34,789,000
National Board for the Promotion of Rifle Practice, Army	875,000	875,000	
Claims, Defense	172,500,000	147,500,000	−25,000,000
Court of Military Appeals, Defense	3,271,000	3,271,000	
Total, title III, Operation and maintenance: New budget *(obligational)* authority	71,087,451,000	67,279,010,000	−3,808,441,000
TITLE IV—PROCUREMENT			
Aircraft procurement, Army	2,745,914,000	2,506,572,000	−239,342,000
Missile procurement, Army	2,846,600,000	2,287,000,000	−559,600,000
Procurement of weapons and tracked combat vehicles, Army	5,024,485,000	4,551,946,000	−472,539,000
(Transfer from other accounts)		*(198,200,000)*	*(+198,200,000)*
Procurement of ammunition, Army	2,625,684,000	2,122,394,000	−503,290,000
Other procurement, Army	4,625,791,000	4,123,404,000	−502,387,000
Aircraft procurement, Navy	11,582,300,000	10,416,107,000	−1,166,193,000
Weapons procurement, Navy	3,901,600,000	3,561,700,000	−339,900,000
Shipbuilding and conversion, Navy	18,648,300,000	16,076,700,000	−2,571,600,000
Reappropriation		176,200,000	+176,200,000
(Transfer from other accounts)		*(35,000,000)*	*(+35,000,000)*

See footnotes at end of table, pp. 1510–1511.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1983, (H.R. 7355)—Continued

[NOTE.—The Department of Defense Appropriation Bill, 1983, (H.R. 7355), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on December 2, 1982, and was passed by the House on December 8, 1982, but was not considered by the Senate. S. 2951 was reported by the Senate Committee on Appropriations on September 23, 1982, but was not passed by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(c) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(c) of Public Law 97-377 for those programs and activities normally funded in H.R. 7355 (see pp. 280-310, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983 [2]	Increase (+) or decrease (−), appropriations compared with estimates
Other procurement, Navy	$3,969,356,000	$3,727,075,000	−$242,281,000
Procurement, Marine Corps	2,300,700,000	2,008,083,000	−292,617,000
Aircraft procurement, Air Force	17,834,800,000	[3] 17,658,500,000	−176,300,000
(Transfer from other accounts)		*(170,000,000)*	*(+170,000,000)*
Missile procurement, Air Force	6,795,900,000	4,941,100,000	−1,854,800,000
(Transfer from other accounts)		*(15,000,000)*	*(+15,000,000)*
Other procurement, Air Force	5,836,200,000	5,563,777,000	−272,423,000
(Transfer from other accounts)		*(4,963,000)*	*(+4,963,000)*
Reserve & National Guard		125,000,000	+125,000,000
Procurement, Defense agencies	879,284,000	828,145,000	−51,139,000
General reduction		−386,000,000	−386,000,000
Total, title IV, Procurement:			
New budget *(obligational)* authority *(net)*	89,616,914,000	[3] 80,287,703,000	−9,329,211,000
(Transfer from other accounts)		*(423,163,000)*	*(+423,163,000)*
TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION			
Research, development, test, and evaluation, Army	4,533,778,000	3,879,683,000	−654,095,000
Research, development, test, and evaluation, Navy	6,246,705,000	5,965,751,000	−280,954,000
Research, development, test, and evaluation, Air Force	11,298,748,000	10,650,661,000	−648,087,000
Research, development, test, and evaluation, Defense agencies	2,259,663,000	2,153,189,000	−106,474,000
Director of Test and Evaluation, Defense	60,000,000	55,000,000	−5,000,000
Total, title V, new budget *(obligational)* authority, Research, development, test, and evaluation	24,398,894,000	22,704,284,000	−1,694,610,000
TITLE VI—SPECIAL FOREIGN CURRENCY PROGRAM			
Special foreign currency program	3,800,000	3,800,000	
TITLE VII—GENERAL PROVISIONS			
(Additional transfer authority, sec. 732)	*(1,000,000,000)*	*(1,200,000,000)*	*(+200,000,000)*
TITLE VIII—RELATED AGENCIES			
Intelligence Community Staff	750,000	15,856,000	+15,106,000
CIA Retirement and Disability System Fund	91,300,000	91,300,000	
Total, title VIII, new budget *(obligational)* authority, Related agencies	92,050,000	107,156,000	+15,106,000
RECAPITULATION			
Title I—Military personnel	47,902,500,000	45,066,808,000	−2,835,692,000
Title II—Retired military personnel	16,510,800,000	16,154,800,000	−356,000,000
Title III—Operation and maintenance	71,087,451,000	67,279,010,000	−3,808,441,000
Title IV—Procurement	89,616,914,000	[3] 80,287,703,000	−9,329,211,000
(Transfer from other accounts)		*(423,163,000)*	*(+423,163,000)*
Title V—Research, development, test, and evaluation	24,398,894,000	22,704,284,000	−1,694,610,000
Title VI—Special foreign currency program	3,800,000	3,800,000	
Title VII—General provisions *(additional transfer authority, sec. 732)*	*(1,000,000,000)*	*(1,200,000,000)*	*(+200,000,000)*

See footnotes at end of table, pp. 1510-1511.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1983, (H.R. 7355)—Continued

[NOTE.—The Department of Defense Appropriation Bill, 1983, (H.R. 7355), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on December 2, 1982, and was passed by the House on December 8, 1982, but was not considered by the Senate. S. 2951 was reported by the Senate Committee on Appropriations on September 23, 1982, but was not passed by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(c) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(c) of Public Law 97-377 for those programs and activities normally funded in H.R. 7355 (see pp. 280-310, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983 [2]	Increase (+) or decrease (−), appropriations compared with estimates
RECAPITULATION—Continued			
Title VIII—Related agencies	$92,050,000	$107,156,000	+$15,106,000
Total, Department of Defense (NOA)	249,612,409,000	[3] 231,603,561,000	−18,008,848,000
(Transfer from other accounts)		*(423,163,000)*	*(+423,163,000)*
Total funding available	249,612,409,000	232,026,724,000	−17,585,685,000
(Transfer authority)	*(1,000,000,000)*	*(1,200,000,000)*	*(+200,000,000)*
Distribution by organizational component:			
Army	60,021,108,000	54,841,986,000	−5,179,122,000
(Transfer from other accounts)		*(198,200,000)*	*(+198,200,000)*
Navy	87,165,570,000	[3] 80,206,494,000	−6,959,076,000
(Transfer from other accounts)		*(35,000,000)*	*(+35,000,000)*
Air Force	76,445,760,000	71,486,942,000	−4,958,818,000
(Transfer from other accounts)		*(189,963,000)*	*(+189,963,000)*
Defense agencies/OSD	9,377,121,000	9,067,183,000	−309,938,000
Reserve & National Guard *(procurement)*		125,000,000	+125,000,000
Retired military personnel	16,510,800,000	16,154,800,000	−356,000,000
Related agencies	92,050,000	107,156,000	+15,106,000
General reduction		−386,000,000	−386,000,000
Total, Department of Defense (NOA)	249,612,409,000	[3] 231,603,561,000	−18,008,848,000
(Transfer from other accounts)		*(423,163,000)*	*(+423,163,000)*
Total funding available	249,612,409,000	232,026,724,000	−17,585,685,000
(Transfer authority)	*(1,000,000,000)*	*(1,200,000,000)*	*(+200,000,000)*

---

[1] (a) Includes the following budget amendments:

H. Doc. 97-206:	
Operation and maintenance, Army	−$1,500,000
Operation and maintenance, Defense Agencies	−500,000
Aircraft procurement, Air Force	−5,100,000
Missile procurement, Air Force	−32,000,000
Other procurement, Air Force	−6,000,000
Procurement, Defense Agencies	−11,000,000
Research, development, test, and evaluation, Air Force	57,800,000
Research, development, test, and evaluation, Defense Agencies	−1,700,000
Total, H. Doc. 97-206 *(net)*	
H. Doc. 97-248:	
Operation and maintenance, Army	−10,000,000
Operation and maintenance, Navy	−23,800,000
Procurement of weapons and tracked combat vehicles, Army	−6,200,000
Procurement of ammunition, Army	−7,700,000
Other procurement, Army	58,300,000
Other procurement, Navy	−800,000
Aircraft procurement, Air Force	−36,800,000
(Reappropriation)	120,000,000
Other procurement, Air Force	−3,000,000
Research, development, test, and evaluation, Army	19,500,000
Research, development, test, and evaluation, Navy	−20,900,000
Research, development, test, and evaluation, Air Force	−4,700,000
Total, H. Doc. 97-248 *(net)*	83,900,000

(b) Includes the following *informal* budget amendment:

Operation and maintenance, Navy (Transfer to the Department of Energy budget)	−$109,000,000

(c) Includes proposed contingency funds anticipated for the fiscal year 1983 pay raise supplemental (eight percent for military and five percent for civilians) as follows:

Military personnel, Army	$962,600,000
Military personnel, Navy	696,400,000
Military personnel, Marine Corps	220,200,000
Military personnel, Air Force	826,400,000
Reserve personnel, Army	77,200,000
Reserve personnel, Navy	42,200,000
Reserve personnel, Marine Corps	9,600,000
Reserve personnel, Air Force	21,400,000
National Guard personnel, Army	112,000,000
National Guard personnel, Air Force	39,000,000
Operation and maintenance, Army	270,042,000
Operation and maintenance, Navy	281,253,000
Operation and maintenance, Marine Corps	18,571,000
Operation and maintenance, Air Force	193,663,000
Operation and maintenance, Defense Agencies	83,203,000
Operation and maintenance, Army Reserve	12,784,000
Operation and maintenance, Navy Reserve	3,707,000
Operation and maintenance, Marine Corps Reserve	79,000
Operation and maintenance, Air Force Reserve	12,335,000
Operation and maintenance, Army National Guard	28,417,000
Operation and maintenance, Air National Guard	26,014,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1983, (H.R. 7355)—Continued

Court of Military Appeals, Defense	$61,000
Research, development, test, and evaluation, Army	30,278,000
Research, development, test, and evaluation, Navy	35,305,000
Research, development, test, and evaluation, Air Force	25,248,000
Research, development, test, and evaluation, Defense Agencies	1,463,000
Intelligence Community Staff	750,000
Total, proposed contingency funds	4,030,173,000
Total, informal budget amendments *(net)*	3,921,173,000
Total budget amendments *(net)*	4,005,073,000

[2] Includes funds to cover the fiscal year 1983 pay raise (reflects four percent for both military and civilian personnel, with a 25 percent absorption rate and adjustments for end strength):

Military personnel, Army	$360,175,000
Military personnel, Navy	258,342,000
Military personnel, Marine Corps	82,575,000
Military personnel, Air Force	307,317,000
Reserve personnel, Army	28,950,000
Reserve personnel, Navy	15,825,000
Reserve personnel, Marine Corps	$3,600,000
Reserve personnel, Air Force	8,025,000
National Guard personnel, Army	42,000,000
National Guard personnel, Air Force	14,625,000
Operation and maintenance, Army	162,042,000
Operation and maintenance, Navy	168,753,000
Operation and maintenance, Marine Corps	11,171,000
Operation and maintenance, Air Force	116,163,000
Operation and maintenance, Defense Agencies	72,203,000
Operation and maintenance, Army Reserve	7,684,000
Operation and maintenance, Navy Reserve	2,207,000
Operation and maintenance, Marine Corps Reserve	79,000
Operation and maintenance, Air Force Reserve	7,435,000
Operation and maintenance, Army National Guard	17,017,000
Operation and maintenance, Air National Guard	15,614,000
Court of Military Appeals, Defense	61,000
Intelligence Community Staff	550,000
Total, funds for pay raise	1,702,413,000

[3] Includes reappropriation of $176,200,000 for "Shipbuilding and conversion, Navy," under title IV, Procurement.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DISTRICT OF COLUMBIA APPROPRIATION ACT, 1983, PUBLIC LAW 97-378, APPROVED DECEMBER 22, 1982

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
DISTRICT OF COLUMBIA			
FEDERAL FUNDS			
Federal payment to the District of Columbia	$361,000,000	$361,000,000	
Payment in lieu of reimbursement for water and sewer services to Federal facilities	11,800,000	11,800,000	
Federal contribution to the police officers and fire fighters', teachers', and judges' retirement funds	52,070,000	52,070,000	
Special Crime Initiative		3,142,600	+$3,142,600
Loans to the District of Columbia for capital outlay	155,000,000	145,000,000	−10,000,000
(Rescission)		−48,832,500	−48,832,500
(Limitation on direct loans)	*(145,000,000)*		*(−145,000,000)*
Total, Federal funds to District of Columbia *(net)*	579,870,000	524,180,100	−55,689,900
DISTRICT OF COLUMBIA FUNDS			
OPERATING EXPENSES			
Governmental direction and support	*(66,866,900)*	*(69,545,500)*	*(+2,678,600)*
Economic development and regulation	*(62,327,200)*	*(58,485,400)*	*(−3,841,800)*
Public safety and justice	*(405,744,900)*	*(409,242,100)*	*(+3,497,200)*
Public education system	*(439,155,100)*	*(438,724,200)*	*(−430,900)*
Human support services	*(465,089,800)*	*(466,890,500)*	*(+1,800,700)*
Transportation services and assistance	*(137,227,400)*	*(135,712,400)*	*(−1,515,000)*
Environmental services and supply	*(50,140,500)*	*(38,337,000)*	*(−11,803,500)*
Personal services	*(23,694,800)*	*(17,364,100)*	*(−6,330,700)*
Repayment of loans and interest	*(142,204,200)*	*(142,204,200)*	
Repayment of general fund deficit	*(2,896,500)*	*(20,000,000)*	*(+17,103,500)*
Energy adjustment	*(−2,078,500)*	*(−2,078,500)*	
Total, operating expenses, general fund *(net)*	*(1,793,268,800)*	*(1,794,426,900)*	*(+1,158,100)*
CAPITAL OUTLAY			
General fund	*(83,885,600)*	*(83,885,600)*	
ENTERPRISE FUNDS			
Water and sewer enterprise fund:			
Operating expenses	*(116,646,000)*	*(107,195,900)*	*(−9,450,100)*
Capital outlay	*(4,575,000)*	*(4,575,000)*	
Total, water and sewer enterprise fund	*(121,221,000)*	*(111,770,900)*	*(−9,450,100)*
Washington Convention Center enterprise fund	*(7,574,000)*	*(7,574,000)*	
Lottery and Charitable Games enterprise fund		*(1,184,500)*	*(+1,184,500)*
Total, enterprise funds	*(128,795,000)*	*(120,529,400)*	*(−8,265,600)*
Total, District of Columbia funds	*(2,005,949,400)*	*(1,998,841,900)*	*(−7,107,500)*
RECAPITULATION			
Grand total, new budget *(obligational)* authority *(net)*	579,870,000	524,180,100	−55,689,900
Consisting of:			
Federal funds to the District of Columbia *(net)*	579,870,000	524,180,100	−55,689,900
(Limitation on direct loans)	*(145,000,000)*		*(−145,000,000)*
District of Columbia funds	*(2;005,949,400)*	*(1,998,841,900)*	*(−7,107,500)*

---

[1] Includes the following budget amendments:

H. Doc. 97-169:
District of Columbia funds:
Energy adjustment* .... *(−$2,078,500)

H. Doc. 97-263:
District of Columbia funds:
Public safety and justice .... *(267,000)*
Public education system .... *(4,483,000)*
Human support services .... *($15,250,000)*
Personal services .... *(4,400,000)*

Total, H. Doc. 97-263 .... *(24,400,000)*

Total, budget amendments *(net)* .... *(22,321,500)*

*Submitted under Sec. 119, General Provisions, of the District's fiscal year 1983 budget (H. Doc. 97-169).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1983, (H.R. 7145)

[NOTE—The Energy and Water Development Appropriation Bill, 1983 (H.R. 7145), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 21, 1982, but was not considered by the House. No action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(f) of Public Law 97-377, approved, December 21, 1982. Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(f) of Public Law 97-377 for those programs and activities normally funded in H.R. 7145 (see p. 347, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF ENERGY			
Energy Supply, Research and Development Activities:			
Operating Expenses	$1,651,190,000	$2,071,016,000	+$419,826,000
Plant and Capital Equipment	223,956,000	361,721,000	+137,765,000
Subtotal	1,875,146,000	2,432,737,000	+557,591,000
Uranium Enrichment Activities:			
Operating Expenses and Plant and Capital Equipment	1,967,046,000	1,834,319,000	−132,727,000
Less revenues applied	−1,967,046,000	−1,834,319,000	+132,727,000
(Miscellaneous Receipts to the Treasury)	*(−65,654,000)*		*(+65,654,000)*
Subtotal			
General Science and Research Activities:			
Operating Expenses	483,670,000	415,852,000	−67,818,000
Plant and Capital Equipment	117,300,000	119,506,000	+2,206,000
Subtotal	600,970,000	535,358,000	−65,612,000
Atomic Energy Defense Activities:			
Operating Expenses	4,415,040,000	4,372,000,000	−43,040,000
Plant and Capital Equipment	1,401,641,000	1,328,000,000	−73,641,000
Subtotal	5,816,681,000	5,700,000,000	−116,681,000
Departmental administration:			
Operating Expenses	243,553,000	346,769,000	+103,216,000
Plant and Capital Equipment	1,715,000	33,133,000	+31,418,000
Miscellaneous revenues	−82,855,000	−142,541,000	−59,686,000
Subtotal	162,413,000	237,361,000	+74,948,000
Nuclear Waste Disposal Fund	185,000,000		−185,000,000
Total, Department of Energy *(net)*	8,640,210,000	[2] 8,905,456,000	+265,246,000
POWER MARKETING ADMINISTRATIONS			
Alaska Power Administration, operation and maintenance	2,809,000	3,945,000	+1,136,000
Bonneville Power Administration Fund Borrowing Authority	455,000,000	249,500,000	−205,500,000
(Limitation on direct loans)	*(62,000,000)*		*(−62,000,000)*
Southeastern Power Administration, operation and maintenance	11,848,000	3,964,000	−7,884,000
Southwestern Power Administration, operation and maintenance	34,290,000	20,756,000	−13,534,000
Western Area Power Administration, construction, rehabilitation, operation and maintenance	207,200,000	149,750,000	−57,450,000
Colorado River Basins Power Marketing Fund, Western Area Power Administration, emergency fund	500,000	337,000	−163,000
Total, Power Marketing Administrations	711,647,000	428,252,000	−283,395,000
FEDERAL ENERGY REGULATORY COMMISSION			
Salaries and expenses	92,500,000	76,839,000	−15,661,000
Revenues Applied	−60,000,000		+60,000,000
Total, Federal Energy Regulatory Commission *(net)*	32,500,000	76,839,000	+44,339,000

See footnotes at end of table, p. 1515.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1983, (H.R. 7145)—Continued

[NOTE—The Energy and Water Development Appropriation Bill, 1983 (H.R. 7145), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 21, 1982, but was not considered by the House. No action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(f) of Public Law 97-377, approved, December 21, 1982. Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(f) of Public Law 97-377 for those programs and activities normally funded in H.R. 7145 (see p. 347, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
GEOTHERMAL RESOURCES DEVELOPMENT FUND			
Geothermal loan guarantee and interest assistance program	$75,000		−$75,000
Total, title I, new budget *(obligational)* authority, Department of Energy	9,384,432,000	$9,410,547,000	+26,115,000
TITLE II—DEPARTMENT OF DEFENSE—CIVIL			
DEPARTMENT OF THE ARMY			
CORPS OF ENGINEERS—CIVIL			
General investigations	129,250,000	129,042,000	−208,000
Construction, general	1,209,350,000	1,421,405,000	+212,055,000
Flood control and coastal emergencies		29,877,000	+29,877,000
Flood control, Mississippi River and tributaries	282,000,000	263,052,000	−18,948,000
Operation and maintenance, general	1,011,000,000	1,023,667,000	+12,667,000
General expenses	99,000,000	96,000,000	−3,000,000
Special recreation use fees	6,000,000	4,942,000	−1,058,000
Total, title II, new budget *(obligational)* authority, Department of Defense—Civil	2,736,600,000	2,967,985,000	+231,385,000
TITLE III—DEPARTMENT OF THE INTERIOR			
BUREAU OF RECLAMATION			
General investigations	36,485,000	32,474,000	−4,011,000
Construction program	666,585,000	575,570,000	−91,015,000
(Liquidation of contract authority)		*(3,000,000)*	*(+3,000,000)*
Operation and maintenance	140,850,000	119,866,000	−20,984,000
(By transfer)		*(2,000,000)*	*(+2,000,000)*
Loan program	39,600,000	25,106,000	−14,494,000
(Limitation on direct loans)	*(38,839,000)*	*(26,922,000)*	*(−11,917,000)*
General administrative expenses	49,300,000	39,928,000	−9,372,000
Emergency Fund	1,000,000	1,919,000	+919,000
Total, title III, new budget *(obligational)* authority, Department of the Interior	933,820,000	794,863,000	−138,957,000
TITLE IV—INDEPENDENT AGENCIES			
Appalachian Regional Commission: Salaries and Expenses		2,900,000	+2,900,000
Funds Appropriated to the President:			
Appalachian regional development programs	80,000,000	165,133,000	+85,133,000
Delaware River Basin Commission:			
Salaries and expenses	165,000	121,000	−44,000
Contribution to Delaware River Basin Commission	227,000	269,000	+42,000
Total, Delaware River Basin Commission	392,000	390,000	−2,000
Interstate Commission on the Potomac River Basin:			
Contribution to Interstate Commission on the Potomac River Basin		55,000	+55,000

See footnotes at end of table, p. 1515.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1983, (H.R. 7145)—Continued

[NOTE—The Energy and Water Development Appropriation Bill, 1983 (H.R. 7145), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 21, 1982, but was not considered by the House. No action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(f) of Public Law 97-377, approved, December 21, 1982. Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(f) of Public Law 97-377 for those programs and activities normally funded in H.R. 7145 (see p. 347, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Susquehanna River Basin Commission:			
Salaries and expenses		$120,000	+$120,000
Contribution to Susquehanna River Basin Commission	$185,000	217,000	+32,000
Total, Susquehanna River Basin Commission	185,000	337,000	+152,000
Nuclear Regulatory Commission:			
Salaries and expenses	479,500,000	462,504,000	−16,996,000
Tennessee Valley Authority:			
Payment to Tennessee Valley Authority Fund	119,490,000	176,433,000	+56,943,000
Water Resources Council:			
Water resources planning		4,083,000	+4,083,000
Total, title IV, new budget *(obligational)* authority, independent agencies	679,567,000	811,835,000	+132,268,000
Total, titles I, II, III and IV:			
New budget *(obligational)* authority *(net)*	13,734,419,000	[2] 13,985,230,000	+250,811,000
(Liquidation of contract authority)		*(3,000,000)*	*(+3,000,000)*
(Limitation on direct loans)	*(100,839,000)*	*(26,922,000)*	*(−73,917,000)*

---

[1] Includes the following budget amendments:

H. Doc. 97-162:	
Department of Energy:	
Atomic Energy Defense Activities: Operating expenses	$310,900,000
The following budget amendments were not considered:	
H. Doc. 97-168:	
Department of Energy:	
Federal Energy Regulatory Commission: Operating expenses	−60,000,000
H. Doc. 97-185:	
Department of Defense—Civil:	
Corps of Engineers—Civil: Construction, General	*(Language)*
H. Doc. 97-268:	
Department of the Interior:	
Bureau of Reclamation:	
Construction program	$4,850,000
Loan program	15,150,000
Total H. Doc. 97-268	20,000,000
Total budget amendments not considered *(net)*	−40,000,000

[2] Reflects reduction of $1,976,860,000 resulting from the application of revenues derived from uranium enrichment sales ($1,834,319,000) and departmental activities ($142,541,000) carried in the President's Budget as proprietary receipts.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1983, (S. 3075)

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1983 (S. 3075), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the Senate on December 3, 1982, but was not considered by the Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(b)(1) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(b)(1) of Public Law 97-377 for those programs and activities normally funded in S. 3075 (see pp. 278-280, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
MULTILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
INTERNATIONAL FINANCIAL INSTITUTIONS			
WORLD BANK GROUP			
Contribution to the International Bank for Reconstruction and Development:			
Paid-in capital	$126,041,553	$126,041,553	
Limitation on callable capital subscriptions	*(1,530,275,913)*	*(1,530,275,913)*	
Total, contribution to the International Bank for Reconstruction and Development	*(1,656,317,466)*	*(1,656,317,466)*	
Budget authority	126,041,553	126,041,553	
Limitation on callable capital	*(1,530,275,913)*	*(1,530,275,913)*	
Contribution to the International Development Association (IDA VI)	945,000,000	700,000,000	−$245,000,000
Total, contributions World Bank Group	*(2,601,317,466)*	*(2,356,317,466)*	*(−245,000,000)*
Budget authority	1,071,041,553	826,041,553	−245,000,000
Limitation on callable capital	*(1,530,275,913)*	*(1,530,275,913)*	
Contribution to the Inter-American Development Bank:			
Fund for special operations	221,677,000	221,677,000	
Inter-regional paid-in capital	62,423,437	62,423,437	
Limitation on callable capital subscriptions	*(828,137,742)*	*(828,137,742)*	
Total, contribution to the Inter-American Development Bank	*(1,112,238,179)*	*(1,112,238,179)*	
Budget authority	284,100,437	284,100,437	
Limitation on callable capital	*(828,137,742)*	*(828,137,742)*	
Contribution to the Asian Development Bank:			
Paid-in capital	248,097	248,097	
Development fund	131,634,478	131,634,478	
Limitation on callable capital subcriptions	*(2,243,811)*	*(2,243,811)*	
Total, contribution to the Asian Development Bank	*(134,126,386)*	*(134,126,386)*	
Budget authority	131,882,575	131,882,575	
Limitation on callable capital	*(2,243,811)*	*(2,243,811)*	
Contribution to the African Development Fund	50,000,000	50,000,000	
Total, contribution to International Financial Institutions	*(3,897,682,031)*	*(3,652,682,031)*	*(−245,000,000)*
Budget authority	1,537,024,565	1,292,024,565	−245,000,000
Limitation on callable capital	*(2,360,657,466)*	*(2,360,657,466)*	

See footnotes at end of table, p. 1519.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1983, (S. 3075)– Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1983 (S. 3075), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the Senate on December 3, 1982, but was not considered by the Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(b)(1) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(b)(1) of Public Law 97-377 for those programs and activities normally funded in S. 3075 (see pp. 278-280, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF STATE			
International organizations and programs	$238,650,000	$249,002,000	+$10,352,000
Total, contribution for Multilateral Economic Assistance, title I	*(4,136,332,031)*	*(3,901,684,031)*	*(−234,648,000)*
Budget authority	1,775,674,565	1,541,026,565	−234,648,000
Limitation on callable capital	*(2,360,657,466)*	*(2,360,657,466)*	....
TITLE II			
BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
AGENCY FOR INTERNATIONAL DEVELOPMENT			
Agriculture, rural development, and nutrition development assistance	700,000,000	[2] 700,000,000	....
Population planning, development assistance	211,000,000	[2] 211,000,000	....
Health, development assistance	133,405,000	[2] 133,405,000	....
Education and human resources development, development assistance	103,550,000	[2] 103,550,000	....
Energy and selected development activities, development assistance	140,288,000	140,288,000	....
Science and technology	10,000,000	[2] 10,000,000	....
Total, development assistance	1,298,243,000	1,298,243,000	....
Loans	*(392,466,000)*	*(392,466,000)*	....
Grants	*(905,777,000)*	*(905,777,000)*	....
American schools and hospitals abroad	7,500,000	[2] 20,000,000	+12,500,000
International disaster assistance	25,000,000	25,000,000	....
African Development Foundation	....	*(2,000,000)*	*(+2,000,000)*
Sahel development program	93,757,000	93,757,000	....
Payment to the Foreign Service Retirement and Disability Fund	35,403,000	35,403,000	....
Overseas training *(foreign currency program)*	*(1,700,000)*	*(1,700,000)*	....
Economic support fund	2,886,000,000	2,661,000,000	−225,000,000
(Limitation on direct loans)	*(895,000,000)*	*(1,000,000,000)*	*(+105,000,000)*
Peacekeeping operations	43,474,000	[2] 31,100,000	−12,374,000
AID/IDCA operating expenses	376,000,000	335,000,000	−41,000,000
Trade and development program	10,500,000	10,500,000	....
Housing and other credit guaranty programs *(limitation on guaranteed loans)*	*(150,000,000)*	*(150,000,000)*	....
Total, Agency for International Development	4,775,877,000	4,510,003,000	−265,874,000
DEPARTMENT OF STATE			
International narcotics control	40,000,000	[2] 36,700,000	−3,300,000
INTER-AMERICAN FOUNDATION			
Appropriations	10,634,000	[2] 12,000,000	+1,366,000

See footnotes at end of table, p. 1519.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1983, (S. 3075)—Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1983 (S. 3075), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the Senate on December 3, 1982, but was not considered by the Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(b)(1) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(b)(1) of Public Law 97-377 for those programs and activities normally funded in S. 3075 (see pp. 278-280, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
OVERSEAS PRIVATE INVESTMENT CORPORATION			
(Limitation on direct loans)	*($10,000,000)*	*($10,000,000)*	
(Limitation on guaranteed loans)	*(100,000,000)*	*(100,000,000)*	
Total, Funds Appropriated to the President	4,826,511,000	4,558,703,000	−$267,808,000
Independent Agency			
Peace Corps	97,500,000	109,000,000	+11,500,000
DEPARTMENT OF STATE			
Migration and refugee assistance	419,000,000	395,000,000	−24,000,000
Anti-terrorism assistance	5,000,000		−5,000,000
Total, Department of State	424,000,000	395,000,000	−29,000,000
Total, title II, Economic assistance—bilateral:			
New budget *(obligational)* authority	5,348,011,000	5,062,703,000	−285,308,000
(Limitation on direct loans)	*(1,297,466,000)*	*(1,402,466,000)*	*(+105,000,000)*
(Limitation on guaranteed loans)	*(250,000,000)*	*(250,000,000)*	
TITLE III			
MILITARY ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Military assistance program	557,000,000	290,000,000	−267,000,000
International military education and training	53,700,000	45,000,000	−8,700,000
Defense acquisition fund *(limitation)*	*(475,000,000)*	*(125,000,000)*	*(−350,000,000)*
Foreign military credit sales:			
Direct credits and forgiven loans	950,000,000	1,175,000,000	+225,000,000
Loan guarantees	*(4,323,300,000)*	*(3,638,000,000)*	*(−685,300,000)*
Total, FMCS program ceiling	*(5,273,300,000)*	*(4,813,000,000)*	*(−460,300,000)*
Total, military assistance programs	*(6,359,000,000)*	*(5,273,000,000)*	*(−1,086,000,000)*
New budget *(obligational)* authority	1,560,700,000	1,510,000,000	−50,700,000
Loan guarantee authority	*(4,323,300,000)*	*(3,638,000,000)*	*(−685,300,000)*
D.A.F. Program limitation	*(475,000,000)*	*(125,000,000)*	*(−350,000,000)*
TITLE IV			
EXPORT-IMPORT BANK OF THE UNITED STATES			
(Limitation on direct loans)	[3] *(3,830,000,000)*	[3] *(4,400,000,000)*	*(+570,000,000)*
(Limitation on guaranteed loans)	*(8,000,000,000)*	*(9,000,000,000)*	*(+1,000,000,000)*
(Limitation on administrative expenses)	*(16,253,000)*	*(15,115,000)*	*(−1,138,000)*
Total, Export-Import Bank of the United States, *(limitations on use of corporate funds)*	*(11,846,253,000)*	*(13,415,115,000)*	*(+1,568,862,000)*
Grand total, titles I, II, III:			
New budget *(obligational)* authority	8,684,385,565	8,113,729,565	−570,656,000
(Limitation on callable capital)	*(2,360,657,466)*	*(2,360,657,466)*	
Total	*(11,045,043,031)*	*(10,474,387,031)*	*(−570,656,000)*

See footnotes at end of table, p. 1519.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1983, (S. 3075)—Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1983 (S. 3075), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the Senate on December 3, 1982, but was not considered by the Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(b)(1) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(b)(1) of Public Law 97-377 for those programs and activities normally funded in S. 3075 (see pp. 278-280, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
RECAPITULATION			
New budget *(obligational)* authority:			
Titles I, II, and III	$8,684,385,565	$8,113,729,565	−$570,656,000
Budget authority effect of Export-Import Bank direct loan limitation	2,556,000,000	3,118,000,000	+562,000,000
Total, new budget *(obligational)* authority	11,240,385,565	11,231,729,565	−8,656,000
Memoranda:			
(Foreign currencies)	*(1,700,000)*	*(1,700,000)*	
(Limitation on guaranteed loans)	*(12,573,300,000)*	*(12,888,000,000)*	*(+314,700,000)*
(Limitation on direct loans)	*(6,077,466,000)*	*(6,977,466,000)*	*(+900,000,000)*
D.A.F. Program limitation	*(475,000,000)*	*(125,000,000)*	*(−350,000,000)*
Budget authority effect of Ex-Im limitations	2,556,000,000	3,118,000,000	+562,000,000
Total NBOA in this bill plus Ex-Im NBOA	11,240,385,565	11,231,729,565	−8,656,000
Total NBOA plus Ex-Im direct loans	12,514,385,565	12,513,729,565	−656,000

---

[1] Includes the following budget amendments:

H. Doc. 97-168:	
Funds Appropriated to the President:	
General provisions	*(Language)*
Department of State:	
Anti-terrorism assistance	$5,000,000
H. Doc. 97-248:	
Funds Appropriated to the President:	
Military assistance program	449,500,000
Foreign military credit sales:	
Direct credits and forgiven loans	−789,000,000
(Loan guarantees)	*(394,500,000)*
Total, H. Doc. 97-248 *(net)*	−339,500,000
Total, budget amendments:	
New budget *(obligational)* authority *(net)*	−$334,500,000
(Loan guarantees)	*(394,500,000)*

[2] Funding authority totaling $1,257,755,000 for these nine accounts is provided under section 101(b)(1) of Public Law 97-377, Further Continuing Appropriations, 1983, at the levels provided for in the Foreign Assistance Appropriations Act, 1982 (Public Law 97-121). (See pp. 278-280, this volume, for text of Public Law 97-377.)

[3] This limitation of $4,400,000,000 on direct loans of the Export-Import Bank translates into new budget *(obligational)* authority of $3,118,000,000. The limitation request of $3,830,000,000 corresponds to $2,556,000,000 in new budget *(obligational)* authority requested.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-272, APPROVED SEPTEMBER 30, 1982

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Annual contributions for assisted housing *(contract authority)*	*(−$2,415,541,000)*	DEFER [1]	DEFER [1]
(Increased limitation for annual contract authority)	*(−2,052,000)*	DEFER [1]	DEFER [1]
Rent supplement *(rescission of contract authority, indefinite)*	*(−2,830,360,000)*	DEFER [1]	DEFER [1]
(Limitation on annual contract authority, indefinite)	*(−105,160,000)*	DEFER [1]	DEFER [1]
Housing payments *(appropriation to liquidate contract authority)*	*(9,538,000,000)*	*($9,538,000,000)*	
Housing for the elderly or handicapped fund *(authority to borrow)*	276.617,000	276,617,000	
(Limitation on direct loans)	*(453,000,000)*	*(453,000,000)*	
Congregate services program		4,000,000	+$4,000,000
Payments for operation of low-income housing projects	1,075,000,000	1,350,000,000	+275,000,000
Housing counseling assistance		3,500,000	+3,500,000
Federal Housing Administration Fund	240,022,000	240,022,000	
Portion applied to debt reduction	−161,617,000	−161,617,000	
(Limitation on guaranteed loans)	*(35,000,000,000)*	*(39,800,000,000)*	*(+4,800,000,000)*
Temporary mortgage assistance payments *(limitation on direct loans)*	*(45,000,000)*	*(45,000,000)*	
Total, Federal Housing Administration Fund *(net)*	78,405,000	78,405,000	
Nonprofit sponsor assistance *(limitation on direct loans)*	*(1,790,000)*	*(1,790,000)*	
Low-rent public housing—loans and other expenses:			
(By transfer)	*(1,400,000,000)*	DEFER [1]	DEFER [1]
(Appropriations to liquidate contract authority)	*(1,400,000,000)*	DEFER [1]	DEFER [1]
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION			
Payment of participation sales insufficiencies	2,726,000	2,726,000	
Guarantees of mortgage-backed securities *(limitation on guaranteed loans)*	*(38,400,000,000)*	*(68,250,000,000)*	*(+29,850,000,000)*
Total, Housing Programs *(net)*	1,432,748,000	1,715,248,000	+282,500,000
SOLAR ENERGY AND ENERGY CONSERVATION BANK			
Assistance for solar and conservation improvements		20,000,000	+20,000,000
COMMUNITY PLANNING AND DEVELOPMENT			
Community development grants	3,456,000,000	3,456,000,000	
(Limitation on guaranteed loans)		*(225,000,000)*	*(+225.000,000)*
Urban development action grants	440,000,000	440,000.000	
Urban homesteading	12,000,000	12,000,000	
Total, Community Planning and Development	3,908,000,000	3,908,000,000	
POLICY DEVELOPMENT AND RESEARCH			
Research and technology	20,000,000	18,000,000	−2,000,000
FAIR HOUSING AND EQUAL OPPORTUNITY			
Fair Housing Assistance	5,700,000	5,700,000	

[1] Subsequently considered in Public Law 97-377 (see pp. 347-349 for text of law and pp. 1552-1555 for related table VIII).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-272, APPROVED SEPTEMBER 30, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
MANAGEMENT AND ADMINISTRATION			
Salaries and expenses	$321,001,000	$307,500,000	−$13,501,000
(Limitation on corporate funds)	*(267,723,000)*	*(267,723,000)*	
Total, title I, Department of Housing and Urban Development:			
New budget *(obligational)* authority *(net)*	5,687,449,000	5,974,448,000	+286,999,000
Appropriations	5,572,449,000	5,859,448,000	+286,999,000
Portion applied to debt reduction	−161,617,000	−161,617,000	
Authority to borrow	276,617,000	276,617,000	
(Appropriation to liquidate contract authority)	*(9,538,000,000)*	*(9,538,000,000)*	
(Limitation on direct loans)	*(499,790,000)*	*(499,790,000)*	
(Limitation on corporate funds to be expended)	*(267,723,000)*	*(267,723,000)*	
(Limitation on guaranteed loans)	*(73,400,000,000)*	*(108,275,000,000)*	*(+34,875,000,000)*
TITLE II			
INDEPENDENT AGENCIES			
AMERICAN BATTLE MONUMENTS COMMISSION			
Salaries and expenses	10,669,000	10,669,000	
CONSUMER PRODUCT SAFETY COMMISSION			
Salaries and expenses	33,508,000	33,508,000	
DEPARTMENT OF DEFENSE—CIVIL			
CEMETERIAL EXPENSES, ARMY			
Salaries and expenses	6,689,000	6,682,000	−7,000
ENVIRONMENTAL PROTECTION AGENCY			
Salaries and expenses	538,113,000	548,613,200	+10,500,200
Research and development	108,704,000	119,000,000	+10,296,000
Abatement, control and compliance	311,575,000	369,075,000	+57,500,000
Buildings and facilities	3,000,000	3,000,000	
Payment to the hazardous substance response trust fund	44,000,000	40,000,000	−4,000,000
Hazardous substance response trust fund	230,000,000	210,000,000	−20,000,000
Construction grants:			
Appropriation	2,400,000,000	2,430,000,000	+30,000,000
Total, Environmental Protection Agency	3,635,392,000	3,719,688,200	+84,296,200
EXECUTIVE OFFICE OF THE PRESIDENT			
Council on Environmental Quality and Office of Environmental Quality	926,000	926,000	
Office of Science and Technology Policy	1,839,000	1,839,000	
Total, Executive Office of the President	2,765,000	2,765,000	
FEDERAL EMERGENCY MANAGEMENT AGENCY			
Funds appropriated to the President, disaster relief	325,000,000	130,000,000	−195,000,000
Salaries and expenses	117,553,000	111,300,000	−6,253,000
State and local assistance	219,731,000	154,591,000	−65,140,000
Emergency planning and assistance	188,003,000	154,007,000	−33,996,000
National flood insurance fund	41,572,000	39,159,000	−2,413,000
Portion applied to debt reduction	−41,572,000	−39,159,000	+2,413,000
Total, Federal Emergency Management Agency	850,287,000	549,898,000	−300,389,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-272, APPROVED SEPTEMBER 30, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
GENERAL SERVICES ADMINISTRATION			
Consumer Information Center	$1,299,000	$1,351,000	+$52,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Office of Consumer Affairs	1,987,000	1,947,000	−40,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
Research and development	5,334,000,000	5,542,800,000	+208,800,000
Construction of facilities	100,000,000	97,500,000	−2,500,000
Research and program management	1,178,900,000	1,168,900,000	−10,000,000
Total, National Aeronautics and Space Administration	6,612,900,000	6,809,200,000	+196,300,000
NATIONAL CREDIT UNION ADMINISTRATION			
Central liquidity facility:			
(Limitation on borrowing authority)	*(600,000,000)*	*(600,000,000)*	
(Limitation on direct loans)	*(709,632,000)*		*(−709,632,000)*
(Limitation on administrative expenses)	*(1,749,000)*	*(1,368,000)*	*(−381,000)*
NATIONAL SCIENCE FOUNDATION			
Research and related activities	1,052,200,000	1,060,000,000	+7,800,000
Science education activities	15,000,000	30,000,000	+15,000,000
Scientific activities overseas *(special foreign currency program)*	2,200,000	2,200,000	
Total, National Science Foundation	1,069,400,000	1,092,200,000	+22,800,000
NEIGHBORHOOD REINVESTMENT CORPORATION			
Payment to the Neighborhood Reinvestment Corporation	15,512,000	15,512,000	
SELECTIVE SERVICE SYSTEM			
Salaries and expenses	23,386,000	22,700,000	−686,000
DEPARTMENT OF THE TREASURY			
Payments to State and local government fiscal assistance trust fund	4,566,700,000	4,566,700,000	
Office of Revenue Sharing, salaries and expenses	6,612,000	6,612,000	
Office of the Secretary, salaries and expenses	310,000	310,000	
Total, Department of the Treasury	4,573,622,000	4,573,622,000	
VETERANS ADMINISTRATION			
Compensation and pensions	13,430,800,000	13,430,800,000	
Readjustment benefits	1,665,800,000	1,665,800,000	
Veterans insurance and indemnities	6,400,000	6,400,000	
Medical care	7,495,879,000	7,510,606,000	+14,727,000
Medical and prosthetic research	137,793,000	152,665,000	+14,872,000
Medical administration and miscellaneous operating expenses	55,807,000	55,807,000	
General operating expenses	693,359,000	689,000,000	−4,359,000
Construction, major projects	419,392,000	407,392,000	−12,000,000
Construction, minor projects	192,113,000	141,748,000	−50,365,000
Grants for construction of State extended care facilities	18,000,000	18,000,000	
Grants for construction of State veterans cemeteries	2,500,000	2,500,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-272, APPROVED SEPTEMBER 30, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Grants to the Republic of the Philippines	$500,000	$500,000	....
Direct loan revolving fund *(limitation on direct loans)*	*(1,000,000)*	*(1,000,000)*	....
Total, Veterans Administration	24,118,343,000	24,081,218,000	−$37,125,000
Total, title II, Independent Agencies:			
New budget *(obligational)* authority	40,955,759,000	40,920,960,200	−34,798,800
Appropriations	40,997,331,000	40,960,119,200	−37,211,800
Portion applied to debt reduction	−41,572,000	−39,159,000	+2,413,000
(Limitation on borrowing authority)	*(600,000,000)*	*(600,000,000)*	....
(Limitation on direct loans)	*(710,632,000)*	*(1,000,000)*	*(−709,632,000)*
(Limitation on corporate funds to be expended)	*(1,749,000)*	*(1,368,000)*	*(−381,000)*
TITLE III			
CORPORATIONS			
Federal Home Loan Bank Board:			
(Limitation on administrative expenses)	*(24,360,000)*	*(24,360,000)*	....
(Limitation on non-administrative expenses)	*(40,680,000)*	*(40,680,000)*	....
Federal Savings and Loan Insurance Corporation, *(limitation on administrative expenses)*	*(1,120,000)*	*(1,120,000)*	....
Total, title III, Corporations	*(66,160,000)*	*(66,160,000)*	....
RECAPITULATION			
Grand total:			
New budget *(obligational)* authority	46,643,208,000	46,895,408,200	+252,200,200
Appropriations	46,569,780,000	46,819,567,200	+249,787,200
Portion applied to debt reduction	−203,189,000	−200,776,000	+2,413,000
Authority to borrow	276,617,000	276,617,000	....
(Appropriations to liquidate contract authority)	*(9,538,000,000)*	*(9,538,000,000)*	....
(Limitation on borrowing authority)	*(600,000,000)*	*(600,000,000)*	....
(Limitation on direct loans)	*(1,210,422,000)*	*(500,790,000)*	*(−709,632,000)*
(Limitation on guaranteed loans)	*(73,400,000,000)*	*(108,275,000,000)*	*(+34,875,000,000)*
(Limitation on corporate funds to be expended)	*(335,632,000)*	*(335,251,000)*	*(−381,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-394, APPROVED DECEMBER 30, 1982

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983 [2]	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF THE INTERIOR			
LAND AND WATER RESOURCES			
BUREAU OF LAND MANAGEMENT			
Management of lands and resources	$373,527,000	$330,226,000	−$43,301,000
Construction and access	2,711,000	2,243,000	−468,000
Payments in lieu of taxes	45,000,000	96,320,000	+51,320,000
(Limitation on administrative expenses)	*(400,000)*	*(400,000)*	
Land acquisition		311,000	+311,000
Oregon and California grant lands	52,883,000	56,963,000	+4,080,000
Range improvements *(indefinite, appropriation of receipts)*	11,048,000	11,048,000	
(Limitation on administrative expenses)	*(600,000)*	*(600,000)*	
Service charges, deposits, and forfeitures *(indefinite, special fund)*	10,000,000	10,000,000	
Miscellaneous trust funds *(indefinite)*	100,000	100,000	
Total, Bureau of Land Management	495,269,000	507,211,000	+11,942,000
FISH AND WILDLIFE AND PARKS			
UNITED STATES FISH AND WILDLIFE SERVICE			
Resource management	221,876,000	238,593,000	+16,717,000
Construction and anadromous fish	9,751,000	16,665,000	+6,914,000
Migratory bird conservation account *(definite, repayable advance)*		2,000,000	+2,000,000
Land acquisition	1,567,000	27,200,000	+25,633,000
National Wildlife Refuge Fund		5,760,000	+5,760,000
Total, United States Fish and Wildlife Service	233,194,000	290,218,000	+57,024,000
NATIONAL PARK SERVICE			
Operation of the national park system	539,703,000	564,460,000	+24,757,000
National recreation and preservation	6,987,000	9,887,000	+2,900,000
Historic preservation fund		26,000,000	+26,000,000
Construction	132,721,000	156,096,000	+23,375,000
Land acquisition and state assistance	28,776,000	142,505,000	+113,729,000
John F. Kennedy Center for the Performing Arts	4,247,000	4,247,000	
Total, National Park Service	712,434,000	903,195,000	+190,761,000
Total, Fish and Wildlife and Parks	945,628,000	1,193,413,000	+247,785,000
ENERGY AND MINERALS			
GEOLOGICAL SURVEY			
Surveys, investigations, and research	516,377,000	363,389,000	−152,988,000
(By transfer)		*(16,200,000)*	*(+16,200,000)*
Barrow area gas operation, exploration and development	6,400,000	6,400,000	
Digital Cartography	3,873,000		−3,873,000
Total, Geological Survey	526,650,000	369,789,000	−156,861,000
MINERALS MANAGEMENT SERVICE			
Leasing and royalty management		196,506,000	+196,506,000
BUREAU OF MINES			
Mines and minerals	124,676,000	143,158,000	+18,482,000

See footnotes at end of table, p. 1528.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-394, APPROVED DECEMBER 30, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983[2]	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT			
Regulation and technology	$62,173,000	$60,356,000	−$1,817,000
Abandoned mine reclamation fund *(definite, trust fund)*	97,649,000	161,209,000	+63,560,000
Total, Office of Surface Mining Reclamation and Enforcement	159,822,000	221,565,000	+61,743,000
Total, Energy and Minerals	811,148,000	931,018,000	+119,870,000
INDIAN AFFAIRS			
BUREAU OF INDIAN AFFAIRS			
Operation of Indian Programs	849,250,000	843,508,000	−5,742,000
Construction	106,000,000	67,250,000	−38,750,000
Road construction	43,585,000	43,585,000	
Tribal trust funds:			
Definite amount	3,000,000	3,000,000	
Indefinite amount	50,000,000	50,000,000	
Revolving fund for loans *(limitation on direct loans)*	*(19,970,000)*	*(19,970,000)*	
Indian loan guaranty and insurance fund *(limitation on guaranteed loans)*	*(15,800,000)*	*(15,800,000)*	
Total, Bureau of Indian Affairs	1,051,835,000	1,007,343,000	−44,492,000
TERRITORIAL AND INTERNATIONAL AFFAIRS			
Administration of territories	58,076,000	73,892,000	+15,816,000
Limitation on guaranteed loans	*(8,000,000)*		*(−8,000,000)*
Trust Territory of the Pacific Islands	75,500,000	95,810,000	+20,310,000
Total, Territorial Affairs	133,576,000	169,702,000	+36,126,000
DEPARTMENTAL OFFICES			
OFFICE OF THE SECRETARY			
Office of the Secretary	44,157,000	41,589,000	−2,568,000
Construction Management		896,000	+896,000
Office of the Solicitor	19,071,000	18,404,000	−667,000
Office of the Inspector General	18,900,000	21,500,000	+2,600,000
Office of Water Policy		14,118,000	+14,118,000
Total, Departmental Offices	82,128,000	96,507,000	+14,379,000
Total, title I, new budget *(obligational)* authority, Department of the Interior	3,519,584,000	3,905,194,000	+385,610,000
TITLE II—RELATED AGENCIES			
DEPARTMENT OF AGRICULTURE			
FOREST SERVICE			
Forest research	97,990,000	105,021,000	+7,031,000
State and private forestry	47,520,000	62,328,000	+14,808,000
National forest system	1,036,569,000	1,010,436,000	−26,133,000
Construction	297,505,000	281,431,000	−16,074,000
Timber receipts transfer to General Fund, 1983 *(by transfer)*	*(−64,514,000)*	*(−54,514,000)*	
Timber purchaser credits	*(268,834,000)*	*(240,000,000)*	*(−28,834,000)*
Youth Conservation Corps		10,000,000	+10,000,000
Land acquisition	7,563,000	56,877,000	+49,314,000
Acquisition of lands for national forests, special acts *(special fund)*	753,000	753,000	

See footnotes at end of table, p. 1528.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-394, APPROVED DECEMBER 30, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983[2]	Increase (+) or decrease (−), appropriations compared with estimates
Acquisition of lands to complete land exchanges *(special fund, indefinite)*	$147,000	$147,000	
Range betterment fund *(special fund, indefinite)*	5,800,000	5,800,000	
Miscellaneous trust funds	90,000	90,000	
Total, Forest Service	1,493,937,000	1,532,883,000	+$38,946,000
DEPARTMENT OF ENERGY			
Fossil energy research and development	106,900,000	215,514,000	+108,614,000
(By transfer)		*(73,700,000)*	*(+73,700,000)*
Naval petroleum and oil shale reserves	232,500,000	222,000,000	−10,500,000
Energy conservation	21,802,000	279,290,000	+257,488,000
(By transfer)		*(64,000,000)*	*(+64,000,000)*
Economic regulation	27,356,000	35,106,000	+7,750,000
SPR petroleum account	*(2,074,060,000)*	*(2,074,060,000)*	
Energy Information Administration	54,500,000	56,400,000	+1,900,000
Total, Department of Energy	443,058,000	808,310,000	+365,252,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH SERVICES ADMINISTRATION			
Indian health services	613,280,000	645,583,000	+32,303,000
Indian health facilities		34,700,000	+34,700,000
Total, Indian health	613,280,000	680,283,000	+67,003,000
DEPARTMENT OF EDUCATION			
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Indian education	51,119,000	67,247,000	+16,128,000
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION			
Salaries and expenses	13,403,000	7,665,000	−5,738,000
SMITHSONIAN INSTITUTION			
Salaries and expenses	144,110,000	144,366,000	+256,000
Museum programs and related research *(special foreign currency program)*	2,000,000	2,000,000	
Construction and improvements, National Zoological Park	1,550,000	1,550,000	
Restoration and renovation of buildings	8,450,000	8,450,000	
Subtotal,	156,110,000	156,366,000	+256,000
Salaries and expenses, National Gallery of Art	32,673,000	32,878,000	+205,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	2,255,000	2,321,000	+66,000
Total, Smithsonian Institution	191,038,000	191,565,000	+527,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES			
NATIONAL ENDOWMENT FOR THE ARTS			
Salaries and expenses	69,756,000	101,675,000	+31,919,000
Administrative expenses	12,600,000	12,600,000	
Subtotal	82,356,000	114,275,000	+31,919,000
Matching grants *(indefinite)*	18,519,000	29,600,000	+11,081,000
Total, National Endowment for the Arts	100,875,000	143,875,000	+43,000,000

See footnotes at end of table, p. 1528.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-394, APPROVED DECEMBER 30, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983[2]	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL ENDOWMENT FOR THE HUMANITIES			
Salaries and expenses	$59,000,000	$90,432,000	+$31,432,000
Administrative expenses	12,200,000	11,700,000	−500,000
Subtotal	71,200,000	102,132,000	+30,932,000
Matching grants *(indefinite)*	24,800,000	27,928,000	+3,128,000
Total, National Endowment for the Humanities	96,000,000	130,060,000	+34,060,000
Institute of Museum Services		10,800,000	+10,800,000
Total, National Foundation on the Arts and the Humanities	196,875,000	284,735,000	+87,860,000
COMMISSION OF FINE ARTS			
Salaries and expenses	319,000	319,000	
ADVISORY COUNCIL ON HISTORIC PRESERVATION			
Salaries and expenses	1,000,000	1,500,000	+500,000
NATIONAL CAPITAL PLANNING COMMISSION			
Salaries and expenses	2,202,000	2,279,000	+77,000
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION			
Salaries and expenses	2,250,000	2,350,000	+100,000
Land acquisition and development fund *(borrowing authority)*	1,200,000		−1,200,000
Public development	8,750,000	8,750,000	
Total, Pennsylvania Avenue Development Corporation	12,200,000	11,100,000	−1,100,000
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE			
Permitting and enforcement	7,125,000	6,125,000	−1,000,000
HOLOCAUST MEMORIAL COUNCIL			
Holocaust Memorial Council	820,000	820,000	
Total, title II, new budget *(obligational)* authority, related agencies	3,026,376,000	3,594,831,000	+568,455,000
Consisting of:			
Appropriations	3,025,176,000	3,594,831,000	+569,655,000
Borrowing authority	1,200,000		−1,200,000
RECAPITULATION			
Total, new budget *(obligational)* authority, all titles	6,545,960,000	7,500,025,000	+954,065,000
Consisting of:			
Appropriations	6,544,760,000	7,500,025,000	+955,265,000
Borrowing authority	1,200,000		−1,200,000
(Limitation on direct loans)	*(19,970,000)*	*(19,970,000)*	
(Limitation on guaranteed loans)	*(23,800,000)*	*(15,800,000)*	*(−8,000,000)*
By transfer	*(−64,514,000)*	*(89,386,000)*	*(+153,900,000)*

See footnotes on next page.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-394, APPROVED DECEMBER 30, 1982—Continued

[1] Includes the following budget amendments:

H. Doc. 97-168:	
Federal Inspector for the Alaska Gas Pipeline	-$6,201,000
H. Doc. 97-185:	
Department of the Interior:	
National Park Service: John F. Kennedy Center for the Performing Arts	261,000
H. Doc. 97-206:	
Department of the Interior:	
National Park Service: Construction	9,000,000
Geological Survey: Surveys, Investigations, and Research	8,800,000
Office of the Inspector General	7,500,000
Federal Inspector for the Alaska Gas Pipeline	-17,145,000
Total, H. Doc. 97-206 *(net)*	8,155,000
H. Doc. 97-219:	
Department of the Interior:	
U.S. Fish and Wildlife Service:	
Resource management	2,954,000
Construction and anadromous fish	-2,954,000
Total, H. Doc. 97-219 *(net)*	
H. Doc. 97-262:	
Department of the Interior:	
National Park Service: Land acquisition and State assistance	-$31,000,000
Total budget amendments *(net)*	-28,785,000

[2] Excludes accounts and/or amounts funded in continuing resolutions as follows:

Public Law 97-276, Continuing Appropriations, 1983:	
Department of Energy: Strategic Petroleum Reserve	$242,118,000
Smithsonian Institution: Construction	36,500,000
Native Hawaiians Study Commission	190,000
Total, Public Law 97-276	278,808,000
Public Law 97-377, Further Continuing Appropriations, 1983:	
Department of the Interior:	
U.S. Fish and Wildlife Service: Resource management	94,000
National Park Service: Construction	3,000,000
Department of Energy: Fossil energy research and development	2,000,000
Total, Public Law 97-377	5,094,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (H.R. 7205)

[NOTE.—The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983 (H.R. 7205), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 29, 1982, and was passed by the House on December 1, 1982. The Senate Committee on Appropriations reported the bill on December 8, 1982, but no further action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under sections 101(e)(1), (2) and (3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the total impact of Public Law 97-377 on programs and activities normally funded in H.R. 7205. In some cases, multiple appropriations for the same account have been consolidated in this table (see pp. 321-346, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF LABOR			
EMPLOYMENT AND TRAINING ADMINISTRATION			
Program administration [2]	$81,068,000	$91,465,000	+$10,397,000
(Limitation on trust fund transfer) [2]	*(41,467,000)*	*(29,438,000)*	*(−12,029,000)*
Employment and training assistance [2]	2,387,000,000	3,764,000,000	+1,377,000,000
Dislocated workers		25,000,000	+25,000,000
Community service employment for older Americans		281,950,000	+281,950,000
Federal unemployment benefits and allowances	35,000,000	230,000,000	+195,000,000
Grants to States for unemployment insurance and employment services	22,200,000	22,200,000	
(Limitation on trust fund transfer)	*(2,323,200,000)*	*(2,454,300,000)*	*(+131,100,000)*
Advances to the Unemployment Trust Fund and other funds	4,572,000,000	5,411,000,000	+839,000,000
Total, Employment and Training Administration	7,097,268,000	9,825,615,000	+2,728,347,000
LABOR—MANAGEMENT SERVICES ADMINISTRATION			
Salaries and expenses	60,153,000	58,077,000	−2,076,000
EMPLOYMENT STANDARDS ADMINISTRATION			
Salaries and expenses	169,296,000	169,296,000	
(Limitation on trust fund transfer)	*(347,000)*	*(347,000)*	
Special benefits	339,600,000	339,600,000	
Black Lung Disability Trust Fund:			
Definite	673,544,000	673,544,000	
Indefinite	756,000	756,000	
Total, Employment Standards Administration	1,183,196,000	1,183,196,000	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION			
Salaries and expenses	206,256,000	205,256,000	−1,000,000
MINE SAFETY AND HEALTH ADMINISTRATION			
Salaries and expenses	153,828,000	153,828,000	
BUREAU OF LABOR STATISTICS			
Salaries and expenses	120,143,000	120,143,000	
DEPARTMENTAL MANAGEMENT			
Salaries and expenses	[3]91,705,000	93,864,000	+2,159,000
(Limitation on trust fund transfer)	*[3](8,752,000)*	*(8,752,000)*	
Special foreign currency program	200,000	67,000	−133,000

See footnotes at end of table, pp. 1534-1535.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (H.R. 7205)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983 (H.R. 7205), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 29, 1982, and was passed by the House on December 1, 1982. The Senate Committee on Appropriations reported the bill on December 8, 1982, but no further action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under sections 101(e)(1), (2) and (3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the total impact of Public Law 97-377 on programs and activities normally funded in H.R. 7205. In some cases, multiple appropriations for the same account have been consolidated in this table (see pp. 321-346, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Office of the Inspector General	[3]$38,133,000	$38,133,000	
(Limitation on trust fund transfer)	[3]*(6,835,000)*	*(6,835,000)*	
Total, Departmental Management	130,038,000	132,064,000	+$2,026,000
Total, title I, Department of Labor:			
New budget *(obligational)* authority	8,950,882,000	11,678,179,000	+2,727,297,000
(Limitation on trust fund transfers)	*(2,380,601,000)*	*(2,499,672,000)*	*(+119,071,000)*
TITLE II			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH SERVICES ADMINISTRATION			
Health services	960,732,000	1,018,563,000	+57,831,000
(Limitation on direct loans)	*(1,000,000)*	*(1,000,000)*	
(Limitation on guaranteed loans)	*(80,000,000)*		*(−80,000,000)*
CENTERS FOR DISEASE CONTROL			
Preventive health services	[4]270,918,000	290,701,000	+19,783,000
NATIONAL INSTITUTES OF HEALTH			
National Cancer Institute	955,449,000	983,576,000	+28,127,000
National Heart, Lung, and Blood Institute	577,143,000	622,745,000	+45,602,000
National Institute of Dental Research	74,462,000	78,860,000	+4,398,000
National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases	379,422,000	412,182,000	+32,760,000
National Institute of Neurological and Communicative Disorders and Stroke	274,505,000	295,719,000	+21,214,000
National Institute of Allergy and Infectious Diseases	246,043,000	273,581,000	+27,538,000
National Institute of General Medical Sciences	345,621,000	369,561,000	+23,940,000
National Institute of Child Health and Human Development	233,575,000	253,655,000	+20,080,000
National Eye Institute	131,550,000	141,561,000	+10,011,000
National Institute of Environmental Health Sciences	157,448,000	164,367,000	+6,919,000
National Institute on Aging	84,556,000	93,996,000	+9,440,000
Research resources	191,024,000	213,804,000	+22,780,000
John E. Fogarty Center	10,147,000	10,147,000	
National Library of Medicine	46,043,000	46,043,000	
Office of the Director	24,283,000	24,683,000	+400,000
Buildings and facilities	17,500,000	17,500,000	
Total, National Institutes of Health	3,748,771,000	4,001,980,000	+253,209,000
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION			
Alcohol, drug abuse, and mental health	[5]738,177,000	777,556,000	+39,379,000
St. Elizabeths Hospital	67,505,000	76,505,000	+9,000,000
HEALTH RESOURCES ADMINISTRATION			
Health resources	[6]113,911,000	252,963,000	+139,052,000
Medical facilities guarantee and loan fund	32,000,000	32,000,000	

See footnotes at end of table, pp. 1534-1535.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (H.R. 7205)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983 (H.R. 7205), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 29, 1982, and was passed by the House on December 1, 1982. The Senate Committee on Appropriations reported the bill on December 8, 1982, but no further action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under sections 101(e)(1), (2) and (3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the total impact of Public Law 97-377 on programs and activities normally funded in H.R. 7205. In some cases, multiple appropriations for the same account have been consolidated in this table (see pp. 321-346, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
ASSISTANT SECRETARY FOR HEALTH			
Salaries and expenses	$109,563,000	$96,694,000	−$12,869,000
Retirement pay and medical benefits for commissioned officers *(indefinite)*	85,433,000	78,861,000	−6,572,000
Health maintenance organization loan and loan guarantee fund	2,500,000		−2,500,000
(Limitation on direct loans)	*(24,500,000)*	*(24,500,000)*	
Total, Assistant Secretary for Health	197,496,000	175,555,000	−21,941,000
Total, Public Health Service	6,129,510,000	6,625,823,000	+496,313,000
HEALTH CARE FINANCING ADMINISTRATION			
Grants to states for Medicaid	17,895,162,000	19,361,845,000	+1,466,683,000
Appropriation available in prior year	−4,081,000,000	−4,745,585,000	−664,585,000
Total adjusted appropriation incl. borrowing	[7] 13,814,162,000	14,616,260,000	+802,098,000
Advance appropriation for FY 1984	4,470,000,000	5,105,600,000	+635,600,000
Payment to health care trust funds	15,576,000,000	15,347,000,000	−229,000,000
Program management	89,405,000	92,905,000	+3,500,000
(Limitation on trust fund transfer)	*(850,571,000)*	*(959,671,000)*	*(+109,100,000)*
(Not considered)	*(5,000,000)*		*(−5,000,000)*
Total, Health Care Financing Administration:			
New budget *(obligational)* authority	33,949,567,000	35,161,765,000	+1,212,198,000
Appropriations, 1983	*(29,479,567,000)*	*(30,056,165,000)*	*(+576,598,000)*
Appropriations, 1984	*(4,470,000,000)*	*(5,105,600,000)*	*(+635,600,000)*
(Limitation on trust fund transfer)	*(850,571,000)*	*(959,671,000)*	*(+109,100,000)*
SOCIAL SECURITY ADMINISTRATION			
Payments to social security trust funds	855,213,000	855,213,000	
Special benefits for disabled coal miners	1,102,000,000	1,093,000,000	−9,000,000
Supplemental security income program	8,919,495,000	8,543,616,000	−375,879,000
Appropriation available in prior year	−28,133,000	−28,133,000	
Total adjusted appropriation including borrowing	8,891,362,000	8,515,483,000	−375,879,000
Assistance payments program:			
Direct appropriation	5,284,635,000	6,684,207,000	+1,399,572,000
Appropriation available in prior year	−728,659,000	−708,659,000	+20,000,000
Total FY 1983 appropriation	[8] 4,555,976,000	5,975,548,000	+1,419,572,000
Advance appropriation for FY 1984	1,327,203,000	1,718,000,000	+390,797,000
Child Support Enforcement	[9] 284,877,000	347,500,000	+62,623,000
Total, FY 1983 Child Support Enforcement	284,877,000	347,500,000	+62,623,000
Advance for FY 1984	112,500,000	118,000,000	+5,500,000

See footnotes at end of table, pp. 1534-1535.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (H.R. 7205)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983 (H.R. 7205), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 29, 1982, and was passed by the House on December 1, 1982. The Senate Committee on Appropriations reported the bill on December 8, 1982, but no further action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under sections 101(e)(1), (2) and (3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the total impact of Public Law 97-377 on programs and activities normally funded in H.R. 7205. In some cases, multiple appropriations for the same account have been consolidated in this table (see pp. 321-346, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Low income home energy assistance	$1,300,000,000	$1,975,000,000	+$675,000,000
Refugee and entrant assistance	532,152,000	585,000,000	+52,848,000
Limitation on administrative expenses	*(3,408,451,000)*	*(3,408,451,000)*	
Total, Social Security Administration:			
New budget *(obligational)* authority	18,961,283,000	21,182,744,000	+2,221,461,000
Appropriations, 1983	*(17,521,580,000)*	*(19,346,744,000)*	*(+1,825,164,000)*
Appropropriations, 1984	*(1,439,703,000)*	*(1,836,000,000)*	*(+396,297,000)*
(Limitation on administrative expenses)	*(3,408,451,000)*	*(3,408,451,000)*	
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES			
Human Services Block Grant (Title XX)	1,974,126,000	2,450,000,000	+475,874,000
Human Development Services [10]	[10] 1,605,104,000	1,757,014,000	+151,910,000
Child welfare block grants:			
Discretionary activities	160,920,000	172,669,000	+11,749,000
Entitlement activities	250,000,000	400,000,000	+150,000,000
Total, Child welfare	[11] 410,920,000	572,669,000	+161,749,000
Work incentives		270,760,000	+270,760,000
Community services block grant	103,500,000	360,500,000	+257,000,000
Total, Assistant Secretary for Human Development Services	4,093,650,000	5,410,943,000	+1,317,293,000
DEPARTMENTAL MANAGEMENT			
General departmental management	[12] 158,143,000	158,143,000	
(Limitation on trust fund transfer)	*(8,000,000)*	*(8,000,000)*	
Office of the Inspector General	[13] 81,267,000	81,267,000	
(Limitation on trust fund transfer)	*(6,000,000)*	*(6,000,000)*	
Appropriation available in prior year	−10,000,000	−10,000,000	
Total adjusted appropriation including borrowing	71,267,000	71,267,000	
Advance for FY 1984	10,000,000	10,000,000	
Office for Civil Rights	19,163,000	19,163,000	
(Limitation on trust fund transfer)	*(2,350,000)*	*(2,350,000)*	
Policy research	14,718,000	14,718,000	
Total, Departmental Management	273,291,000	273,291,000	
Total, title II, Department of Health and Human Services:			
New budget *(obligational)* authority	63,407,301,000	68,654,566,000	+5,247,265,000
Appropriations, 1983	57,487,598,000	61,702,966,000	+4,215,368,000
Appropriations, 1984	5,919,703,000	6,951,600,000	+1,031,897,000
(Trust fund limitations)	*(3,408,451,000)*	*(3,408,451,000)*	
(Limitation on trust fund transfers)	*(866,921,000)*	*(976,021,000)*	*(+109,100,000)*
(Limitation on direct loans)	*(25,500,000)*	*(25,500,000)*	
(Limitation on guaranteed loans)	*(80,000,000)*		*(−80,000,000)*

See footnotes at end of table, pp. 1534-1535.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (H.R. 7205)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983 (H.R. 7205), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 29, 1982, and was passed by the House on December 1, 1982. The Senate Committee on Appropriations reported the bill on December 8, 1982, but no further action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under sections 101(e)(1), (2) and (3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the total impact of Public Law 97-377 on programs and activities normally funded in H.R. 7205. In some cases, multiple appropriations for the same account have been consolidated in this table (see pp. 321-346, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE III			
DEPARTMENT OF EDUCATION AND SPECIAL INSTITUTIONS			
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Compensatory education for the disadvantaged	$1,942,000,000	$3,167,894,000	+$1,225,894,000
Special elementary and secondary education programs	433,000,000	534,500,000	+101,500,000
School assistance in federally affected areas	[14] 286,880,000	480,000,000	+193,120,000
Total, Office of Elementary and Secondary Education	2,661,880,000	4,182,394,000	+1,520,514,000
OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS			
Bilingual and minority language education	94,534,000	138,057,000	+43,523,000
OFFICE OF SPECIAL EDUCATION AND REHABILITATION SERVICES			
Education for the handicapped	845,668,000	1,110,252,000	+264,584,000
Rehabilitation services and handicapped research	[15] 650,000,000	1,036,727,000	+386,727,000
Total, Office of Special Education and Rehabilitation Services	1,495,668,000	2,146,979,000	+651,311,000
OFFICE OF VOCATIONAL AND ADULT EDUCATION			
Vocational and adult education	500,000,000	816,500,000	+316,500,000
OFFICE OF POSTSECONDARY EDUCATION			
Student financial assistance	1,800,000,000	3,567,800,000	+1,767,800,000
Student loan insurance	2,484,631,000	3,100,500,000	+615,869,000
Higher and continuing education	[16] 262,352,000	385,525,000	+123,173,000
Higher education facilities loan and insurance	[17] 20,143,000	20,143,000	
(Limitation on direct loans)		*(40,000,000)*	*(+40,000,000)*
Total, Office of Postsecondary Education	4,567,126,000	7,073,968,000	+2,506,842,000
OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT			
Educational research and statistics	62,392,000	64,203,000	+1,811,000
Educational, research and training activities overseas *(special foreign currency program)*	[18] 516,000	516,000	
Libraries and learning resources		80,320,000	+80,320,000
Total, Office of Educational Research and Improvement	62,908,000	145,039,000	+82,131,000
SPECIAL INSTITUTIONS			
American Printing House for the Blind	[19] 4,924,000	5,000,000	+76,000
National Technical Institute for the Deaf	[19] 26,297,000	26,300,000	+3,000
Gallaudet College	[19] 52,000,000	52,000,000	
Howard University	145,200,000	145,200,000	
Total, Special Institutions	228,421,000	228,500,000	+79,000

See footnotes at end of table, pp. 1534-1535.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (H.R. 7205)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983 (H.R. 7205), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 29, 1982, and was passed by the House on December 1, 1982. The Senate Committee on Appropriations reported the bill on December 8, 1982, but no further action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under sections 101(e) (1), (2) and (3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the total impact of Public Law 97-377 on programs and activities normally funded in H.R. 7205. In some cases, multiple appropriations for the same account have been consolidated in this table (see pp. 321-346, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF CIVIL RIGHTS			
Salaries and expenses	[20] $44,868,000	$44,868,000	
DEPARTMENTAL MANAGEMENT			
Salaries and expenses	[20] 222,000,000	222,000,000	
Office of Inspector General	[21] 12,840,000	12,840,000	
Total, title III, Department of Education and Special Institutions	9,890,245,000	15,011,145,000	+$5,120,900,000
TITLE IV—RELATED AGENCIES			
Action *(domestic programs)*	117,721,000	129,321,000	+11,600,000
Corporation for Public Broadcasting *(advance appropriation, 1985)*	85,000,000	130,000,000	+45,000,000
Federal Mediation and Conciliation Service	20,190,000	21,321,000	+1,131,000
Federal Mine Safety and Health Review Commission	3,686,000	3,686,000	
National Commission on Libraries and Information Science		674,000	+674,000
National Commission on Student Financial Assistance	840,000	840,000	
National Labor Relations Board	133,000,000	124,045,000	−8,955,000
National Mediation Board	3,618,000	5,468,000	+1,850,000
Occupational Safety and Health Review Commission	6,316,000	6,316,000	
Railroad Retirement Board:			
Payments to Railroad Retirement Trust Fund	350,000,000	430,000,000	+80,000,000
(Limitation on salaries and expenses)	*(44,080,000)*	*(46,361,000)*	*(+2,281,000)*
Milwaukee Railroad restructuring, administration	250,000	250,000	
Soldiers' and Airmen's Home:			
Operation and maintenance *(trust funds)*	26,718,000	26,718,000	
Total, title IV, related agencies:			
New budget *(obligational)* authority	747,339,000	878,639,000	+131,300,000
Appropriations, 1983	*(662,339,000)*	*(748,639,000)*	*(+86,300,000)*
Appropriations, 1985	*(85,000,000)*	*(130,000,000)*	*(+45,000,000)*
(Trust fund limitations)	*(44,080,000)*	*(46,361,000)*	*(+2,281,000)*
Grand total:			
New budget *(obligational)* authority	82,995,767,000	[22] 96,222,529,000	+13,226,762,000
Appropriations, 1983	*(76,991,064,000)*	*(89,140,929,000)*	*(+12,149,865,000)*
Appropriations, 1984	*(5,919,703,000)*	*(6,951,600,000)*	*(+1,031,897,000)*
Appropriations, 1985	*(85,000,000)*	*(130,000,000)*	*(+45,000,000)*
(Limitation on administrative expenses)	*(3,452,531,000)*	*(3,454,812,000)*	*(+2,281,000)*
(Limitation on trust fund transfers)	*(3,247,522,000)*	*(3,475,693,000)*	*(+228,171,000)*
(Limitation on direct loans)	*(25,500,000)*	*(65,500,000)*	*(+40,000,000)*
(Limitation on guaranteed loans)	*(80,000,000)*		*(−80,000,000)*

---

[1] (a) Includes the following budget amendments:

H. Doc. 97-144:	
Department of Labor:	
Employment and Training Administration:	
Grants to States for unemployment insurance and employment services	$8,400,000
H. Doc. 97-239:	
Department of Labor:	
Mine Safety and Health Administration:	
Salaries and expenses	15,000,000
H. Doc. 97-248:	
National Commission on Student Financial Assistance	$495,000
H. Doc. 97-268:	
Department of Health and Human Services:	
Health Services Administration: Health services	−627,000,000
Total budget amendments *(net)*	−603,105,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1983 (H.R. 7205)—Continued

(b) Includes the following amounts proposed for later transmittal in the President's Budget (H. Doc. 97-124):

Department of Labor:	
Employment and Training Administration:	
Employment and training assistance	$2,387,000,000
Department of Education:	
Office of Special Education and Rehabilitation Services; Education for the handicapped	845,668,000
Office of Vocational and Adult Education:	
Vocational and adult education	500,000,000
Total	3,732,668,000

[2] The continuing resolution (Public Law 97-377) provides for a funding level at the "current rate" for this activity; amounts shown on this table are estimates.

[3] The budget request for "Office of the Inspector General" consolidated with "Salaries and Expenses" in the President's Budget.

[4] Estimate includes $82,600,000 requested in the President's Budget under "Health Block Grants." Excludes $28,874,000 of the President's request considered under Public Law 97-276 for childhood immunization.

[5] Estimate includes $433,000,000 requested in the President's Budget under "Health Block Grants."

[6] Estimate excludes $22,500,000 considered under Public Law 97-276 for family medicine residencies. $64,432,000 of the amount shown as appropriated is an estimate for "health planning" which is provided for in the statute at the "current rate."

[7] Estimate includes $889,000,000 requested in the President's Budget under "Combined Welfare Administration."

[8] Estimate excludes "$1,663,841,000 advanced in fiscal year 1982 and includes $766,000,000 requested in the President's Budget under "Combined Welfare Administration."

[9] Estimate excludes $123,500,000 advanced in fiscal year 1982.

[10] This account referred to as "Services to Special Populations" in the Presidents Budget.

Estimate considered *excludes* the following amounts from the Presidents original budget request:

$6,600,000 for runaway youth consideration in Public Law 97-276.

$84,022,000 for senior citizen community feeding program considered in Department of Agriculture Appropriation Act 1983 (Public Law 97-37 approved Dec. 18, 1982).

$4,924,000 for American Printing House for the Blind considered separately under Title III (Education).

$26,297,000 for National Technical Institute for the Deaf considered separately under Title III (Education).

$52,000,000 for Gallaudet College considered separately under Title III (Education).

$623,509,000 for "Rehabilitation Services" considered separately under Title III (Education).

$13,269,000 relates to administrative costs of rehabilitation (See Department of Education, Salaries and Expenses).

[11] Estimate includes $30,800,000 requested in the President's budget under "Human Resources Research and Demonstration." The remainder of the total request for Human Resources R&D of $26,491,000 related to the National Institute on Handicapped Research considered under Rehabilitation in Title III (Education).

[12] Estimate excludes $826,000 of the President's request related to "Rehabilitation Activities" considered under Title III (Education).

[13] Estimate excludes $973,000 of the President's request related to "Rehabilitation Activities" considered under Title III (Education). ($309,000 under Office of the Inspector General and $648,000 under General Departmental Management).

[14] Estimate considered includes $283,880,000 originally requested in the President's budget under "Impact Aid" in the Department of the Treasury plus $3,000,000 requested under Department of Defense "Operation and Maintenance, Defense Agencies".

[15] Estimate includes $623,509,000 for "Rehabilitation Services" originally requested under the Department of Health and Human Services "Human Development Service" plus $26,491,000 for National Institute of Handicapped Research originally requested under the Department of Health and Human Services "Human Resources Research and Demonstrations."

[16] (a) Estimate *includes*:

$10,314,000 related to International Education originally requested under International Communications Agency, "Education, Research and Training"

$3,287,000 related to minority institution sciences improvement originally requested under National Science Foundation "Research and Related Activities"

$25,000,000 related to "interest subsidy grants originally requested under Department of the Treasury "Higher Education Facilities Loans and Insurance."

(b) Estimate *excludes* $9,000,000 related to General Chappie James Memorial considered in Public Law 97-276.

[17] This request originally included under Department of the Treasury; $25,000,000 of the amount originally requested considered under "Higher and Continuing Education."

[18] This request originally included under "International Communication Agency."

[19] The budget request for these institutions originally included under the Department of Health and Human Services, "Human Development Services."

[20] These budget requests totaling $266,868,000 for Office of Civil Rights and General Departmental Management requested in a consolidated account in the President's budget for "Salaries and expenses". This request originally submitted as $243,974,000. In addition this estimate includes the following amounts requested elsewhere in the President's budget:

$13,269,000 related to migrant and rehabilitation programs under the Department of Health and Human Services "Human Development Services."

$826,000 related to rehabilitation under the Department of Health and Human Services "General Departmental Management."

$644,000 related to rehabilitation under the Department of Health and Human Services "Office of the Inspector General."

$3,880,000 related to impact aid from Department of Treasury, "Impact aid."

$252,000 related to impact aid from Department of Defense "Operation and Maintenance."

$81,000 related to minority science improvement from National Science Foundation "Research and Related Activities."

$3,570,000 related to international education from International Communications Agency "Education, Research and Training Activities."

$372,000 related to civil rights from Department of Justice "Salaries and expenses."

[21] Estimate includes $309,000 requested in President's Budget under the Department of Health and Human Services, "Office of Inspector General."

[22] Excludes $5,492,377,000 appropriated in fiscal year 1983 in this bill (H.R. 7205) to liquidate "indefinite" appropriations made in fiscal year 1982 as follows (estimated at $4,615,600,000 in 1981-82 volume):

Department of Health and Human Services:	
Health Care Financing Administration:	
Grants to States for Medicaid	$4,745,585,000
Social Security Administration:	
Supplemental security income program	28,133,000
Assistance payments program	708,659,000
Departmental Management: Office of the Inspector General	10,000,000
Total	5,492,377,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATION BILL, 1983 (H.R. 7073) (S. 2939)

[NOTE.—The Legislative Branch Appropriation Bill, 1983 (H.R. 7073), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 9, 1982, but was not considered by the House. S. 2939 was reported by the Senate Committee on Appropriations on September 22, 1982, but was not considered by the Senate. However, S. 2939 was incorporated by reference, with certain exceptions, under section 101(e) of Public Law 97-276, approved October 2, 1982, Making Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(e) of Public Law 97-276 for those programs and activities normally funded in H.R. 7073 (see, p. 260, this volume, for relevant section of Public Law 97-276).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—CONGRESSIONAL OPERATIONS			
SENATE			
COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE LEADERS, AND WHIPS OF THE SENATE			
Compensation and mileage of the Vice President and Mileage of the Vice President and Senators	$60,000	$60,000	...
Expense allowances of the Vice President, President Pro Tempore, Majority and Minority Leaders and Majority and Minority Whips:			
Vice President	10,000	10,000	...
President Pro Tempore of the Senate	10,000	10,000	...
Majority Leader of the Senate	10,000	10,000	...
Minority Leader of the Senate	10,000	10,000	...
Majority Whip of the Senate	2,500	2,500	...
Minority Whip of the Senate	2,500	2,500	...
Total, expense allowances	45,000	45,000	...
Total, Vice President and Senators	105,000	105,000	...
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Vice President	991,000	991,000	...
Office of the President pro tempore	147,000	133,000	−$14,000
Offices of the Majority and Minority Leaders	780,000	717,000	−63,000
Floor assistants to the Majority and Minority Leaders	134,000	117,000	−17,000
Offices of the Majority and Minority Whips	308,000	279,000	−29,000
Conference committees	968.000	876,000	−92,000
Offices of the secretaries of the conference of the Majority and the conference of the Minority	166,000	150,000	−16,000
Office of the Chaplain	80,000	80,000	...
Office of the Secretary	5,702,000	5,660,000	−42,000
Administrative, clerical, and legislative assistance to Senators	90,996,000	90,996,000	...
Office of Sergeant at Arms and Doorkeeper	28,470,000	27,378,000	−1,092,000
Offices of the secretaries for the Majority and Minority	717,000	710,000	−7,000
Agency contributions and longevity compensation	17,024,000	16,705,000	−319,000
Total, salaries, officers and employees	146,483,000	144,792,000	−1,691,000
OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE			
Salaries and expenses	1,255,000	1,155,000	−100,000
OFFICE OF SENATE LEGAL COUNSEL			
Salaries and expenses	525,000	508,000	−17,000
Expense allowance for the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and for the Minority of the Senate	8,000	8,000	...
CONTINGENT EXPENSES OF THE SENATE			
Senate policy committees	1,803,000	1,634,000	−169,000
Automobiles and maintenance	111,000	90,000	−21,000
Inquiries and investigations	47,524,000	43,199,500	−4,324,500

See footnotes at end of table, p. 1541.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATION BILL, 1983 (H.R. 7073) (S. 2939)—Continued

[NOTE.—The Legislative Branch Appropriation Bill, 1983 (H.R. 7073), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 9, 1982, but was not considered by the House. S. 2939 was reported by the Senate Committee on Appropriations on September 22, 1982, but was not considered by the Senate. However, S. 2939 was incorporated by reference, with certain exceptions, under section 101(e) of Public Law 97-276, approved October 2, 1982, Making Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(e) of Public Law 97-276 for those programs and activities normally funded in H.R. 7073 (see, p. 260, this volume, for relevant section of Public Law 97-276).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Folding documents	$134,000		−$134,000
Miscellaneous items	39,066,000	$37,900,500	−1,165,500
Postage stamps	11,000	11,000	
Stationery *(revolving fund)*	31,000	131,000	+100,000
Total, contingent expenses of the Senate	88,680,000	82,966,000	−5,714,000
Total, Senate	237,056,000	229,534,000	−7,522,000
HOUSE OF REPRESENTATIVES			
PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS			
Gratuities, deceased Members		[2] *(60,663)*	*(+60,663)*
COMPENSATION AND MILEAGE FOR THE MEMBERS			
Mileage of Members	210,000	210,000	
HOUSE LEADERSHIP OFFICES			
Office of the Speaker	676,000	676,000	
Office of the Majority Floor Leader	555,000	555,000	
Office of the Minority Floor Leader	617,000	617,000	
Office of the Majority Whip	470,000	470,000	
Office of the Minority Whip	408,000	408,000	
Total, House leadership offices	2,726,000	2,726,000	
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Clerk	11,787,000	11,787,000	
Office of the Sergeant at Arms	16,284,000	16,284,000	
Office of the Doorkeeper	5,938,000	5,938,000	
Office of the Postmaster	1,769,000	1,769,000	
Office of the Chaplain	59,000	59,000	
Office of the Parliamentarian	495,000	495,000	
Office of the Law Revision Counsel	716,000	716,000	
Office of the Legislative Counsel	2,601,000	2,601,000	
House Democratic Steering Committee and Caucus	511,000	511,000	
House Republican Conference	511,000	511,000	
Six minority employees	352,000	352,000	
Other authorized employees	936,000	936,000	
Total, salaries, officers and employees	41,959,000	41,959,000	
COMMITTEE EMPLOYEES			
Professional and clerical employees *(standing committees)*	32,035,000	32,035,000	
COMMITTEE ON APPROPRIATIONS (Studies and Investigations)			
Salaries and expenses	3,750,000	3,750,000	

See footnotes at end of table, p. 1541.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATION BILL, 1983 (H.R. 7073) (S. 2939)—Continued

[NOTE.—The Legislative Branch Appropriation Bill, 1983 (H.R. 7073), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 9, 1982, but was not considered by the House. S. 2939 was reported by the Senate Committee on Appropriations on September 22, 1982, but was not considered by the Senate. However, S. 2939 was incorporated by reference, with certain exceptions, under section 101(e) of Public Law 97-276, approved October 2, 1982, Making Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(e) of Public Law 97-276 for those programs and activities normally funded in H.R. 7073 (see, p. 260, this volume, for relevant section of Public Law 97-276).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
COMMITTEE ON THE BUDGET (Studies)			
Salaries and expenses	$276,000	$276,000	
MEMBERS' CLERK HIRE			
Clerk hire	143,953,000	143,953,000	
CONTINGENT EXPENSES OF THE HOUSE			
ALLOWANCES AND EXPENSES			
Official expenses of Members	49,791,000	49,791,000	
Supplies, materials, administrative costs and Federal tort claims	8,337,000	8,337,000	
Furniture and furnishings	1,250,000	1.250,000	
Reporting hearings	700,000	700,000	
Reemployed annuitants reimbursement	2,300,000	2,300,000	
Government contributions	18,988,000	18,988,000	
Miscellaneous items	500,000	500,000	
Total, allowances and expenses	81,866,000	81,866,000	
SPECIAL AND SELECT COMMITTEES			
Salaries and expenses	43,600,000	42,000,000	−$1,600,000
Total, contingent expenses of the House	125,466,000	123,866,000	−1,600,000
Total, House of Representatives	350,375,000	348,775,000	−1,600,000
JOINT ITEMS			
CONTINGENT EXPENSES OF THE SENATE			
Joint Economic Committee	2,375,000	2,327,000	−48,000
Joint Committee on Printing	951,000	816,000	−135,000
Total, contingent expenses of the Senate	3,326,000	3,143,000	−183,000
CONTINGENT EXPENSES OF THE HOUSE			
Joint Committee on Taxation	3,405,000	3,233,000	−172,000
OFFICE OF THE ATTENDING PHYSICIAN			
Medical supplies, equipment, expenses, and allowances	633,000	633,000	
CAPITOL POLICE			
General expenses	945,000	945,000	
EDUCATION OF PAGES			
Education of congressional pages and pages of the Supreme Court	271,000	271,000	
OFFICIAL MAIL COSTS			
Expenses	55,196,000	55,196,000	

See footnotes at end of table, p. 1541.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATION BILL, 1983 (H.R. 7073) (S. 2939)—Continued

[NOTE.—The Legislative Branch Appropriation Bill, 1983 (H.R. 7073), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 9, 1982, but was not considered by the House. S. 2939 was reported by the Senate Committee on Appropriations on September 22, 1982, but was not considered by the Senate. However, S. 2939 was incorporated by reference, with certain exceptions, under section 101(e) of Public Law 97-276, approved October 2, 1982, Making Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(e) of Public Law 97-276 for those programs and activities normally funded in H.R. 7073 (see, p. 260, this volume, for relevant section of Public Law 97-276).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
CAPITOL GUIDE SERVICE			
Salaries and expenses	$734,000	$734,000	
STATEMENTS OF APPROPRIATIONS			
Preparation	13,000	13,000	
Total, joint items	64,523,000	64,168,000	−$355,000
OFFICE OF TECHNOLOGY ASSESSMENT			
Salaries and expenses	13,900,000	12,575,000	−1,325,000
CONGRESSIONAL BUDGET OFFICE			
Salaries and expenses	16,352,000	14,825,000	−1,527,000
ARCHITECT OF THE CAPITOL			
OFFICE OF THE ARCHITECT OF THE CAPITOL			
Salaries	4,540,000	4,301,000	−239,000
Contingent expenses	210,000	210,000	
Total, Office of the Architect of the Capitol	4,750,000	4,511,000	−239,000
CAPITOL BUILDINGS AND GROUNDS			
Capitol buildings	11,814,000	9,998,000	−1,816,000
Capitol grounds	5,608,000	4,921,000	−687,000
Acquisition of property as an addition to the Capitol grounds	4,500,000	4,500,000	
Senate office buildings	34,883,000	20,308,000	−14,575,000
Senate garage	104,000		−104,000
House office buildings	20,814,000	20,367,000	−447,000
Capitol Power Plant *(operation)*	24,060,000	23,100,000	−960,000
Total, Capitol buildings and grounds	101,783,000	83,194,000	−18,589,000
Total, Architect of the Capitol *(except items in Title II)*	106,533,000	87,705,000	−18,828,000
LIBRARY OF CONGRESS			
CONGRESSIONAL RESEARCH SERVICE			
Salaries and expenses	37,109,000	33,851,000	−3,258,000
GOVERNMENT PRINTING OFFICE			
Congressional printing and binding	90,247,000	81,747,000	−8,500,000
Total, title I—Congressional Operations	916,095,000	873,180,000	−42,915,000
TITLE II—OTHER AGENCIES			
BOTANIC GARDEN			
Salaries and expenses	1,827,000	1,827,000	

See footnotes at end of table, p. 1541.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATION BILL, 1983 (H.R. 7073) (S. 2939)—Continued

[NOTE.—The Legislative Branch Appropriation Bill, 1983 (H.R. 7073), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 9, 1982, but was not considered by the House. S. 2939 was reported by the Senate Committee on Appropriations on September 22, 1982, but was not considered by the Senate. However, S. 2939 was incorporated by reference, with certain exceptions, under section 101(e) of Public Law 97-276, approved October 2, 1982, Making Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(e) of Public Law 97-276 for those programs and activities normally funded in H.R. 7073 (see, p. 260, this volume, for relevant section of Public Law 97-276).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
LIBRARY OF CONGRESS			
Salaries and expenses	$129,657,000	$126,803,000	−$2,854,000
Authority to spend receipts		−6,500,000	−6,500,000
Net, Salaries and expenses	129,657,000	120,303,000	−9,354,000
Copyright Office, salaries and expenses	15,515,000	15,477,000	−38,000
Auhority to spend receipts		−5,000,000	−5,000,000
Net, Copyright Office, salaries and expenses	15,515,000	10,477,000	−5,038,000
Books for the blind and physically handicapped, salaries and expenses	35,478,000	33,384,000	−2,094,000
Collection and distribution of library materials *(special foreign currency program)*:			
Payments in Treasury-owned foreign currencies	3,976,000	3,976,000	
U.S. dollars	462,000	462,000	
Total, collection and distribution of library materials	4,438,000	4,438,000	
Furniture and furnishings	1,563,000	1,226,000	−337,000
Total, Library of Congress *(except Congressional Research Service)*	186,651,000	169,828,000	−16,823,000
ARCHITECT OF THE CAPITOL			
Congressional cemetery		300,000	+300,000
LIBRARY BUILDINGS AND GROUNDS			
Structural and mechanical care	5,137,000	5,071,000	−66,000
COPYRIGHT ROYALTY TRIBUNAL			
Salaries and expenses	556,000	606,000	+50,000
Authority to spend receipts		−157,000	−157,000
Net, Salaries and expenses	556,000	449,000	−107,000
GOVERNMENT PRINTING OFFICE			
Printing and binding	16,591,000	12,791,000	−3,800,000
Office of Superintendent of Documents, salaries and expenses	28,889,000	27,291,000	−1,598,000
Total, Government Printing Office *(except Congressional printing and binding)*	45,480,000	40,082,000	−5,398,000
GENERAL ACCOUNTING OFFICE			
Salaries and expenses	255,014,000	244,900,000	−10,114,000
Total, title II—other agencies	494,665,000	462,457,000	−32,208,000
Grand total, Legislative Branch, 1983	1,410,760,000	1,335,637,000	−75,123,000

See footnotes on next page.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATION BILL, 1983 (H.R. 7073) (S. 2939)—Continued

[1] Includes the following budget amendments:

H. Doc. 97-168:	
Senate:	
Contingent expenses of the Senate: Senate policy committees	$30,000
H. Doc. 97-185:	
Senate:	
Salaries, officers and employees: Administrative, clerical, and legislative assistance to Senators	80,000
H. Doc. 97-206:	
Copyright Royalty Tribunal: Salaries and expenses	30,000
H. Doc. 97-219:	
Senate:	
Salaries, officers and employees:	
Offices of the Majority and Minority Leaders	120,000
Office of the Sergeant-at-Arms and Doorkeeper	307,000
Offices of the Secretaries for the Majority and Minority	100,000
Agency contributions and longevity compensation	53,000
Contingent expenses of the Senate:	
Automobiles and maintenance	15,000
Miscellaneous items	-477,000
Stationery *(revolving fund)*	-20,000
Total, H. Doc. 97-219 *(net)*	98,000
H. Doc. 97-228:	
Architect of the Capitol:	
Capitol Buildings and Grounds: Acquisition of property as an addition to the Capitol grounds	$4,500,000
H. Doc. 97-239:	
Architect of the Capitol:	
Capitol Buildings and Grounds: Senate Office buildings	9,500,000
Total budget amendments *(net)*	14,238,000

Excludes the following budget amendments which were submitted too late for consideration in this bill:

H. Doc. 97-248:	
House of Representatives:	
Allowances and expenses:	
Official expenses of Members	$9,546,000
Government contributions	3,360,000
Joint items:	
Office of the Attending Physician	3,000
Official mail costs	23,142,000
Total, H. Doc. 97-248 *(estimates not considered)*	36,051,000

[2] Funding in the amount of $60,663 provided in Public Law 97-276, Continuing Appropriations, 1983, and reflected as new budget (obligational) authority in table VIII for that law. (See p. 260, this volume.)

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

MILITARY CONSTRUCTION APPROPRIATION ACT, 1983, PUBLIC LAW 97-323, APPROVED OCTOBER 15, 1982

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Military construction, Army	$1,100,200,000	$929,720,000	−$170,480,000
Military construction, Navy	1,208,300,000	1,080,750,000	−127,550,000
Military construction, Air Force	2,081,800,000	1,551,414,000	−530,386,000
Military construction, Defense agencies	408,900,000	339,770,000	−69,130,000
(By transfer)		*(20,000,000)*	*(+20,000,000)*
North Atlantic Treaty Organization Infrastructure	375,000,000	325,000,000	−50,000,000
Military construction, Army National Guard	51,100,000	54,958,000	+3,858,000
Military construction, Air National Guard	106,800,000	127,900,000	+21,100,000
Military construction, Army Reserve	42,800,000	41,800,000	−1,000,000
Military construction, Naval Reserve	25,200,000	25,200,000	
Military construction, Air Force Reserve	35,600,000	35,600,000	
Total, military construction	5,435,700,000	4,512,112,000	−923,588,000
Family housing, Army	1,091,953,000	1,005,220,000	−86,733,000
Portion applied to debt reduction	−38,534,000	−38,534,000	
Total, family housing, Army	1,053,419,000	966,686,000	−86,733,000
Family housing, Navy	796,844,000	736,300,000	−60.544,000
Portion applied to debt reduction	−28,007,000	−28,007,000	
Total, family housing, Navy	768,837,000	708,293,000	−60,544,000
Family housing, Air Force	989,085,000	897,171,000	−91,914,000
Portion applied to debt reduction	−57,535,000	−57,535,000	
Total, family housing, Air Force	931,550,000	839,636,000	−91,914,000
Family housing, Defense agencies	18,321,000	14,313,000	−4,008,000
Total, family housing	2,772,127,000	2,528,928,000	−243,199,000
Homeowners assistance fund, Defense	4,000,000	2,000,000	−2,000,000
Grand total, new budget *(obligational)* authority	8,211,827,000	7,043,040,000	−1,168,787,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-369, APPROVED DECEMBER 18, 1982

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF TRANSPORTATION			
OFFICE OF THE SECRETARY			
Salaries and expenses	$41,700,000	$40,000,000	−$1,700,000
Transportation planning, research, and development	7,800,000	4,900,000	−2,900,000
(Limitation on working capital fund)	*(73,965,000)*	*(70,909,000)*	*(−3,056,000)*
Total, Office of the Secretary	49,500,000	44,900,000	−4,600,000
COAST GUARD			
Headquarters administration		58,440,000	+58,440,000
(By transfer)		*(14,000,000)*	*(+14,000,000)*
Operating expenses	1,577,958,000	1,518,963,000	−58,995,000
Appropriation for debt reduction	−254,650	−254,650	
Total, operating expenses and headquarters administration	1,577,703,350	1,577,148,350	−555,000
Acquisition, construction, and improvements	284,820,000	400,000,000	+115,180,000
(By transfer)		*(9,000,000)*	*(+9,000,000)*
Alteration of bridges	10,200,000	12,700,000	+2,500,000
Retired pay	336,000,000	336,000,000	
Reserve training	50,094,000	50,000,000	−94,000
(By transfer)		*(4,000,000)*	*(+4,000,000)*
Research, development, test, and evaluation	15,000,000	20,000,000	+5,000,000
Offshore oil pollution compensation fund	1,000,000	1,000,000	
Deepwater port liability fund	1,000,000	1,000,000	
National recreational boating safety and facilities improvement fund	5,000,000	5,000,000	
Total, Coast Guard	2,280,817,350	2,402,848,350	+122,031,000
FEDERAL AVIATION ADMINISTRATION			
Headquarters administration		54,574,000	+54,574,000
Operations	[2]2,549,806,000	[3]2,461,783,000	−88,023,000
Subtotal, Operations and headquarters administration	2,549,806,000	2,516,357,000	−33,449,000
Facilities, engineering, and development		18,255,000	+18,255,000
Facilities and equipment *(Airport and Airway Trust Fund)*	725,000,000	617,550,000	−107,450,000
(By transfer)		*(7,450,000)*	*(+7,450,000)*
Research, engineering and development *(Airport and Airway Trust Fund)*	133,500,000	103,000,000	−30,500,000
Grants-in-aid for airports *(liquidation of contract authorization) (Airport and Airway Trust Fund)*	*(234,000,000)*	*(234,000,000)*	
Operation and maintenance, Metropolitan Washington Airports	31,955,000	31,955,000	
Construction, Metropolitan Washington Airports	13,080,000	11,080,000	−2,000,000
Aircraft purchase loan guarantee program:			
(Limitation on loan guarantees)		*(100,000,000)*	*(+100,000,000)*
(Limitation on new loan guarantees)			
Total, Federal Aviation Administration	3,453,341,000	3,298,197,000	−155,144,000
FEDERAL HIGHWAY ADMINISTRATION			
(Limitation on general operating expenses)	*(191,562,000)*	*(188,500,000)*	*(−3,062,000)*
Motor carrier safety	12,705,000	11,600,000	−1,105,000
(By transfer)		*(1,000,000)*	*(+1,000,000)*
Highway safety research and development *(trust fund)*	8,600,000	7,700,000	−900,000
(By transfer)		*(300,000)*	*(+300,000)*

See footnotes at end of table, p. 1546.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-369, APPROVED DECEMBER 18, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Highway beautification		$500,000	+$500,000
Highway-related safety grants *(liquidation of contract authorization) (Trust Fund)*	*($22,998,000)*	*(22,998,000)*	
Rescission of contract authority	*(−10,000,000)*	−9,623,000	−9,623,000
Territorial highways		3,000,000	+3,000,000
Federal-aid highways *(Liquidation of contract authorization) (Trust fund)*	*(8,200,000,000)*	*(8,200,000,000)*	
Interstate transfer grants—highways *(trust fund)*	150,000,000	(4)	−150,000,000
Total, Federal Highway Administration	171,305,000	13,177,000	−158,128,000
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
Operations and research	[5] 81,600,000	[6] 74,000,000	−7,600,000
State and community highway safety *(liquidation of contract authorization) (Trust Fund)*	*(103,552,000)*	*(103,552,000)*	
Total, National Highway Traffic Safety Administration	81,600,000	74,000,000	−7,600,000
FEDERAL RAILROAD ADMINISTRATION			
Office of the Administrator	15,600,000	13,000,000	−2,600,000
Railroad safety	29,300,000	28,000,000	−1,300,000
Railroad research and development	20,000,000	17,000,000	−3,000,000
Rail Service Assistance	31,675,000	31,675,000	
Conrail labor protection	20,000,000	10,000,000	−10,000,000
(By transfer)		*(10,000,000)*	*(+10,000,000)*
Northeast corridor improvement program	115,000,000	115,000,000	
Grants to the National Railroad Passenger Corporation	600,000,000	700,000,000	+100,000,000
Commuter rail service *(by transfer)*	*(75,000,000)*	*(90,000,000)*	*(+15,000,000)*
Railroad Rehabilitation and Improvement Financing Funds:			
(Limitation on loan guarantees)		*(600,000,000)*	*(+600,000,000)*
(Limitation on new loan guarantees)		*(100,000,000)*	*(+100,000,000)*
Redeemable preference shares:			
Appropriation *(Authority to borrow)*		5,000,000	+5,000,000
Emergency rail facilities restoration *(limitation on direct loans)*	*(2,301,000)*	*(2,301,000)*	
Total, Federal Railroad Administration	831,575,000	919,675,000	+88,100,000
URBAN MASS TRANSPORTATION ADMINISTRATION			
Administrative expenses	29,075,000	28,081,000	−994,000
Research, development, and demonstrations and university research and training	45,000,000	58,250,000	+13,250,000
Urban discretionary grants	1,518,500,000	1,606,000,000	+87,500,000
Non-urban formula grants	42,500,000	68,500,000	+26,000,000
Urban formula grants	1,015,000,000	1,200,000,000	+185,000,000
(Liquidation of contract authorization)	*(681,135,000)*	*(681,135,000)*	
Interstate transfer grants—transit	250,000,000	(7)	−250,000,000
Washington Metro	250,000,000	240,000,000	−10,000,000
Total, Urban Mass Transportation Administration	3,150,075,000	3,200,831,000	+50,756,000
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION			
(Limitation on administrative expenses)	*(1,716,000)*	*(1,716,000)*	
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION			
Research and special programs	21,300,000	20,022,000	−1,278,000

See footnotes at end of table, p. 1546.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-369, APPROVED DECEMBER 18, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF THE INSPECTOR GENERAL			
Salaries and expenses	$24,946,000	$24,946,000	
Total, title I, Department of Transportation:			
New budget *(obligational)* authority	10,064,459,350	9,998,596,350	−$65,863,000
Appropriations	*(10,064,714,000)*	*(10,003,474,000)*	*(−61,240,000)*
Appropriations for debt reduction	*(−254,650)*	*(−254,650)*	
Authority to borrow		*(5,000,000)*	*(+5,000,000)*
Rescission	*(−10,000,000)*	*(−9,623,000)*	*(−9,623,000)*
(By transfer)	*(75,000,000)*	*(135,750,000)*	*(+60,750,000)*
(Limitation on expenses)	*(193,278,000)*	*(190,216,000)*	*(−3,062,000)*
(Limitations on loan guarantees)		*(700,000,000)*	*(+700,000,000)*
(Limitations on new loan guarantees)		*(100,000,000)*	*(+100,000,000)*
(Limitation on working capital fund)	*(73,965,000)*	*(70,909,000)*	*(−3,056,000)*
(Limitation on direct loans)	*(2,301,000)*	*(2,301,000)*	
(Liquidation of contract authorization)	*(9,241,685,000)*	*(9,241,685,000)*	
TITLE II—RELATED AGENCIES			
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD			
Salaries and expenses		2,020,000	+2,020,000
NATIONAL TRANSPORTATION SAFETY BOARD			
Salaries and expenses	17,700,000	19,970,000	+2,270,000
CIVIL AERONAUTICS BOARD			
Salaries and expenses	24,500,000	23,125,000	−1,375,000
Payments to air carriers	48,400,000	48,400,000	
Total, Civil Aeronautics Board	72,900,000	71,525,000	−1,375,000
INTERSTATE COMMERCE COMMISSION			
Salaries and expenses	69,000,000	65,600,000	−3,400,000
Payments for directed rail service: *(Limitation on obligations)*		*(10,000,000)*	*(+10,000,000)*
PANAMA CANAL COMMISSION			
Operating expenses	423,565,000	405,000,000	−18,565,000
Capital outlay	29,024,000	29,024,000	
Total, Panama Canal Commission	452,589,000	434,024,000	−18,565,000
DEPARTMENT OF THE TREASURY			
Office of the Secretary: *(Investment in Fund Anticipation Notes)*		*(5,000,000)*	*(+5,000,000)*
UNITED STATES RAILWAY ASSOCIATION			
Administrative expenses	2,000,000	2,950,000	+950,000
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY			
Interest payments	51,663,569	51,663,569	
Total, title II, related agencies:			
New budget *(obligational)* authority	665,852,569	647,752,569	−18,100,000
(Limitation on obligations)		*(10,000,000)*	*(+10,000,000)*

See footnotes at end of table, p. 1546.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION ACT, 1983, PUBLIC LAW 97-369, APPROVED DECEMBER 18, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE III—GENERAL PROVISIONS			
Federal Aviation Administration:			
Grants-in-aid for airports *(limitation on obligations)*	*($600,000,000)*	*($600,000,000)*	
Federal Highway Administration:			
Highway related safety grants *(limitation on obligations)*		*(10,000,000)*	*(+$10,000,000)*
Federal-aid highways *(limitation on obligations)*	*(7,700,000,000)*	*(8,100,000,000)*	*(+400,000,000)*
National Highway Traffic Safety Administration:			
State and community highway safety *(limitation on obligations)*	*(77,000,000)*	*(95,000,000)*	*(+18,000,000)*
Coast Guard:			
Offshore Oil Pollution Compensation Fund *(limitation on obligations)*	*(60,000,000)*	*(60,000,000)*	
Deepwater Port Liability Fund *(limitation on obligations)*	*(50,000,000)*	*(50,000,000)*	
Total, title III, general provisions:			
New budget *(obligational)* authority			
(General provisions—limitations on obligations)	*(8,487,000,000)*	*(8,915,000,000)*	*(+428,000,000)*
RECAPITULATION			
Grand total, titles I, II, and III:			
New budget *(obligational)* authority	10,730,311,919	10,646,348,919	−83,963,000
Appropriations	*(10,730,566,569)*	*(10,651,226,569)*	*(−79,340,000)*
Appropriations for debt reduction	*(−254,650)*	*(−254,650)*	
Authority to borrow		*(5,000,000)*	*(+5,000,000)*
Rescission	*(−10,000,000)*	*(−9,623,000)*	*(−9,623,000)*
(By transfer)	*(75,000,000)*	*(135,750,000)*	*(+60,750,000)*
(Limitations on expenses)	*(193,278,000)*	*(190,216,000)*	*(−3,062,000)*
(Limitations on obligations)	*(8,487,000,000)*	*(8,925,000,000)*	*(+438,000,000)*
(Limitations on direct loans)	*(2,301,000)*	*(2,301,000)*	
(Limitations on loan guarantees)		*(700,000,000)*	*(+700,000,000)*
(Limitations on new loan guarantees)		*(100,000,000)*	*(+100,000,000)*
(Limitation on working capital fund)	*(73,965,000)*	*(70,909,000)*	*(−3,056,000)*
Memoranda:			
(Appropriations to liquidate contract authorizations)	*(9,241,685,000)*	*(9,241,685,000)*	
Total, appropriations including appropriations to liquidate contract authorization and appropriations for debt reduction	*(19,971,996,919)*	*(19,888,033,919)*	*(−83,963,000)*

---

[1] Includes the following budget amendments:

H. Doc. 97-219:	
Department of Transportation:	
Coast Guard:	
Operating expenses	$67,350,000
Acquisition, construction, and improvements	265,620,000
Alteration of bridges	10,200,000
Total, H. Doc. 97-219	343,170,000
H. Doc. 97-228:	
Department of Transportation:	
Federal Railroad Administration:	
Commuter rail service *(by transfer)*	*(75,000,000)*
Urban Mass Transportation Administration:	
Urban discretionary grants	−42,500,000
Non-urban formula grants	42,500,000
Interstate transfer grants—transit	−150,000,000
Washington Metro	150,000,000
Total, H. Doc. 97-228 *(net)*	
H. Doc. 97-259:	
Department of Transportation:	
Federal Aviation Administration:	
Facilities and equipment *(Airport and airway trust fund)*	$300,000,000
Research, engineering, and development *(Airport and airway trust fund)*	23,500,000
Grants-in-aid for airport development *(limitation on obligations)*	*(150,000,000)*
Total, H. Doc. 97-259	323,500,000
Total, budget amendments:	
New budget *(obligational)* authority *(net)*	666,670,000
(By transfer)	*(75,000,000)*
(Limitations)	*(150,000,000)*

[2] Includes $2,015,000,000 in "current" trust funds.

[3] Includes $1,269,000,000 in "current" trust funds.

[4] Does not reflect $518,000,000 which was appropriated for Interstate transfer-highway grants in Public Law 97-276, Continuing Appropriations for fiscal year 1983.

[5] Includes $23,315,000 in "current" trust funds.

[6] Includes $21,685,000 in "current" trust funds.

[7] Does not reflect $365,000,000 which was appropriated for Interstate transfer-transit grants in Public Law 97-276, Continuing Appropriations for fiscal year 1983.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1983 (H.R. 7158)

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1983 (H.R. 7158), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 22, 1982, and was passed by the House on November 30, 1982. The Senate did not act on the bill. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(a)(3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(a)(3) of Public Law 97-377 for those programs and activities normally funded in H.R. 7158 (see p. 277, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983 [1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF THE TREASURY			
Office of the Secretary	$59,752,000	$37,000,000	−$22,752,000
International affairs		20,000,000	+20,000,000
Federal Law Enforcement Training Center	12,913,000	12,500,000	−413,000
Bureau of Government Financial Operations:			
Salaries and expenses	183,267,000	248,000,000	+64,733,000
Bureau of Alcohol, Tobacco, and Firearms		145,000,000	+145,000,000
United States Customs Service	560,524,000	553,700,000	−6,824,000
Bureau of the Mint:			
Salaries and expenses	50,165,000	48,000,000	−2,165,000
Expansions and improvements	5,200,000	5,200,000	
Total, Bureau of the Mint	55,365,000	53,200,000	−2,165,000
Bureau of the Public Debt	210,045,000	201,000,000	−9,045,000
Internal Revenue Service:			
Salaries and expenses	171,102,000	170,510,000	−592,000
Taxpayer service and returns processing	957,679,000	1,000,778,000	+43,099,000
Examinations and appeals	1,016,634,000	1,009,409,000	−7,225,000
Investigations and collections	771,744,000	767,493,000	−4,251,000
Total, Internal Revenue Service	2,917,159,000	2,948,190,000	+31,031,000
Payment where energy credit exceeds liability for tax	300,000	300,000	
United States Secret Service	301,882,000	235,000,000	−66,882,000
Total, title I, new budget *(obligational)* authority, Department of the Treasury	4,301,207,000	4,453,890,000	+152,683,000
TITLE II—UNITED STATES POSTAL SERVICE			
Payment to the Postal Service Fund	500,000,000	789,000,000	+289,000,000
TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT			
Compensation of the President	250,000	250,000	
Office of Administration	13,640,000	12,904,000	−736,000
The White House Office	22,164,000	21,300,000	−864,000
Executive Residence at the White House	3,878,000	3,800,000	−78,000
Official Residence of the Vice President	281,000	275,000	−6,000
Special Assistance to the President	1,483,000	1,475,000	−8,000
Council of Economic Advisers	2,115,000	2,100,000	−15,000
Office of Policy Development	2,653,000	2,600,000	−53,000
National Security Council	3,976,000	3,900,000	−76,000
Office of Management and Budget	36,109,000	33,000,000	−3,109,000
Office of Federal Procurement Policy	2,486,000	2,400,000	−86,000
Property review board	445,000	445,000	
Unanticipated Needs	1,000,000	1,000,000	
Total, title III, new budget *(obligational)* authority, Executive Office of the President	90,480,000	85,449,000	−5,031,000

See footnotes at end of table, p. 1549.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS 97TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1983 (H.R. 7158)—Continued

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1983 (H.R. 7158), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 22, 1982, and was passed by the House on November 30, 1982. The Senate did not act on the bill. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(a)(3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(a)(3) of Public Law 97-377 for those programs and activities normally funded in H.R. 7158 (see p. 277, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE IV—INDEPENDENT AGENCIES			
Administrative Conference of the United States	$1,339,000	$1,100,000	−$239,000
Advisory Commission on Intergovernmental Relations	1,920,000	1,900,000	−20,000
Advisory Committee on Federal Pay	204,000	200,000	−4,000
Committee for Purchase from the Blind and Other Severely Handicapped	653,000	653,000	
Federal Election Commission	9,880,000	9,700,000	−180,000
General Services Administration:			
Federal Buildings Fund:			
Limitation on availability of revenue:			
Construction and acquisition of facilities	*(68,415,000)*	*(56,303,000)*	*(−12,112,000)*
Repairs and alterations	*(257,400,000)*	*(203,032,000)*	*(−54,368,000)*
Purchase contract payments	*(159,971,000)*	*(159,971,000)*	
Rental of space	*(770,000,000)*	*(770,000,000)*	
Real property operations	*(676,524,000)*	*(626,346,000)*	*(−50,178,000)*
Program direction	*(95,791,000)*	*(91,607,000)*	*(−4,184,000)*
Total, Federal Buildings Fund: *(Limitations)*	*(2,028,101,000)*	*(1,907,259,000)*	*(−120,842,000)*
Operating expenses, personal property	91,731,000		−91,731,000
Operating expenses		121,142,000	+121,142,000
General supply fund	15,000,000		−15,000,000
Transportation and Public Utilities Service:			
Operating expenses		16,330,000	+16,330,000
National Archives and Records Service:			
Operating Expenses	85,293,000	86,000,000	+707,000
Automated Data and Telecommunications Service:			
Operating Expenses		27,663,000	+27,663,000
Federal Property Resources Activities:			
Operating expenses	52,694,000	50,000,000	−2,694,000
National defense stockpile transaction fund	120,000,000		−120,000,000
(Limitation on availability of revenue)		*(120,000,000)*	*(+120,000,000)*
William Langer jewel bearing plant revolving fund	396,000	396,000	
Total, Federal Property Resources Activities	173,090,000	50,396,000	−122,694,000
General Activities:			
General Management and Agency Operations:			
Salaries and Expenses	127,304,000	120,000,000	−7,304,000
Office of the Inspector General	19,764,000	18,500,000	−1,264,000
Allowances and Office Staff for Former Presidents	1,106,000	1,106,000	
Total, General Activities	148,174,000	139,606,000	−8,568,000
Total, General Services Administration	513,288,000	441,137,000	−72,151,000
FEDERAL PERSONNEL ACTIVITIES			
Office of Personnel Management:			
Salaries and expenses:			
Appropriation	102,618,000	100,000,000	−2,618,000
Limitation	*(44,652,000)*	*(44,652,000)*	

See footnotes at end of table, p. 1549.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1983 (H.R. 7158)—Continued

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1983 (H.R. 7158), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 22, 1982, and was passed by the House on November 30, 1982. The Senate did not act on the bill. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(a)(3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. The following table reflects the funding levels as provided under section 101(a)(3) of Public Law 97-377 for those programs and activities normally funded in H.R. 7158 (see p. 277, this volume, for relevant section of Public Law 97-377).]

Agency and item	Estimates of new budget (obligational) authority, 1983[1]	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Government payment for annuitants, employees health benefits	$1,342,610,000	$1,342,610,000	
Payment to civil service retirement and disability fund	3,598,838,000	3,598,838,000	
Total, Office of Personnel Management	5,044,066,000	5,041,448,000	−$2,618,000
Merit Systems Protection Board:			
Salaries and expenses	19,760,000	18,760,000	−1,000,000
Limitation	*(700,000)*	*(700,000)*	
Office of special counsel	4,189,000	4,000,000	−189,000
Total, Merit Systems Protection Board	23,949,000	22,760,000	−1,189,000
Federal Labor Relations Authority	15,745,000	15,500,000	−245,000
Total, federal personnel activities	5,083,760,000	5,079,708,000	−4,052,000
United States Tax Court: Salaries and Expenses	15,083,000	14,000,000	−1,083,000
Total, title IV, new budget *(obligational)* authority, independent agencies	5,626,127,000	5,548,398,000	−77,729,000
Grand total, titles I, II, III, IV, and VI:			
New budget *(obligational)* authority	10,517,814,000	10,876,737,000	+358,923,000
(Limitations)	*(2,073,453,000)*	*(2,072,611,000)*	*(−842,000)*

---

[1] Includes the following budget amendments:

H. Doc. 97-201:	
Department of the Treasury:	
U.S. Secret Service: Salaries and expenses	$7,475,000
H. Doc. 97-219:	
General Services Administration:	
Federal Property Resources Activities: Operating expenses	5,728,000
H. Doc. 97-222:	
Executive Office of the President:	
Property Review Board	445,000
Merit Systems Protection Board: Salaries and expenses	$3,424,000
Total, H. Doc. 97-222	3,869,000
H. Doc. 97-239:	
Office of Personnel Management	*(Language)*
H. Doc. 97-248:	
Department of the Treasury:	
U.S. Customs Service: Salaries and expenses	30,000,000
Total, budget amendments	47,072,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

CONTINUING APPROPRIATIONS, 1983, PUBLIC LAW 97-276, APPROVED OCTOBER 2, 1982

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1983 (S.R. 2939)			
Fiscal year 1983 appropriations	*($1,410,760,000)*	[1]*($1,335,637,000)*	*(−$75,123,000)*
HOUSE OF REPRESENTATIVES			
Payments to Widows and Heirs of Deceased Members of Congress		60,663	+60,663
SMITHSONIAN INSTITUTION			
Construction	36,500,000	36,500,000	
DEPARTMENT OF ENERGY			
Strategic petroleum reserve	242,118,000	242,118,000	
DEPARTMENT OF TRANSPORTATION			
Civil Aeronautics Board			
Payments to air carriers	[2]*(48,400,000)*	[2]*(48,400,000)*	
Appropriations to liquidate contact authority (indefinite), FY 1982	*(3,743,000)*	*(3,743,000)*	
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Centers for Disease Control			
Preventive health services	21,928,000	39,000,000	+17,072,000
Health Resources Administration			
Health resources *(health professions education)*	22,500,000	34,000,000	+11,500,000
Health Care Financing Administration			
Program management *(limitation on trust fund transfer)*	*(704,000,000)*	*(755,000,000)*	*(+51,000,000)*
Assistant Secretary for Human Development Services			
Human development services	6,600,000	18,000,000	+11,400,000
DEPARTMENT OF EDUCATION			
Office of Postsecondary Education			
Higher and continuing education	9,000,000	9,000,000	
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Health Resources Administration			
Health resources *(nursing research)*		5,000,000	+5,000,000
Total, Departments of Health and Human Services, and Education	60,028,000	105,000,000	+44,972,000
DEPARTMENT OF COMMERCE			
National Oceanic and Atmospheric Administration			
Operations, research and facilities	13,555,000	13,555,000	
EXECUTIVE OFFICE OF THE PRESIDENT			
National Security Council		365,000	+365,000

See footnotes at end of table, p. 1551.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

CONTINUING APPROPRIATIONS, 1983, PUBLIC LAW 97-276, APPROVED OCTOBER 2, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
NATIVE HAWAIIANS STUDY COMMISSION			
Salaries and expenses	$200,000	$190,000	−$10,000
DEPARTMENT OF TRANSPORTATION			
FEDERAL HIGHWAY ADMINISTRATION			
Interstate transfer grants—highways	150,000,000	518,000,000	+368,000,000
URBAN MASS TRANSPORTATION ADMINISTRATION			
Interstate transfer grants—transit	250,000,000	365,000,000	+115,000,000
Total, Department of Transportation	400,000,000	883,000,000	+483,000,000
Total, Continuing Resolution, 1983 (P.L. 97-276):			
New budget *(obligational)* authority	752,401,000	1,280,788,663	+528,387,663
Appropriations to liquidate contract authority (indefinite), 1982	*(3,743,000)*	*(3,743,000)*	
Limitation on trust fund transfer	*(704,000,000)*	*(755,000,000)*	*(+51,000,000)*
RECAPITULATION			
Legislative Branch Appropriations Bill, 1983:			
S.R. 2939 as reported in Senate Sept. 22, 1983	*(1,410,760,000)*	[1] *(1,335,637,000)*	*(−75,123,000)*
Payments to Widows and Heirs of Deceased Members of Congress		60,663	+60,663
Smithsonian Institution	36,500,000	36,500,000	
Department of Energy	242,118,000	242,118,000	
Department of Transportation:			
New budget *(obligational)* authority	[2] *(48,400,000)*	[2] *(48,400,000)*	
Appropriations to liquidate contract authority (indefinite), 1983	*(3,743,000)*	*(3,743,000)*	
Department of Health and Human Services	51,028,000	96,000,000	+44,972,000
Department of Education	9,000,000	9,000,000	
Department of Commerce	13,555,000	13,555,000	
Executive Office of the President		365,000	+365,000
Native Hawaiians Study Commission	200,000	190,000	−10,000
Department of Transportation	400,000,000	883,000,000	+483,000,000
Total, Continuing Resolution, 1983 (P.L. 97-276):			
New budget *(obligational)* authority	752,401,000	1,280,788,663	+528,387,663
Appropriations to liquidate contract authority (indefinite), 1982	*(3,743,000)*	*(3,743,000)*	
Limitation on trust fund transfer	*(704,000,000)*	*(755,000,000)*	*(+51,000,000)*

---

[1] For informational purposes only. Although funding authority for programs and activities normally included in this annual appropriation bill (S. 2939) is provided in this joint resolution (Public Law 97-276), a separate table VIII and the text of S. 2939 are included in this volume (see pp. 1536–1541 for table VIII and pp. 205–222 for S. 2939).

[2] This amount included in totals for the Department of Transportation and Related Agencies Appropriation Act, 1983 (Public Law 97-369) (see p. 242 this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1983, PUBLIC LAW 97-377, APPROVED DECEMBER 21, 1982

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATION ACT, 1983 (H.R. 7158)			
Fiscal year 1983 appropriations	[1] *($10,517,814,000)*	[1] *($10,876,737,000)*	*(+$358,923,000)*
FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION ACT, 1983 (S. 3075)			
Fiscal year 1983 appropriations	[1] *(11,240,385,565)*	[1] *(11,231,729,565)*	*(−8,656,000)*
DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1983 (H.R. 7355)			
Fiscal year 1983 appropriations	[1] *(249,612,409,000)*	[1] *(231,603,561,000)*	*(−18,008,848,000)*
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1983 (H.R. 6957)			
Fiscal year 1983 appropriations	[1] *(8,866,070,000)*	[1] *(9,264,172,000)*	*(+398,102,000)*
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1983 (H.R. 7205)			
Fiscal year 1983 appropriations	[1] *(82,995,767,000)*	[1] *(96,067,029,000)*	*(+13,071,262,000)*
ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1983 (H.R. 7145)			
Fiscal year 1983 appropriations	[1] *(13,734,419,000)*	[1] *(13,985,230,000)*	*(+250,811,000)*
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Annual contributions for assisted housing:			
Contract authority, indefinite		8,651,475,689	+8,651,475,689
(Rescission of contract authority, indefinite)	[2] *(−2,415,541,079)*		[3]
(Increased limitation for annual contract authority, indefinite)	[4] *(−2,051,579)*	*(519,711,198)*	*(+521,762,777)*
Housing for the elderly or handicapped fund *(authority to borrow)*		181,200,000	+181,200,000
Rent supplement *(rescission of contract authority, indefinite)*	[4] *(−2,830,360,000)*	−2,830,360,000	[3] −2,830,360,000
(Limitation on annual contract authority, indefinite)	[4] *(−105,160,000)*	*(−105,160,000)*	
Federal Housing Administration Fund *(Limitation on guaranteed loans)*	[5] *(6,100,000,000)*	*(6,100,000,000)*	
Low-rent public housing—loans and other expenses:			
(By transfer)	*(1,400,000,000)*		*(−1,400,000,000)*
(Appropriations to liquidate contract authority)	*(1,400,000,000)*		*(−1,400,000,000)*
Total, Housing Programs *(net)*		6,002,315,689	+6,002,315,689
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION			
Special assistance functions fund:			
(Limitation on direct loans)		*(500,000,000)*	*(+500,000,000)*
Total, Department of Housing and Urban Development:			
New budget *(obligational)* authority *(net)*		6,002,315,689	+6,002,315,689
Contract authority		*(8,651,475,689)*	*(+8,651,475,689)*
Rescission of contract authority, indefinite	*(−5,245,901,079)*	*(−2,830,360,000)*	[3] *(−2,830,360,000)*
Authority to borrow		*(181,200,000)*	*(+181,200,000)*

See footnotes at end of table, p. 1555.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1983, PUBLIC LAW 97-377, APPROVED DECEMBER 21, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
Total, Department of Housing and Urban Development—Continued:			
(Appropriations to liquidate contract authority)	*($1,400,000,000)*		*(−$1,400,000,000)*
(By transfer)	*(1,400,000,000)*		*(−1,400,000,000)*
(Increased limitation for annual contract authority)	*(−2,051,579)*	*($519,711,198)*	*(+521,762,777)*
(Limitation on direct loans)		*(500,000,000)*	*(+500,000,000)*
(Limitation on guaranteed loans)	*(6,100,000,000)*	*(6,100,000,000)*	
DEPARTMENT OF ENERGY			
Fossil energy research and development		2,000,000	+2,000,000
VETERAN ADMINISTRATION			
Medical care *(by transfer)*		*(1,000,000)*	*(+1,000,000)*
(Decrease in limitation)		*(−35,000,000)*	*(−35,000,000)*
U.S. POSTAL SERVICE			
Postal Service fund		[6] *(789,000,000)*	*(+789,000,000)*
DEPARTMENT OF ENERGY			
Bonneville Power Administration fund *(borrowing authority)*	*(455,000,000)*	[7] *(276,000,000)*	*(−179,000,000)*
DEPARTMENT OF THE TREASURY			
Bureau of Government Financial Operations *(salaries and expenses)*	*(183,267,000)*	*(248,000,000)*	*(+64,733,000)*
Internal Revenue Service *(salaries and expenses)*	*(171,102,000)*	*(170,510,000)*	*(−592,000)*
(Examinations and appeals)	*(1,016,634,000)*	*(1,009,409,000)*	*(−7,225,000)*
(Taxpayer service and returns processing)	*(957,679,000)*	*(1,000,778,000)*	*(+43,099,000)*
United States Custom Service *(salaries and expenses)*	*(560,524,000)*	*(553,700,000)*	*(−6,824,000)*
United States Secret Service *(salaries and expenses)*	*(301,882,000)*	*(235,000,000)*	*(−66,882,000)*
Total, Department of the Treasury	*(3,191,088,000)*	[6] *(3,217,397,000)*	*(+26,309,000)*
GENERAL SERVICES ADMINISTRATION			
Federal Buildings Fund *(limitation on availability of revenue)*	*(770,000,000)*	[6] *(770,000,000)*	
FEDERAL LABOR RELATIONS AUTHORITY			
Salaries and espenses	*(15,745,000)*	[6] *(15,500,000)*	*(−245,000)*
DEPARTMENT OF ENERGY			
Yatesville Lake construction project		[7] *(4,000,000)*	*(+4,000,000)*
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Runaway and Homeless Youth Act	*(6,600,000)*	[8] *(3,500,000)*	*(−3,100,000)*
DEPARTMENT OF TRANSPORTATION			
Payments to the Alaska Railroad Revolving Fund		7,600,000	+7,600,000
Federal-aid highways *(contract authority, trust funds)*		23,200,000	+23,200,000
Total, Department of Transportation		30,800,000	+30,800,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Low-Income Home Energy Assistance		[8] *(25,000,000)*	*(+25,000,000)*
DEPARTMENT OF COMMERCE			
GENERAL ADMINISTRATION			
White House Conference on Productivity		[9] *(1,500,000)*	*(+1,500,000)*

See footnotes at end of table, p. 1555.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATFS, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1983, PUBLIC LAW 97-377, APPROVED DECEMBER 21, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Low-Income Home Energy Assistance		*($100,000,000)*	*(+$100,000,000)*
Employment and Training Assistance		*(25,000,000)*	*(+25,000,000)*
Total, Department of Health and Human Services		[8] *(125,000,000)*	*(+125,000,000)*
DEPARTMENT OF THE INTERIOR			
U.S. FISH AND WILDLIFE SERVICE			
Resource management		94,000	+94,000
DEPARTMENT OF LABOR			
Office of the Secretary		[8] *(2,000,000)*	*(+2,000,000)*
DEPARTMENT OF THE INTERIOR			
NATIONAL PARK SERVICE			
Construction		3,000,000	+3,000,000
Total, Further Continuing Resolution, 1983 (Public Law 97-377):			
New budget *(obligational)* authority *(net)*		6,038,209,689	+6,038,209,689
Appropriations		(12,694,000)	(+12,694,000)
Contract authority (includes trust funds of $23,200,000)		(8,674,675,689)	(+8,674,675,689)
Authority to borrow		(181,200,000)	(+181,200,000)
Rescission of contract authority, indefinite	*(−$5,245,901,079)*	(−2,830,360,000)	[3] (−2,830,360,000)
Appropriations to liquidate contract authority	*(1,400,000,000)*		*(−1,400,000,000)*
By transfer	*(1,400,000,000)*	*(1,000,000)*	*(−1,399,000,000)*
Increased limitation for annual contract authority	*(2,051,579)*	*(519,711,198)*	*(+521,762,777)*
Limitation on direct loans		*(500,000,000)*	*(+500,000,000)*
Limitation on guaranteed loans	*(6,100,000,000)*	*(6,100,000,000)*	
Decrease in limitation		*(−35,000,000)*	*(−35,000,000)*
RECAPITULATION			
Treasury, Postal Service and General Government Appropriation Act, 1983 (H.R. 7158)	[1] *(10,517,814,000)*	[1] *(10,876,737,000)*	*(+358,923,000)*
Foreign Assistance and Related Programs Appropriation Act, 1983 (S. 3075)	[1] *(11,240,385,565)*	[1] *(11,231,729,565)*	*(−8,656,000)*
Department of Defense Appropriation Act, 1983 (H.R. 7355)	[1] *(249,612,409,000)*	[1] *(231,603,561,000)*	*(−18,008,848,000)*
Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriation Act, 1983 (H.R. 6957)	[1] *(8,866,070,000)*	[1] *(9,264,172,000)*	*(+398,102,000)*
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1983 (H.R. 7205)	[1] *(83,002,367,000)*	[1] *(96,222,529,000)*	*(+13,220,162,000)*
Energy and Water Development Appropriation Act, 1983 (H.R. 7145)	[1] *(13,734,419,000)*	[1] *(13,985,230,000)*	*(+250,811,000)*
Department of Housing and Urban Development *(net)*		6,002,315,689	+6,002,315,689
New budget *(obligational)* authority		*(8,832,675,689)*	*(+8,832,675,689)*
Rescission of contract authority	*(−5,245,901,079)*	*(−2,830,360,000)*	[3] *(−2,830,360,000)*
Department of Energy: Fossil energy research and development		2,000,000	+2,000,000
Department of Transportation		30,800,000	+30,800,000
Department of the Interior: U.S. Fish and Wildlife Service		94,000	+94,000
Department of the Interior: National Park Service		3,000,000	+3,000,000

See footnotes at end of table, p. 1555.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 97TH CONGRESS, 2D SESSION—Continued

FURTHER CONTINUING APPROPRIATIONS, 1983, PUBLIC LAW 97-377, APPROVED DECEMBER 21, 1982—Continued

Agency and item	Estimates of new budget (obligational) authority, 1983	New budget (obligational) authority appropriated, 1983	Increase (+) or decrease (−), appropriations compared with estimates
RECAPITULATION—Continued			
Total, Further Continuing Resolution, 1983 (Public Law 97-377):			
New budget *(obligational)* authority *(net)*		$6,038,209,689	+$6,038,209,689
Appropriations		(12,694,000)	(+12,694,000)
Contract authority (includes trust funds of $23,200,000)		(8,674,675,689)	(+8,674,675,689)
Authority to borrow		(181,200,000)	(+181,200,000)
Rescission of contract authority, indefinite	*(−$5,245,901,079)*	(−2,830,360,000)	[3](−2,830,360,000)
Appropriations to liquidate contract authority	*(1,400,000,000)*		*(−1,400,000,000)*
By transfer	*(1,400,000,000)*	*(1,000,000)*	*(−1,399,000,000)*
Increased limitation for annual contract authority	*(2,051,579)*	*(519,711,198)*	*(+521,762,777)*
Limitation on direct loans		*(500,000,000)*	*(+500,000,000)*
Limitation on guaranteed loans	*(6,100,000,000)*	*(6,100,000,000)*	
Decrease in limitation		*(−35,000,000)*	*(−35,000,000)*

---

[1] For informational purposes only. Even though funding authority for programs and activities normally included in these six annual appropriation bills (H.R. 7158, S. 3075, H.R. 7355, H.R. 6957, H.R. 7205, and H.R. 7145) is provided in this continuing resolution (Public Law 97-377), a separate table VIII for each bill is included elsewhere in this volume.

[2] Submitted in the President's Budget for fiscal year 1983 (H. Doc. 97-124) as a reduction instead of as a rescission under Title X of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344).

[3] Reflects actual rescission rather than comparison with request.

[4] Submitted in the President's Budget for fiscal year 1983 (H. Doc. 97-124).

[5] Submitted in H. Doc. 97-270.

[6] Included in totals for Treasury, Postal Service, and General Government Appropriation Act, 1983 (H.R. 7158).

[7] Included in totals for Energy and Water Development Appropriation Act, 1983 (H.R. 7145).

[8] Included in totals for the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1983 (H.R. 7205).

[9] Included in totals for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1983 (H.R. 6957).

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 97TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4 "Compilers' Notes", p. II.).]

Act and title	Regular budget estimates, fiscal year 1983	Budget amendments and supplemental estimates, fiscal year 1983 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 97th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
REGULAR ANNUAL APPROPRIATION ACTS						
Agriculture, rural development, and related agencies	$22,431,665,000	$13,184,826,000	$3,783,244,000	$31,833,247,000	$31,733,548,000	−$99,699,000
Agricultural programs	6,357,862,000	10,466,057,000	3,783,244,000	13,040,675,000	12,951,493,000	−89,182,000
Rural development programs	3,358,967,000			3,358,967,000	3,407,812,000	+48,845,000
Domestic food programs	11,224,764,000	2,718,769,000		13,943,533,000	13,896,189,000	−47,344,000
International programs	1,110,910,000			1,110,910,000	1,106,032,000	−4,878,000
Related agencies	379,162,000			379,162,000	372,022,000	−7,140,000
Departments of Commerce, Justice, State, and the Judiciary, and related agencies [1]	8,631,674,000	281,988,000	47,592,000	8,866,070,000	[1] 9,264,172,000	+398,102,000
Department of Commerce and related agencies	2,092,177,000	2,000,000	1,500,000	2,092,677,000	2,697,120,000	+604,443,000
Department of Justice and related agencies	3,066,250,000	187,616,000	38,716,000	3,215,150,000	3,259,459,000	+44,309,000
Department of State and related agencies	2,637,834,000	72,652,000	3,376,000	2,707,110,000	2,516,586,000	−190,524,000
The Judiciary	835,413,000	19,720,000	4,000,000	851,133,000	791,007,000	−60,126,000
Department of Defense [2]	245,607,336,000	4,176,773,000	171,700,000	249,612,409,000	[2] 231,603,561,000	−18,008,848,000
Military personnel	44,895,500,000	3,007,000,000		47,902,500,000	45,066,808,000	−2,835,692,000
Retired military personnel	16,510,800,000			16,510,300,000	16,154,800,000	−356,000,000
Operation and maintenance	70,302,122,000	821,129,000	35,800,000	71,087,451,000	67,279,010,000	−3,808,441,000
Procurement	89,547,214,000	178,300,000	108,600,000	89,616,914,000	80,287,703,000	−9,329,211,000
Research, development, test, and evaluation	24,256,600,000	169,594,000	27,300,000	24,398,894,000	22,704,284,000	−1,694,610,000
Special foreign currency program	3,800,000			3,800,000	3,800,000	
Related agencies	91,300,000	750,000		92,050,000	107,156,000	+15,106,000

See footnotes at end of table, pp. 1562–1563.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4 "Compilers' Notes", p. II.).]

Act and title	Regular budget estimates, fiscal year 1983	Budget amendments and supplemental estimates, fiscal year 1983 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 97th Cong. 2d sess	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
District of Columbia *(net)*	$579,870,000			$579,870,000	$524,180,100	−$55,689,900
Federal funds to the District of Columbia *(net)*	579,870,000			579,870,000	524,180,100	−55,689,900
(Out of District revenues)	*(1,983,627,900)*	*($24,400,000)*	*($2,078,500)*	*(2,005,949,400)*	*(1,998,841,900)*	*(−7,107,500)*
Energy and water development [3]	13,423,519,000	310,900,000		13,734,419,000	[3] 13,985,230,000	+250,811,000
Department of Energy	9,073,532,000	310,900,000		9,384,432,000	9,410,547,000	+26,115,000
Department of Defense—Civil	2,736,600,000			2,736,600,000	2,967,985,000	+231,385,000
Department of the Interior	933,820,000			933,820,000	794,863,000	−138,957,000
Independent agencies	679,567,000			679,567,000	811,835,000	+132,268,000
Foreign assistance and related programs [4]	11,574,885,565	454,500,000	789,000,000	11,240,385,565	[4] 11,231,729,565	−8,656,000
Multilateral Economic Assistance	1,775,674,565			1,775,674,565	1,541,026,565	−234,648,000
Bilateral Economic Assistance	5,343,011,000	5,000,000		5,348,011,000	5,062,703,000	−285,308,000
Military Assistance	1,900,200,000	449,500,000	789,000,000	1,560,700,000	1,510,000,000	−50,700,000
Export-Import Bank of the United States	2,556,000,000			2,556,000,000	3,118,000,000	+562,000,000
Department of Housing and Urban Development—Independent agencies *(net)*	46,643,208,000			46,643,208,000	46,895,408,200	+252,200,200
Department of Housing and Urban Development *(net)*	5,687,449,000			5,687,449,000	5,974,448,000	+286,999,000
Independent agencies	40,955,759,000			40,955,759,000	40,920,960,200	−34,798,800
Corporations	*(66,160,000)*			*(66,160,000)*	*(66,160,000)*	
Department of the Interior and related agencies	6,574,745,000	28,515,000	57,300,000	6,545,960,000	7,500,025,000	+954,065,000
Department of the Interior	3,525,023,000	28,515,000	33,954,000	3,519,584,000	3,905,194,000	+385,610,000
Related agencies	3,049,722,000		23,346,000	3,026,376,000	3,594,831,000	+568,455,000
Departments of Labor, Health and Human Services, Education, and related agencies [5]	83,598,872,000	23,895,000	627,000,000	82,995,767,000	[5] 96,222,529,000	+13,226,762,000
Department of Labor	8,927,482,000	23,400,000		8,950,882,000	11,678,179,000	+2,727,297,000
Department of Health and Human Services	64,034,301,000		627,000,000	63,407,301,000	68,654,566,000	+5,247,265,000
Department of Education and Special Institutions	9,890,245,000			9,890,245,000	15,011,145,000	+5,120,900,000
Related agencies	746,844,000	495,000		747,339,000	878,639,000	+131,300,000

Legislative branch [6]	1,396,504,000	14,735,000	479,000	1,410,760,000	[6] 1,335,637,000	−75,123,000
Congressional Operations	901,869,000	14,705,000	479,000	916,095,000	873,180,000	−42,915,000
Other Agencies	494,635,000	30,000		494,665,000	462,457,000	−32,208,000
Military construction	8,211,827,000			8,211,827,000	7,043,040,000	−1,168,787,000
Department of Transportation and related agenices *(net)*	10,063,641,919	859,170,000	192,500,000	10,730,311,919	10,646,348,919	−83,963,000
Department of Transportation *(net)*	9,397,789,350	859,170,000	192,500,000	10,064,459,350	9,998,596,350	−65,863,000
Related agencies	665,852,569			665,852,569	647,752,569	−18,100,000
Treasury, Postal Service, and general government [7]	10,470,742,000	47,072,000		10,517,814,000	[7] 10,876,737,000	+358,923,000
Department of the Treasury	4,263,732,000	37,475,000		4,301,207,000	4,453,890,000	+152,683,000
United States Postal Service	500,000,000			500,000,000	789,000,000	+289,000,000
Executive Office of the President	86,611,000	3,869,000		90,480,000	85,449,000	−5,031,000
Independent agencies	5,620,399,000	5,728,000		5,626,127,000	5,548,398,000	−77,729,000
Net total, regular annual appropriation acts [8]	469,208,489,484	19,382,374,000	5,668,815,000	482,922,048,484	[8] 478,862,145,784	−4,059,902,700
SUPPLEMENTAL APPROPRIATION ACTS						
Urgent Supplemental, Department of Agriculture, 1982 (P.L. 97-147)		5,000,000,000		5,000,000,000	5,123,000,000	+123,000,000
Urgent Supplemental, Department of Labor, 1982 (P.L. 97-148)		1,947,000,000		1,947,000,000	1,950,000,000	+3,000,000
Urgent Supplemental, 1982 *(net)* (P.L. 97-216)		4,543,371,000		4,543,371,000	[9] −229,668,000	−4,773,039,000
Supplemental Appropriations Act, 1982 *(net)* (P.L. 97-257)		16,351,568,000	8,525,000	16,343,043,000	[10] 14,177,105,924	−2,165,937,076
Net total, supplemental appropriation acts		27,841,939,000	8,525,000	27,833,414,000	21,020,437,924	−6,812,976,076
CONTINUING APPROPRIATIONS						
Continuing Appropriations, 1983 (P.L. 97-276)	752,401,000			752,401,000	1,280,788,663	+528,387,663
Legislative branch [11]	*(1,396,504,000)*	*(14,735,000)*	*(479,000)*	*(1,410,760,000)*	[11] *(1,335,637,000)*	*(−75,123,000)*
House of Representatives					60,663	+60,663
Smithsonian Institution	36,500,000			36,500,000	36,500,000	
Department of Energy	242,118,000			242,118,000	242,118,000	
Department of Health and Human Services	51,028,000			51,028,000	96,000,000	+44,972,000
Department of Education	9,000,000			9,000,000	9,000,000	
Department of Commerce	13,555,000			13,555,000	13,555,000	
Executive office of the President					365,000	+365,000
Native Hawaiians Study Commission	200,000			200,000	190,000	−10,000
Department of Transportation	400,000,000			400,000,000	883,000,000	+483,000,000
Further Continuing Appropriations, 1983 (P.L. 97-377)	*(−5,245,901,079)*			*(−5,245,901,079)*	6,038,209,689	+6,038,209,689
Treasury, Postal Service, and general government [11]	*(10,470,742,000)*	*(47,072,000)*		*(10,517,814,000)*	[11] *(10,876,737,000)*	*(+358,923,000)*
Foreign assistance and related programs [11]	*(11,574,885,565)*	*(454,500,000)*	*(789,000,000)*	*(11,240,385,565)*	[11] *(11,231,729,565)*	*(−8,656,000)*
Department of Defense [11]	*(245,607,336,000)*	*(4,176,773,000)*	*(171,700,000)*	*(249,612,409,000)*	[11] *(231,603,561,000)*	*(−18,008,848,000)*
Departments of Commerce, Justice, State, and the Judiciary, and related agencies [11]	*(8,631,674,000)*	*(281,988,000)*	*(47,592,000)*	*(8,866,070,000)*	[11] *(9,264,172,000)*	*(+398,102,000)*

See footnotes at end of table, pp. 1562-1563.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4 "Compilers' Notes", p. II.).]

Act and title	Regular budget estimates, fiscal year 1983	Budget amendments and supplemental estimates, fiscal year 1983 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 97th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Departments of Labor, Health and Human Services, Education, and related agencies [11]	*($83,598,872,000)*	*($23,895,000)*	*($627,000,000)*	*($82,995,767,000)*	[11] *($96,222,529,000)*	*(+$13,226,762,000)*
Energy and water development [11]	*(13,423,519,000)*	*(310,900,000)*		*(13,734,419,000)*	[11] *(13,985,230,000)*	*(+250,811,000)*
Department of Housing and Urban Development (*net*)	*(−5,245,901,079)*			*(−5,245,901,079)*	[12] 6,002,315,689	+6,002,315,689
Department of Energy					2,000,000	+2,000,000
Department of Transportation					30,800,000	+30,800,000
Department of the Interior					3,094,000	+3,094,000
Total, continuing appropriations	752,401,000			752,401,000	7,318,998,352	+6,566,597,352
Estimates not considered (see Table VIIIg)		36,051,000		36,051,000		−36,051,000
Net total, new budget (*obligational*) authority, regular annual, supplemental and continuing appropriation acts	469,960,890,484	47,260,364,000	5,677,340,000	511,543,914,484	507,201,582,060	−4,342,332,424
APPROPRIATIONS IN OTHER ACTS						
Legislative Acts: [13]						
Contract authority—Trust funds:						
Department of Transportation:						
Federal-Aid Highway Act of 1982 (P.L. 97-327)	3,220,000,000			3,220,000,000	3,714,000,000	+494,000,000
Surface Transportation Assistance Act of 1982 (P.L. 97-424):						
Highway Trust Fund					4,075,000,000	+4,075,000,000
Mass Transit					779,000,000	+779,000,000
Boating Safety					49,000,000	+49,000,000
Interstate Transfer					257,000,000	+257,000,000
Airport and Airways					200,000,000	+200,000,000
Total, Surface Transportation					5,360,000,000	+5,360,000,000
Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248):						
Airport and Airways					600,000,000	+600,000,000
Total, Contract authority—Trust funds	3,220,000,000			3,220,000,000	9,674,000,000	+6,454,000,000

Permanent appropriations—Trust funds:						
Surface Transportation Assistance Act of 1982 (P.L. 97-424):						
Reforestation *(Permanent)*					125,000,000	+125,000,000
Trust funds:						
Alcohol Traffic Safety Programs (P.L. 97-364):						
Trust Fund Share of Highway Safety					25,000,000	+25,000,000
Surface Transportation Assistance Act of 1982 (P.L. 97-424):						
Unemployment Trust Fund					491,000,000	+491,000,000
Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248):						
Hospital Insurance					1,333,000,000	+1,333,000,000
Unemployment Trust Fund					3,201,000,000	+3,201,000,000
Total Tax Equity and Fiscal Responsibility Act *(Trust Funds)*					4,534,000,000	+4,534,000,000
Total, Trust funds					5,050,000,000	+5,050,000,000
Total, Legislative Acts [13]	3,220,000,000			3,220,000,000	[13] 14,849,000,000	+11,629,000,000
Private appropriation acts (see p. 1405)					66,922	+66,922
Total, appropriations in other acts	3,220,000,000			3,220,000,000	14,849,066,922	+11,629,066,922
Net total, regular annual, supplemental, continuing and other acts	473,180,890,484	47,260,364,000	5,677,340,000	514,763,914,484	522,050,648,982	+7,286,734,498
New budget *(obligational)* authority	*(473,180,890,484)*	*(47,260,364,000)*	*(5,677,340,000)*	*(514,763,914,484)*	*(531,018,430,482)*	*(+16,254,515,998)*
Rescissions of unobligated balances	*(−5,255,901,079)*	*(−8,037,128,165)*		*(−13,293,029,244)*	*(−8,967,781,500)*	*(−8,967,781,500)*
PERMANENT APPROPRIATIONS [14]						
Federal funds:						
Interest on the public debt	133,229,000,000			133,229,000,000	133,229,000,000	
Department of Agriculture:						
Food and Nutrition Service	2,214,690,000			2,214,690,000	2,214,690,000	
Office of Personnel Management	11,473,670,000			11,473,670,000	11,473,670,000	
Internal Revenue Service	3,386,700,000			3,386,700,000	3,386,700,000	
Tennessee Valley Authority	1,695,962,000			1,695,962,000	1,695,962,000	
All other	3,879,888,000			3,879,888,000	3,879,888,000	
Total, Federal funds	155,879,910,000			155,879,910,000	155,879,910,000	

See footnotes at end of table, pp. 1562-1563.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4 "Compilers' Notes", p. II.).]

Act and title	Regular budget estimates, fiscal year 1983	Budget amendments and supplemental estimates, fiscal year 1983 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 97th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Trust funds:						
Foreign assistance	$15,834,302,000			$15,834,302,000	$15,834,302,000	
Department of Health and Human Services:						
Health Care Financing Administration	61,293,000,000			61,293,000,000	61,293,000,000	
Social Security Administration	164,199,213,000			164,199,213,000	164,199,213,000	
Department of Labor, Employment and Training Administration	23,400,100,000			23,400,100,000	23,400,100,000	
Department of Transportation, Federal Highway Administration	7,816,550,000			7,816,550,000	7,816,550,000	
Department of the Treasury, Office of Revenue Sharing	4,566,700,000			4,566,700,000	4,566,700,000	
Veterans Administration	1,468,775,000			1,468,775,000	1,468,775,000	
Independent agencies:						
Office of Personnel Management	34,262,005,000			34,262,005,000	34,262,005,000	
Railroad Retirement Board	5,493,000,000			5,493,000,000	5,493,000,000	
All other	1,573,439,000			1,573,439,000	1,573,439,000	
Total, trust funds	319,907,084,000			319,907,084,000	319,907,084,000	
Total, permanent appropriations, Federal and trust funds	[14] 475,786,994,000			[14] 475,786,994,000	[14] 475,786,994,000	
Net total, regular annual, supplemental, continuing and other acts and permanent appropriations	948,967,884,484	$47,260,364,000	$5,677,340,000	[15] 990,550,908,484	[16] 997,837,642,982	+$7,286,734,498
Adjustments for interfund and intragovernmental transactions (see par. 2, "Compilers' Notes", p. IV)	−135,001,748,000			−135,001,748,000	−135,001,748,000	
Net total for session	813,966,136,484	47,260,364,000	5,677,340,000	855,549,160,484	862,835,894,982	+7,286,734,498

---

[1] Funding for programs and activities normally included in this bill is provided under Sec. 101(d) of Public Law 97-377, Further Continuing Appropriations, 1983.

[2] Funding for programs and activities normally included in this bill is provided under Sec. 101(c) of Public Law 97-377, Further Continuing Appropriations, 1983.

[3] Funding for programs and activities normally included in this bill is provided under Sec. 101(f) of Public Law 97-377, Further Continuing Appropriations, 1983.

[4] Funding for programs and activities normally included in this bill is provided under Sec. 101(b)(1) of Public Law 97-377, Further Continuing Appropriations, 1983.

[5] Funding for programs and activities normally included in this bill is provided under Sec. 101(e) (1), (2) and (3), of Public Law 97-377, Further Continuing Appropriations, 1983.

[6] Funding for programs and activities normally included in this bill is provided under Sec. 101(e) of Public Law 97-276, Continuing Appropriations, 1983.

[7] Funding for programs and activities normally included in this bill is provided under Sec. 101(a)(3) of Public Law 97-377, Further Continuing Appropriations, 1983.

[8] Includes amounts provided through further continuing appropriations for programs and activities normally funded in seven regular annual appropriations bills. These bills are (1) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Bill, 1983, S. 2956 (*$9,264,172,000*); (2) The Department of Defense Appropriation Bill, 1983, H.R. 7355, (*$231,603,561,000*); (3) The Energy and Water Development Appropriation Bill, 1983, H.R. 7145 (*$13,985,230,000*); (4) the Foreign Assistance and Related Programs Appropriation Bill, 1983, S. 3075 (*$11,231,729,565*); (5) The Departments of Labor, Health and Human Services and Education, and Related Agencies Appropriation Bill, 1983, H.R. 7205, (*$96,222,529,000*); (6) the Legislative Branch Appropriation Bill, 1983, H.R. 7073 and S. 2939 (*$1,335,637,000*); and (7) the Treasury, Postal Service, and General Government Appropriations Bill, 1983, H.R. 7185 (*$10,876,737,000*).

[9] Reflects rescissions of $5,678,120,000.

[10] Reflects rescissions of $400,846,000.

[11] For informational purposes only. Amounts included in totals for "regular annual appropriation acts (net)" above.

[12] Includes rescissions of $2,830,360,000.

[13] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contract authority (so-called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[14] Basically, amounts shown are taken from the February 1982 budget document (H. Doc. 97-124) and are subject to change as better data become available.

[15] Budget estimates exclude $4,847,792,000 for fiscal year 1983 to liquidate "indefinite" budget authority requested in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,916,000,000 carried in 1981-1982 volume) (see footnote 22 on p. 1535, 1982-1983 volume, for accounts involved).

[16] Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimated at $4,615,600,000 in 1981-1982 volume). (See footnote 22 on p. 1535, 1982-1983 volume, for accounts involved.)

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1983, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1983	Budget amendments and supplemental estimates, fiscal year 1983		Total budget estimates, fiscal year 1983	New budget (obligational) authority appropriated, 97th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Agriculture:						
Regular annual appropriation acts	$23,546,440,000	$13,184,826,000	$3,783,244,000	$32,948,022,000	$32,894,409,000	−$53,613,000
Permanent appropriations:						
Federal funds	3,164,399,000			3,164,399,000	3,164,399,000	
(Authority to borrow)	*(1,345,000)*			*(1,345,000)*	*(1,345,000)*	
Trust funds	230,589,000			230,589,000	230,589,000	
Total, Department of Agriculture	26,941,428,000	13,184,826,000	3,783,244,000	36,343,010,000	36,289,397,000	−53,613,000
Department of Commerce:						
Regular annual appropriation act	1,364,010,000	2,000,000		1,366,010,000	1,747,700,000	+381,690,000
Continuing appropriations	13,555,000			13,555,000	13,555,000	
Permanent appropriations:						
Trust funds	72,289,000			72,289,000	72,289,000	
Total, Department of Commerce	1,449,854,000	2,000,000		1,451,854,000	1,833,544,000	+381,690,000
Department of Defense—Civil:						
Regular annual appropriation acts	2,770,007,000			2,770,007,000	3,001,385,000	+231,378,000
Permanent appropriations:						
Federal funds	8,849,000			8,849,000	8,849,000	
Trust funds	71,005,000			71,005,000	71,005,000	
Total, Department of Defense—Civil	2,849,861,000			2,849,861,000	3,081,239,000	+231,378,000

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1983, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1983	Budget amendments and supplemental estimates, fiscal year 1983		Total budget estimates, fiscal year 1983	New budget (obligational) authority appropriated, 97th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Defense—Military:						
Regular annual and supplemental appropriation acts	$254,071,584,000	$4,176,023,000	$171,700,000	$258,075,907,000	$238,539,445,000	−$19,536,462,000
Permanent appropriations:						
Federal funds	1,200,000			1,200,000	1,200,000	
(Authority to borrow)	*(1,200,000)*			*(1,200,000)*	*(1,200,000)*	
Trust funds	16,600,000			16,600,000	16,600,000	
Total, Department of Defense—Military	254,089,384,000	4,176,023,000	171,700,000	258,093,707,000	238,557,245,000	−19,536,462,000
District of Columbia—Federal Funds:						
Regular annual appropriation act	579,870,000			579,870,000	573,012,600	−6,857,400
Rescission					−48,832,500	−48,832,500
Total, District of Columbia—Federal funds *(net)*	579,870,000			579,870,000	524,180,100	55,689,900
(District of Columbia—Payable from District revenue):						
(Regular annual appropriation act)	*(1,983,627,900)*	*(24,400,000)*	*(2,078,500)*	*(2,005,949,400)*	*(1,998,841,900)*	*(−7,107,500)*
Department of Education:						
Regular annual appropriation acts	9,941,364,000			9,941,364,000	15,078,392,000	+5,137,028,000
Continuing appropriations	9,000,000			9,000,000	9,000,000	
Total, Department of Education	9,950,364,000			9,950,364,000	15,087,392,000	+5,137,028,000
Department of Energy:						
Regular annual and supplemental appropriation acts	9,518,890,000	310,900,000		9,829,790,000	10,221,857,000	+392,067,000
Continuing appropriations	242,118,000			242,118,000	244,118,000	+2,000,000
Permanent appropriations:						
Federal funds	179,000,000			179,000,000	179,000,000	
(Authority to borrow)	*(179,000,000)*			*(179,000,000)*	*(179,000,000)*	
Total, Department of Energy	9,940,008,000	310,900,000		10,250,908,000	10,644,975,000	+394,067,000
Environmental Protection Agency:						
Regular annual appropriation act	3,635,392,000			3,635,392,000	3,719,688,200	+84,296,200

Foreign Assistance:						
Regular annual appropriation act	11,118,585,565	459,752,000	789,000,000	10,789,337,565	10,800,029,565	+10,692,000
Permanent appropriations:						
Trust funds	15,834,302,000			15,834,302,000	15,834,302,000	
(Contract authority)	*(15,819,000,000)*			*(15,819,000,000)*	*(15,819,000,000)*	
Total, Foreign Assistance	26,952,887,565	459,752,000	789,000,000	26,623,639,565	26,634,331,565	+10,692,000
General Government:						
Regular annual and supplemental appropriation acts	11,562,221,569	53,114,000	24,346,000	11,590,989,569	11,616,350,569	+25,361,000
Continuing appropriations	36,700,000			36,700,000	37,055,000	+355,000
Appropriated during 96th Cong., 2nd sess. for fiscal year 1983	[1] 172,000,000			[1] 172,000,000	[1] 172,000,000	
Appropriated during 97th Cong., 1st. sess. for fiscal year 1983 *(rescission)*					-35,000,000	-35,000,000
Permanent appropriations:						
Federal funds	13,403,307,000			13,403,307,000	13,403,307,000	
(Authority to borrow)	*(1,757,552,000)*			*(1,757,552,000)*	*(1,757,552,000)*	
Trust funds	39,766,122,000			39,766,122,000	39,766,122,000	
Total, General Government *(net)*	64,940,350,569	53,114,000	24,346,000	64,969,118,569	64,959,834,569	-9,284,000
General Services Administration:						
Regular annual appropriation acts	508,859,000	5,728,000		514,587,000	442,488,000	-72,099,000
Permanent appropriations:						
Federal funds	1,000,000			1,000,000	1,000,000	
Trust funds	184,000			184,000	184,000	
Total, General Services Administration	510,043,000	5,728,000		515,771,000	443,672,000	-72,099,000
Department of Health and Human Services:						
Regular annual appropriation acts	59,086,028,000		627,000,000	[2] 58,459,028,000	[3] 62,734,326,000	+4,275,298,000
Continuing appropriations	51,028,000			51,028,000	96,000,000	+44,972,000
Appropriated during 97th Cong., 1st. sess. for fiscal year 1983	2,105,128,000		354,375,000	1,750,753,000	1,787,341,000	+36,588,000
Permanent appropriations:						
Federal funds	450,000			450,000	450,000	
Trust funds	225,496,758,000			225,496,758,000	225,496,758,000	
Total, Department of Health and Human Services	286,739,392,000		981,375,000	[2] 285,758,017,000	[3] 290,114,875,000	+4,356,858,000
Department of Housing and Urban Development:						
Regular annual appropriation act	5,687,449,000			5,687,449,000	5,974,448,000	+286,999,000
Continuing appropriations	*(-2,415,541,079)*			*(-2,415,541,079)*	8,832,675,689	+8,832,675,689
Rescission of contract authority	*(-2,830,360,000)*			*(-2,830,360,000)*	-2,830,360,000	[4] -2,830,360,000
Permanent appropriations:						
Federal funds	119,848,000			119,848,000	119,848,000	
(Contract authority)	*(24,800,000)*			*(24,800,000)*	*(24,800,000)*	
(Authority to borrow)	*(88,526,000)*			*(88,526,000)*	*(88,526,000)*	
Total, Department of Housing and Urban Development *(net)*	5,807,297,000			5,807,297,000	12,096,611,689	+6,289,314,689

See footnotes at end of table, p. 1570.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1983, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1983	Budget amendments and supplemental estimates, fiscal year 1983		Total budget estimates, fiscal year 1983	New budget (obligational) authority appropriated, 97th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of the Interior:						
Regular annual appropriation act	$4,458,843,000	$28,515,000	$33,954,000	$4,453,404,000	$4,700,057,000	+$246,653,000
Continuing appropriations					3,094,000	+3,094,000
Permanent appropriations:						
Federal funds	1,026,925,000			1,026,925,000	1,026,925,000	
Trust funds	538,850,000			538,850,000	538,850,000	
Total, Department of the Interior	6,024,618,000	28,515,000	33,954,000	6,019,179,000	6,268,926,000	+249,747,000
The Judiciary:						
Regular annual appropriation act	835,413,000	19,720,000	4,000,000	851,133,000	791,007,000	−60,126,000
Permanent appropriations:						
Trust funds	10,355,000			10,355,000	10,355,000	
Total, The Judiciary	845,768,000	19,720,000	4,000,000	861,488,000	801,362,000	−60,126,000
Department of Justice:						
Regular annual appropriation act	2,644,687,000	187,616,000	38,716,000	2,793,587,000	2,864,062,000	+70,475,000
Department of Labor:						
Regular annual appropriation act	8,927,482,000	23,400,000		8,950,882,000	11,678,179,000	+2,727,297,000
Permanent appropriations:						
Trust funds	23,437,000,000			23,437,000,000	23,437,000,000	
Total, Department of Labor	32,364,482,000	23,400,000		32,387,882,000	35,115,179,000	+2,727,297,000
Legislative Branch:						
Regular annual appropriation acts	1,396,504,000	14,735,000	479,000	1,410,760,000	1,335,637,000	−75,123,000
Continuing appropriations					60,663	+60,663
Estimates not considered (See Table VIIIg)		36,051,000		36,051,000		−36,051,000
Permanent appropriations:						
Federal funds	62,765,000			62,765,000	62,765,000	
Trust funds	6,900,000			6,900,000	6,900,000	
Total, Legislative Branch	1,466,169,000	50,786,000	479,000	1,516,476,000	1,405,362,663	−111,113,337

National Aeronautics and Space Administration:						
Regular annual appropriation act	6,612,900,000			6,612,900,000	6,809,200,000	+196,300,000
Postal Service:						
Regular annual appropriation act	500,000,000			500,000,000	789,000,000	+289,000,000
Department of State:						
Regular annual and supplemental appropriation acts	2,340,858,000	19,400,000	2,376,000	2,357,882,000	2,294,940,000	−62,942,000
Permanent appropriations:						
Federal funds	218,599,000			218,599,000	218,599,000	
Trust funds	464,075,000			464,075,000	464,075,000	
Total, Department of State	3,023,532,000	19,400,000	2,376,000	3,040,556,000	2,977,614,000	−62,942,000
Department of Transportation:						
Regular annual appropriation acts	9,485,602,350	859,170,000	194,000,000	10,150,772,350	10,126,632,350	−24,140,000
Rescission of unobligated balances	*(−10,000,000)*			*(−10,000,000)*	−9,623,000	−9,623,000
Continuing appropriations	400,000,000			400,000,000	913,800,000	+513,800,000
Legislative Acts *(trust funds)*[5]	3,220,000,000			3,220,000,000	[5] 14,849,000,000	+11,629,000,000
Permanent appropriations:						
Federal funds	413,821,000			413,821,000	413,821,000	
(Contract authority)	*(406,821,000)*			*(406,821,000)*	*(406,821,000)*	
Trust funds	7,918,530,000			7,918,530,000	7,918,530,000	
(Contract authority)	*(7,911,500,000)*			*(7,911,500,000)*	*(7,911,500,000)*	
Total, Department of Transportation *(net)*	21,437,953,350	859,170,000	194,000,000	22,103,123,350	34,212,160,350	+12,109,037,000
Department of the Treasury:						
Regular annual appropriation act	8,838,565,000	37,475,000		8,876,040,000	9,028,723,000	+152,683,000
Private appropriation acts					4,306	+4,306
Permanent appropriations:						
Federal funds	137,279,747,000			137,279,747,000	137,279,747,000	
Trust funds	4,574,750,000			4,574,750,000	4,574,750,000	
Total, Department of the Treasury	150,693,062,000	37,475,000		150,730,537,000	150,883,224,306	+152,687,306
Veterans Administration:						
Regular annual appropriation act	24,118,343,000			24,118,343,000	24,081,218,000	−37,125,000
Permanent appropriations:						
Trust funds	1,468,775,000			1,468,775,000	1,468,775,000	
Total, Veterans Administration	25,587,118,000			25,587,118,000	25,549,993,000	−37,125,000
Grand total, new budget *(obligational)* authority *(net)*	945,586,420,484	19,418,425,000	6,023,190,000	958,981,655,484	971,663,068,442	+12,681,412,958
Consisting of—						
Regular annual and supplemental appropriation acts	463,549,897,484	19,382,374,000	5,668,815,000	477,263,456,484	471,842,186,284	−5,421,270,200
Rescission of unobligated balances	*(−10,000,000)*			*(−10,000,000)*	−58,455,500	[4] −58,455,500
Continuing appropriations	752,401,000			752,401,000	10,149,358,352	+6,981,416,273
Rescission of unobligated balances	*(−5,245,901,079)*			*(−5,245,901,079)*	−2,830,360,000	−414,818,921

See footnotes at end of table, p. 1570.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1983, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1983	Budget amendments and supplemental estimates, fiscal year 1983		Total budget estimates, fiscal year 1983	New budget (obligational) authority appropriated, 97th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Estimates not considered (See Table VIIIg)		$36,051,000		$36,051,000		−$36,051,000
Appropriated during prior Congressional sessions fiscal year 1983 *(net)*	$2,277,128,000		$354,375,000	1,922,753,000	$1,924,341,000	+1,588,000
Appropriations in legislative acts *(trust funds)*	3,220,000,000			3,220,000,000	14,849,000,000	+11,629,000,000
Private appropriation acts					4,306	+4,306
Permanent appropriations:						
Federal funds	155,879,910,000			155,879,910,000	[6] 155,879,910,000	
(Contract authority)	*(431,621,000)*			*(431,621,000)*	*(431,621,000)*	
(Authority to borrow)	*(2,027,623,000)*			*(2,027,623,000)*	*(2,027,623,000)*	
Trust funds	319,907,084,000			319,907,084,000	[6] 319,907,084,000	
(Contract authority)	*(23,730,500,000)*			*(23,730,500,000)*	*(23,730,500,000)*	
Subtotal	945,586,420,484	19,418,425,000	6,023,190,000	958,981,655,484	971,663,068,442	+12,681,412,958
Less adjustments for interfund and intragovernmental transactions (see par. 2 "Compilers' Notes", p. IV)	−135,001,748,000			−135,001,748,000	−135,001,748,000	
Net total for fiscal year 1983 to date	810,584,672,484	19,418,425,000	6,023,190,000	823,979,907,484	836,661,320,442	+12,681,412,958
Deduct estimates and appropriations made during prior Congressional sessions for fiscal year 1983 *(net)*	−2,277,128,000		−354,375,000	−1,922,753,000	−1,924,341,000	−1,588,000
Net for fiscal year 1983 (97th Congress, 2nd session)	808,307,544,484	19,418,425,000	5,668,815,000	822,057,154,484	834,736,979,442	+12,679,824,958

---

[1] Also included under "Permanent appropriations, Federal funds".

[2] Budget estimates exclude $4,847,792,000 for fiscal year 1983 to liquidate "indefinite" budget authority requested in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,916,000,000 carried in 1981-1982 volume) (see footnote 22 on p. 1535, 1982-1983 volume, for accounts involved).

[3] Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimated at $4,615,600,000 in 1981-1982 volume). (See footnote 22 on page 1535, this volume, for accounts involved.)

[4] Reflects actual amounts rescinded rather than comparison with requests.

[5] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contract authority (so-called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[6] Subject to revision as better data become available (see "Note" above).

VIIIc. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1982, ARRANGED BY AGENCIES, 97TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes," p. II.)]

(Amounts considered in supplemental appropriation acts and private acts)

Department or establishment	Budget estimates, fiscal year 1982	New budget (obligational) authority appropriated, fiscal year 1982	Increase (+) or decrease (−), appropriations compared with estimates
Department of Agriculture	$11,130,998,000	$11,126,798,000	−$4,200,000
Department of Commerce	22,795,000	46,002,000	+23,207,000
Department of Defense—Civil	1,628,000	77,581,000	+75,952,000
Department of Defense—Military	7,671,714,000	5,680,542,000	−1,991,172,000
District of Columbia:			
(Payable from District revenues—net)	*(75,200,400)*	*(60,500,400)*	*(−14,700,000)*
(New budget (obligational) authority)	*(75,200,400)*	*(75,200,400)*	
(Rescissions)	*(−14,700,000)*	*(−14,700,000)*	[1] *(−14,700,000)*
Department of Education	1,011,119,000	1,734,421,000	+723,302,000
Department of Energy	97,400,000	65,380,000	−32,020,000
Environmental Protection Agency	2,400,000,000	2,400,000,000	
Foreign Assistance	516,531,000	406,543,000	−109,988,000
General Government *(net)*	698,207,000	682,607,640	−15,599,360
New budget *(obligational)* authority	*(698,207,000)*	*(692,607,640)*	*(−5,599,360)*
Rescissions	*(−8,000,000)*	*(−10,000,000)*	[1] *(−10,000,000)*
General Services Administration	13,146,000	17,717,000	+4,571,000
Department of Health and Human Services	[2] 650,798,000	[3] 494,440,000	−156,358,000
Department of Housing and Urban Development *(net)*		−5,480,120,000	−5,480,120,000
New budget *(obligational)* authority		*(198,000,000)*	*(+198,000,000)*
Rescissions	*(−7,750,269,165)*	*(−5,678,120,000)*	[1] *(−5,678,120,000)*
Department of the Interior *(net)*	152,373,000	179,783,000	+27,410,000
New budget *(obligational)* authority	*(152,373,000)*	*(209,783,000)*	*(+57,410,000)*
Rescissions	*(−16,200,000)*	*(−30,000,000)*	[1] *(−30,000,000)*
The Judiciary	24,143,000	12,681,000	−11,462,000
Department of Justice	149,168,000	138,103,000	−11,065,000
Department of Labor *(net)*	1,947,000,000	2,181,386,000	+234,386,000
New budget *(obligational)* authority	*(1,947,000,000)*	*(2,229,572,000)*	*(+282,572,000)*
Rescissions	*(−47,429,000)*	*(−48,186,000)*	[1] *(−48,186,000)*
Legislative Branch	75,885,000	43,830,325	−32,054,675
National Aeronautics and Space Administration	31,050,000	80,000,000	+48,950,000
Postal Service *(net)*		−127,660,000	−127,660,000
New budget *(obligational)* authority		*(81,000,000)*	*(+81,000,000)*
Rescissions	*(−215,230,000)*	*(−208,660,000)*	[1] *(−208,660,000)*
Department of State	43,816,000	82,570,000	+38,754,000
Department of Transportation *(net)*	343,120,000	599,715,000	+256,595,000
New budget *(obligational)* authority	*(343,120,000)*	*(703,715,000)*	*(+360,595,000)*
Rescissions		*(−104,000,000)*	*(−104,000,000)*
Department of the Treasury	381,278,000	377,055,959	−4,222,041
Veterans Administration	125,134,000	173,477,000	+48,343,000
Private appropriation acts		62,616	+62,616
Grand total *(net)*	27,487,303,000	20,992,915,540	−6,494,387,460
Consisting of—			
Supplemental appropriation acts *(net)*	27,487,303,000	20,992,915,540	−6,494,387,460
New budget *(obligational)* authority	*(27,487,303,000)*	*(27,071,818,924)*	*(−415,484,076)*
Rescissions	*(−8,037,128,165)*	*(−6,078,966,000)*	[1] *(−6,078,966,000)*
Private appropriation acts		62,616	+62,616
(District of Columbia funds—net)	*(75,200,400)*	*(60,500,400)*	*(−14,700,000)*

---

[1] Reflects actual amounts rescinded rather than comparison with request.

[2] Budget estimates exclude $4,847,792,000 for fiscal year 1983 to liquidate "indefinite" budget authority requested in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,916,000,000 carried in 1981-1982 volume) (see footnote 22 on p. 1535, 1982-1983 volume, for accounts involved).

[3] Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs (estimated at $4,615,600,000 in 1981-1982 volume). (See footnote 22 on p. 1535, this volume, for accounts involved).

VIIId. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1984, ARRANGED BY AGENCIES, 97TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes", p. II.)]

(Amounts considered in supplemental appropriation acts)

Department or establishment	Budget estimates, fiscal year 1984	New budget (obligational) authority appropriated, fiscal year 1984	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATION ACT, 1983			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH CARE FINANCING ADMINISTRATION			
Grants to States for Medicaid	$4,470,000,000	$5,105,600,000	+$635,600,000
SOCIAL SECURITY ADMINISTRATION			
Assistance payments program	1,327,203,000	1,718,000,000	+390,797,000
Child Support Enforcement	112,500,000	118,000,000	+5,500,000
DEPARTMENTAL MANAGEMENT			
Office of the Inspector General	10,000,000	10,000,000	
Total	5,919,703,000	6,951,600,000	+1,031,897,000
URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1982 (P.L. 97-216)			
RELATED AGENCIES			
Corporation for Public Broadcasting		24,400,000	+24,400,000
Total, fiscal year 1984	5,919,703,000	6,976,000,000	+1,056,297,000

VIIIe. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1985, ARRANGED BY AGENCIES, 97TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes," p. II.)]

(Amounts considered in regular annual appropriation acts)

Department or establishment	Budget estimates, fiscal year 1985	New budget (obligational) authority appropriated, fiscal year 1985	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATION ACT, 1983			
RELATED AGENCIES			
Corporation for Public Broadcasting	$85,000,000	$130,000,000	+$45,000,000

VIIIf. RECAPITULATION OF COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, 97TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations. (See explanation, par. 4, "Compilers' Notes," p. II.)]

	Amount
Net reduction below budget estimates for fiscal 1982 (p. 1571)	-$6,494,387,460
Net increase above budget estimates for fiscal 1983 (p. 1570)	+12,679,824,958
Net increase above budget estimates for fiscal 1984 (p. 1573)	+1,056,297,000
Net increase above budget estimates for fiscal 1985 (p. 1575)	+45,000,000
Total increase (net) above budget estimated, 97th Cong., 2d sess	+7,286,734,498

VIIIg. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1983	Budget amendments and supplemental estimates, fiscal year 1983 and prior years		Total budget estimates not considered
			Increases	Decreases	
LEGISLATIVE BRANCH					
HOUSE OF REPRESENTATIVES					
Allowances and expenses, 1983	97-248		[1] $9,546,000		[1] $9,546,000
Allowances and expenses, 1983	97-248		[1] 3,360,000		[1] 3,360,000
Total, House of Representatives, 1983			12,906,000		12,906,000
JOINT ITEMS					
Office of the Attending Physician, 1983	97-248		[1] 3,000		[1] 3,000
Official mail costs, 1983	97-248		[1] 23,142,000		[1] 23,142,000
Total, Joint Items, 1983			23,145,000		23,145,000
Total, Legislative Branch, 1983			36,051,000		36,051,000

[1] Submitted too late for consideration in the applicable appropriations bill.

VIIIh. RESCISSIONS OF APPROPRIATIONS CONSIDERED DURING THE 2D SESSION OF THE 97TH CONGRESS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS

[NOTE.--For informational purposes only to separately identify rescissions. The amounts rescinded *are* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amount proposed for rescission	Amount rescinded	Increase (+) or decrease (−), amounts rescinded compared with proposals
District of Columbia:			
Supplemental Appropriations Act, 1982 (P.L. 97-257) *(District of Columbia Funds)*	*($14,700,000)*	*($14,700,000)*	
District of Columbia Appropriations Act, 1983 (P.L. 97-378)		48,832,500	+$48,832,500
General Government:			
Supplemental Appropriations Act, 1982 (P.L. 97-257):			
Board for International Broadcasting		2,000,000	+2,000,000
Federal Inspector for the Alaska Gas Pipeline	8,000,000	8,000,000	
Exploration of national petroleum reserve in Alaska	16,200,000		−16,200,000
Total, General Government	24,200,000	10,000,900	−14,200,000
Department of Housing and Urban Development:			
Urgent Supplemental Appropriations Act, 1982 (P.L. 97-216) *(contract authority)*	5,999,789,165	4,098,640,000	−1,901,149,165
Urgent Supplemental Appropriations Act, 1982 (P.L. 97-216)	1,750,480,000	1,579,480,000	−171,000,000
Further Continuing Appropriations, 1983 (P.L. 97-377):			
Annual contribution for assisted housing	2,415,541,079		−2,415,541,079
Rent supplement	2,830,360,000	2,830,360,000	
Total, Department of Housing and Urban Development	12,996,170,244	8,508,480,000	−4,487,690,244
Department of Interior:			
Supplemental Appropriations Act, 1982 (P.L. 97-257) *(contract authority)*		30,000,000	+30,000,000
Department of Labor:			
Supplemental Appropriations Act, 1982 (P.L. 97-257)	47,429,000	48,186,000	+757,000
Postal Service:			
Supplemental Appropriations Act, 1982 (P.L. 97-257)	215,230,000	208,660,000	−6,570,000
Department of Transportation:			
Supplemental Appropriations Act, 1982 (P.L. 97-257)		5,000,000	+5,000,000
Supplemental Appropriations Act, 1982 (P.L. 97-257)		99,000,000	+99,000,000
Department of Transportation Appropriation Act, 1983, (P.L. 97-369)	10,000,000	9,623,000	−377,000
Total, Department of Transportation	10,000,000	113,623,000	+103,623,000
Grand total, rescissions of budget authority, (97th Congress, 2nd session)	[1] 13,293,029,244	[1] 8,967,781,500	−4,325,247,744

---

[1] See pp. 365-382 and pp. 383-389 for status reports on rescissions and deferrals.

VIIIi. DEFERRALS OF BUDGET AUTHORITY AND OUTLAYS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION

[NOTE.—For informational purposes only. The amounts are *not* reflected in the *totals* of new budget (obligational) authority shown in the various summary tabulations in this document.]

Department or activity	Amounts proposed for deferral[1]	Amounts disapproved	Increase (+) or decrease (−), amounts disapproved compared with proposals
Department of Commerce:			
Supplemental Appropriations Act, 1982 (P.L. 97-257)	$1,015,000	$100,000	−$915,000
Supplemental Appropriations Act, 1982 (P.L. 97-257)	10,000,000	[2]12,000,000	[3](−2,000,000)
Department of Energy:			
Supplemental Appropriations Act, 1982 (P.L. 97-257)		[3](64,000,000)	[3](−64,000,000)
General Government:			
Supplemental Appropriations Act, 1982 (P.L. 97-257):			
Board for International Broadcasting	914,751	914,751	
Small Business Administration	2,500,000	2,500,000	
Small Business Administration	3,000,000	3,000,000	
Total, General Government	6,414,751	6,414,751	
Department of Transportation:			
Supplemental Appropriations Act, 1982 (P.L. 97-257)	37,500,000	37,500,000	
Grand total, deferrals of budget authority (97th Congress, 2nd session):			
Deferrals proposed and amounts disapproved	54,929,751	54,014,751	−915,000
Deferrals initiated and approved by Congress		[3](66,000,000)	[3](−66,000,000)

---

[1] Amounts proposed for deferral reflect original requests for *all* fiscal year 1982 deferrals proposed during the 2d session of the 97th Congress. Does not reflect adjustments proposed in subsequent documents or congressionally initiated deferral actions. See pp. 365–382 and pp. 383–389 for status reports on recissions and deferrals.

[2] Includes $2,000,000 initiated and approved for deferral by Congress.

[3] Initiated and approved for deferral by Congress.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session. (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 97th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Agriculture:			
Appropriations, fiscal year 1983:			
Regular annual act	$31,454,085,000	$31,361,526,000	−$92,559,000
Carried in other regular annual act	1,493,937,000	1,532,883,000	+38,946,000
Subtotal	32,948,022,000	32,894,409,000	−53,613,000
Permanent appropriations:			
Federal funds	3,164,399,000	3,164,399,000	
(Authority to borrow)	*(1,345,000)*	*(1,345,000)*	
Trust funds	230,589,000	230,589,000	
Total, permanent appropriations	3,394,988,000	3,394,988,000	
Total appropriations, fiscal year 1983	36,343,010,000	36,289,397,000	−53,613,000
Appropriations, fiscal year 1982:			
Supplemental act	11,130,998,000	11,126,798,000	−4,200,000
Grand total for session, Department of Agriculture	47,474,008,000	47,416,195,000	−57,813,000
Department of Commerce:			
Appropriations, fiscal year 1983:			
Regular annual act [1]	1,366,010,000	1,747,700,000	+381,690,000
Carried in continuing appropriations	13,555,000	13,555,000	
Subtotal	1,379,565,000	1,761,255,000	+381,690,000
Permanent appropriations:			
Trust funds	72,289,000	72,289,000	
Total appropriations, fiscal year 1983	1,451,854,000	1,833,544,000	+381,690,000
Appropriations, fiscal year 1982:			
Supplemental act	22,795,000	46,002,000	+23,207,000
Grand total for session, Department of Commerce	1,474,649,000	1,879,546,000	+404,897,000
Department of Defense—Civil:			
Appropriations, fiscal year 1983:			
Regular annual act [2]	2,736,600,000	2,967,985,000	+231,385,000
Carried in other regular annual acts	33,407,000	33,400,000	−7,000
Subtotal	2,770,007,000	3,001,385,000	+231,378,000
Permanent appropriations:			
Federal funds	8,849,000	8,849,000	
Trust funds	71,005,000	71,005,000	
Total, permanent appropriations	79,854,000	79,854,000	
Total appropriations, fiscal year 1983	2,849,861,000	3,081,239,000	+231,378,000

See footnotes at end of table, p. 1594.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session. (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 97th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Civil—Continued:			
Appropriations, fiscal year 1982:			
Supplemental act	$1,628,000	$77,581,000	+$75,953,000
Grand total for session, Department of Defense—Civil	2,851,489,000	3,158,820,000	+307,331,000
Department of Defense—Military:			
Military personnel:			
Appropriations, fiscal year 1983:			
Regular annual act [3]	47,902,500,000	45,066,808,000	−2,835,692,000
Appropriations, fiscal year 1982:			
Supplemental act	4,871,983,000	4,638,924,000	−233,059,000
Appropriations to liquidate contract authorizations	*(300,000)*	*(300,000)*	
Total, military personnel	52,774,483,000	49,705,732,000	−3,068,751,000
Retired military personnel:			
Appropriations, fiscal year 1983:			
Regular annual act [3]	16,510,800,000	16,154,800,000	−356,000,000
Appropriations, fiscal year 1982:			
Supplemental act	97,685,000	47,685,000	−50,000,000
Operation and maintenance:			
Appropriations, fiscal year 1983:			
Regular annual act [3]	71,087,451,000	67,279,010,000	−3,808,441,000
Appropriations, fiscal year 1982:			
Supplemental act	1,731,633,000	792,933,000	−938,700,000
Appropriations to liquidate contract authorizations	*(43,641,000)*	*(43,641,000)*	
Total, operation and maintenance	72,819,084,000	68,071,943,000	−4,747,141,000
Procurement:			
Appropriations, fiscal year 1983:			
Regular annual act [3]	89,616,914,000	80,287,703,000	−9,329,211,000
Carried in supplemental act	343,721,000		−343,721,000
Appropriations, fiscal year 1982:			
Supplemental act	698,970,000	146,200,000	−552,770,000
Total, procurement	90,659,605,000	80,433,903,000	−10,225,702,000
Research, development, test, and evaluation:			
Appropriations, fiscal year 1983:			
Regular annual act [3]	24,398,894,000	22,704,284,000	−1,694,610,000
Appropriations, fiscal year 1982:			
Supplemental act	57,000,000		−57,000,000
Total, research, development, test and evaluation	24,455,894,000	22,704,284,000	−1,751,610,000
Special foreign currency program:			
Appropriations, fiscal year 1983:			
Regular annual act [3]	3,800,000	3,800,000	
Military construction:			
Appropriations, fiscal year 1983:			
Carried in separate regular annual act	8,211,827,000	7,043,040,000	−1,168,787,000

See footnotes at end of table, p. 1594.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session. (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 97th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Military—Continued:			
Military Construction—Continued:			
Appropriations, fiscal year 1982:			
Supplemental act	$214,443,000	$54,800,000	−$159,643,000
Total, military construction	8,426,270,000	7,097,840,000	−1,328,430,000
Total, regular annual and supplemental appropriation acts	265,747,621,000	244,219,987,000	−21,527,634,000
Permanent appropriations:			
Federal funds	1,200,000	1,200,000	
(Authority to borrow)	*(1,200,000)*	*(1,200,000)*	
Trust funds	16,600,000	16,600,000	
Total, permanent appropriations	17,800,000	17,800,000	
Grand total for session, Department of Defense—Military	265,765,421,000	244,237,787,000	−21,527,634,000
Consisting of—			
Appropriations, fiscal year 1983:			
Regular annual act	249,520,359,000	231,496,405,000	−18,023,954,000
Carried in separate and other regular annual acts	8,555,548,000	7,043,040,000	−1,512,508,000
Subtotal	258,075,907,000	238,539,445,000	−19,536,462,000
Permanent appropriations:			
Federal funds	1,200,000	1,200,000	
Trust funds	16,600,000	16,600,000	
Subtotal	17,800,000	17,800,000	
Total appropriations, fiscal year 1983	258,093,707,000	238,557,245,000	−19,536,462,000
Appropriations, fiscal year 1982:			
Supplemental act	7,671,714,000	5,680,542,000	−1,991,172,000
Appropriations to liquidate contract authorizations	*(43,641,000)*	*(43,641,000)*	
Grand total for session, Department of Defense—Military	265,765,421,000	244,237,787,000	−21,527,634,000
District of Columbia—Federal Funds:			
Appropriations, fiscal year 1983:			
Regular annual act	579,870,000	573,012,600	−6,857,400
Rescission of unobligated balances		−48,832,500	−48,832,500
Grand total for session, District of Columbia—Federal Funds	579,870,000	524,180,100	−55,689,900
(District of Columbia—Payable from District revenues:)			
(Appropriations, fiscal year 1983:)			
(Regular annual act (net))	*(2,005,949,400)*	*(1,998,841,900)*	*(−7,107,500)*
(Appropriations, fiscal year 1982:)			
(Supplemental act (net))	*(75,200,400)*	*(60,500,400)*	*(−14,700,000)*
(Grand total for session, District of Columbia—Payable from District revenues (net))	*(2,081,149,800)*	*(2,059,342,300)*	*(−21,807,500)*

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session. (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 97th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Education:			
Appropriations, fiscal year 1983:			
Regular annual act [4]	$9,890,245,000	$15,011,145,000	+$5,120,900,000
Carried in other regular annual acts	51,119,000	67,247,000	+16,128,000
Carried in continuing appropriations	9,000,000	9,000,000	
Total appropriations, fiscal year 1983	9,950,364,000	15,087,392,000	+5,137,028,000
Appropriations, fiscal year 1982:			
Supplemental act	1,011,119,000	1,734,421,000	+723,302,000
Grand total for session, Department of Education	10,961,483,000	16,821,813,000	+5,860,330,000
Department of Energy:			
Appropriations, fiscal year 1983:			
Regular annual act [2]	9,384,432,000	9,410,547,000	+26,115,000
Carried in other regular annual act	443,058,000	808,310,000	+365,252,000
Carried in continuing appropriations	242,118,000	244,118,000	+2,000,000
Carried in supplemental act	2,300,000	3,000,000	+700,000
Appropriations to liquidate contract authorizations		*(3,000,000)*	*(+3,000,000)*
Subtotal	10,071,908,000	10,465,975,000	+394,067,000
Permanent appropriations:			
Federal funds	179,000,000	179,000,000	
(Authority to borrow)	*(179,000,000)*	*(179,000,000)*	
Total, permanent appropriations	179,000,000	179,000,000	
Total appropriations, fiscal year 1983	10,250,908,000	10,644,975,000	+394,067,000
Appropriations, fiscal year 1982:			
Supplemental act	97,400,000	65,380,000	−32,020,000
Grand total for session, Department of Energy	10,348,308,000	10,710,355,000	+362,047,000
Environmental Protection Agency:			
Appropriations, fiscal year 1983:			
Regular annual act	3,635,392,000	3,719,688,200	+84,296,200
Appropriations, fiscal year 1982:			
Supplemental act	2,400,000,000	2,400,000,000	
Grand total for session, Environmental Protection Agency	6,035,392,000	6,119,688,200	+84,296,200
Foreign Assistance:			
Appropriations, fiscal year 1983:			
Regular annual act [5]	10,776,385,565	10,800,029,565	+23,644,000
Carried in other regular annual acts	12,952,000		−12,952,000
Permanent appropriations:			
Trust funds	15,834,302,000	15,834,302,000	
(Contract authority)	*(15,819,000,000)*	*(15,819,000,000)*	
Total appropriations, fiscal year 1983	26,623,639,565	26,634,331,565	+10,692,000
Appropriations, fiscal year 1982:			
Supplemental act	516,531,000	406,543,000	−109,988,000
Grand total for session, Foreign Assistance	27,140,170,565	27,040,874,565	−99,296,000

See footnotes at end of table, p. 1594.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session. (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 97th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
General Government:			
Appropriations, fiscal year 1983:			
Regular annual act [6]	$5,203,319,000	$5,192,710,000	−$10,609,000
Carried in other regular annual acts	6,387,580,569	6,423,550,569	+35,970,000
Carried in continuing appropriations	36,700,000	37,055,000	+355,000
Carried in supplemental act	90,000	90,000	
Appropriated during 96th Cong., 2nd sess. for fiscal year 1983	[7] 172,000,000	[7] 172,000,000	
Appropriated during 97th Cong., 1st sess. for fiscal year 1983 *(rescission)*	*(−52,000,000)*	−35,000,000	[8] −35,000,000
Subtotal	11,799,689,569	11,790,405,569	−9,284,000
Permanent appropriations:			
Federal funds	13,403,307,000	13,403,307,000	
(Authority to borrow)	*(1,757,552,000)*	*(1,757,552,000)*	
Trust funds	39,766,122,000	39,766,122,000	
Total, permanent appropriations	53,169,429,000	53,169,429,000	
Total appropriations, fiscal year 1983	64,969,118,569	64,959,834,569	−9,284,000
Appropriations, fiscal year 1982:			
Supplemental act *(net)*	698,207,000	682,607,640	−15,599,360
New budget *(obligational)* authority	*(698,207,000)*	*(692,607,640)*	*(−5,599,360)*
Rescissions	*(−8,000,000)*	*(−10,000,000)*	*(−10,000,000)*
Appropriations, fiscal year 1984:			
Urgent Supplemental Appropriation Act, 1983		24,400,000	+24,400,000
Appropriations, fiscal year 1985:			
Carried in other regular annual act	85,000,000	130,000,000	+45,000,000
Grand total for session, General Government *(net)*	65,752,325,569	65,796,842,209	+44,516,640
General Services Administration:			
Appropriations, fiscal year 1983:			
Regular annual act [6]	513,288,000	441,137,000	−72,151,000
Carried in other regular annual act	1,299,000	1,351,000	+52,000
Subtotal	514,587,000	442,488,000	−72,099,000
Permanent appropriations:			
Federal funds	1,000,000	1,000,000	
Trust funds	184,000	184,000	
Total, permanent appropriations	1,184,000	1,184,000	
Total appropriations, fiscal year 1983	515,771,000	443,672,000	−72,099,000
Appropriations, fiscal year 1982:			
Supplemental act	13,146,000	17,717,000	+4,571,000
Grand total for session, General Services Administration	528,917,000	461,389,000	−67,528,000
Department of Health and Human Services:			
Appropriations, fiscal year 1983:			
Regular annual act [4]	[9] 57,487,598,000	[10] 61,702,966,000	+4,215,368,000
Carried in other regular annual acts	971,430,000	1,031,360,000	+59,930,000

See footnotes at end of table, p. 1594.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session. (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 97th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Health and Human Services—Continued:			
Carried in continuing appropriations	$51,028,000	$96,000,000	+$44,972,000
Appropriated during 97th Cong., 1st sess. for fiscal year 1983	1,750,753,000	1,787,341,000	+36,588,000
Subtotal	60,260,809,000	64,617,667,000	+4,356,858,000
Permanent appropriations:			
Federal funds	450,000	450,000	
Trust funds	225,496,758,000	225,496,758,000	
Total, permanent appropriations	225,497,208,000	225,497,208,000	
Total appropriations, fiscal year 1983	285,758,017,000	290,114,875,000	+4,356,858,000
Appropriations, fiscal year 1982:			
Supplemental act	650,798,000	494,440,000	−156,358,000
Appropriations, fiscal year 1984:			
Regular annual act	5,919,703,000	6,951,600,000	+1,031,897,000
Grand total for session, Department of Health and Human Services	[9] 292,328,518,000	[10] 297,560,915,000	+5,232,397,000
Department of Housing and Urban Development:			
Appropriations, fiscal year 1983:			
Regular annual act	5,687,449,000	5,974,448,000	+286,999,000
Carried in continuing appropriations		8,832,675,689	+8,832,675,689
Rescission of contract authority	*(−5,245,901,079)*	−2,830,360,000	[8] −2,830,360,000
Appropriations to liquidate contract authorizations	*(9,538,000,000)*	*(9,538,000,000)*	
Subtotal *(net)*	5,687,449,000	11,976,763,689	+6,289,314,689
Permanent appropriations:			
Federal funds	119,848,000	119,848,000	
(Contract authority)	*(24,800,000)*	*(24,800,000)*	
(Authority to borrow)	*(88,526,000)*	*(88,526,000)*	
Total appropriations, fiscal year 1983 *(net)*	5,807,297,000	12,096,611,689	+6,289,314,689
Appropriations, fiscal year 1982:			
Supplemental act *(net)*		−5,480,120,000	−5,480,120,000
New budget *(obligational)* authority		*(198,000,000)*	*(+198,000,000)*
Rescissions	*(−7,750,269,165)*	*(−5,678,120,000)*	[8] *(−5,678,120,000)*
Grand total for session, Department of Housing and Urban Development *(net)*	5,807,297,000	6,616,491,689	+809,194,689
Department of the Interior:			
Appropriations, fiscal year 1983:			
Regular annual act	3,519,584,000	3,905,194,000	+385,610,000
Carried in other regular annual acts	933,820,000	794,863,000	−138,957,000
Carried in continuing appropriations		3,094,000	+3,094,000
Subtotal	4,453,404,000	4,703,151,000	+249,747,000
Permanent appropriations:			
Federal funds	1,026,925,000	1,026,925,000	
Trust funds	538,850,000	538,850,000	
Total, permanent appropriations	1,565,775,000	1,565,775,000	
Total appropriations, fiscal year 1983	6,019,179,000	6,268,926,000	+249,747,000

See footnotes at end of table, p. 1594.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session. (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 97th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of the Interior—Continued:			
Appropriations, fiscal year 1982:			
Supplemental act *(net)*	$152,373,000	$179,783,000	+$27,410,000
New budget *(obligational)* authority	*(152,373,000)*	*(209,783,000)*	*(+57,410,000)*
Rescissions	*(−16,200,000)*	*(−30,000,000)*	[8] *(−30,000,000)*
Grand total for session, Department of the Interior *(net)*	6,171,552,000	6,448,709,000	+277,157,000
The Judiciary:			
Appropriations, fiscal year 1983:			
Regular annual act [1]	851,133,000	791,007,000	−60,126,000
Permanent appropriations: Trust funds	10,355,000	10,355,000	
Total appropriations, fiscal year 1983	861,488,000	801,362,000	−60,126,000
Appropriations, fiscal year 1982:			
Supplemental act [1]	24,143,000	12,681,000	−11,462,000
Grand total for session, The Judiciary	885,631,000	814,043,000	−71,588,000
Department of Justice:			
Appropriations, fiscal year 1983:			
Regular annual act [1]	2,793,587,000	2,864,062,000	+70,475,000
Appropriations, fiscal year 1982:			
Supplemental act	149,168,000	138,103,000	−11,065,000
Grand total for session, Department of Justice	2,942,755,000	3,002,165,000	+59,410,000
Department of Labor:			
Appropriations, fiscal year 1983:			
Regular annual act [4]	8,950,882,000	11,678,179,000	+2,727,297,000
Permanent appropriations: Trust funds	23,437,000,000	23,437,000,000	
Total appropriations, fiscal year 1983	32,387,882,000	35,115,179,000	+2,727,297,000
Appropriations, fiscal year 1982:			
Supplemental act *(net)*	1,947,000,000	2,181,386,000	+234,386,000
New budget *(obligational)* authority	*(1,947,000,000)*	*(2,229,572,000)*	*(+282,572,000)*
Rescissions	*(−47,429,000)*	*(−48,186,000)*	[8] *(−48,186,000)*
Grand total for session, Department of Labor *(net)*	34,334,882,000	37,296,565,000	+2,961,683,000
Legislative Branch:			
Appropriations, fiscal year 1983:			
Regular annual act [11]	1,410,760,000	1,335,637,000	−75,123,000
Carried in continuing appropriations		60,663	+60,663
Estimates not considered (see Table VIIIg)	36,051,000		−36,051,000
Permanent appropriations:			
Federal funds	62,765,000	62,765,000	
Trust funds	6,900,000	6,900,000	
Total permanent appropriations	69,665,000	69,665,000	
Total appropriations, fiscal year 1983	1,516,476,000	1,405,362,663	−111,113,337
Appropriations, fiscal year 1982:			
Supplemental act	75,885,000	43,830,325	−32,054,675
Grand total for session, Legislative Branch	1,592,361,000	1,449,192,988	−143,168,012

See footnotes at end of table, p. 1594.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session. (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 97th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
National Aeronautics and Space Administration:			
Appropriations, fiscal year 1983:			
Regular annual act	$6,612,900,000	$6,809,200,000	+$196,300,000
Appropriations, fiscal year 1982:			
Supplemental act	31,050,000	80,000,000	+48,950,000
Grand total for session, National Aeronautics and Space Administration	6,643,950,000	6,889,200,000	+245,250,000
Postal Service:			
Appropriations, fiscal year 1983:			
Regular annual act[6]	500,000,000	789,000,000	+289,000,000
Appropriations, fiscal year 1982:			
Supplemental act *(net)*		−127,660,000	−127,660,000
New budget *(obligational)* authority		*(81,000,000)*	*(+81,000,000)*
Rescissions	*(−215,230,000)*	*(−208,660,000)*	[8] *(−208,660,000)*
Grand total for session, Postal Service	500,000,000	661,340,000	+161,340,000
Department of State:			
Appropriations, fiscal year 1983:			
Regular annual act[1]	1,893,882,000	1,863,145,000	−30,737,000
Carried in other regular annual act	464,000,000	431,700,000	−32,300,000
Carried in supplemental act		95,000	+95,000
Subtotal	2,357,882,000	2,294,940,000	−62,942,000
Permanent appropriations:			
Federal funds	218,599,000	218,599,000	
Trust funds	464,075,000	464,075,000	
Total, permanent appropriations	682,674,000	682,674,000	
Total appropriations, fiscal year 1983	3,040,556,000	2,977,614,000	−62,942,000
Appropriations, fiscal year 1982:			
Supplemental act	43,816,000	82,570,000	+38,754,000
Grand total for session, Department of State	3,084,372,000	3,060,184,000	−24,188,000
Department of Transportation:			
Appropriations, fiscal year 1983:			
Regular annual act	10,064,459,350	10,008,219,350	−56,240,000
Rescission of unobligated balances	*(−10,000,000)*	−9,623,000	[8] −9,623,000
Carried in other regular annual act	86,313,000	118,413,000	+32,100,000
Carried in continuing appropriations	400,000,000	913,800,000	+513,800,000
Legislative Acts *(trust funds)*[11]	3,220,000,000	[12] 14,849,000,000	+11,629,000,000
Appropriations to liquidate contract authorizations	*(9,695,695,000)*	*(9,695,695,000)*	
Subtotal *(net)*	13,770,772,350	25,879,809,350	+12,109,037,000
Permanent appropriations:			
Federal funds	413,821,000	413,821,000	
(Contract authority)	*(406,821,000)*	*(406,821,000)*	
Trust funds	7,918,530,000	7,918,530,000	
(Contract authority)	*(7,911,500,000)*	*(7,911,500,000)*	
Total, permanent appropriations	8,332,351,000	8,332,351,000	
Total appropriations, fiscal year 1983	22,103,123,350	34,212,160,350	+12,109,037,000

See footnotes at end of table, p. 1594.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session. (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 97th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Transportation—Continued:			
Appropriations, fiscal year 1982:			
Supplemental act *(net)*	$343,120,000	$599,715,000	+$256,595,000
New budget *(obligational)* authority	*(343,120,000)*	*(703,715,000)*	*(+360,595,000)*
Rescissions		*(−104,000,000)*	*(−104,000,000)*
Appropriations, fiscal year 1981:			
Appropriations to liquidate contract authorizations	*(8,242,000)*	*(8,242,000)*	
Grand total for session, Department of Transportation *(net)*	22,446,243,350	34,811,875,350	+12,365,632,000
Department of the Treasury:			
Appropriations, fiscal year 1983:			
Regular annual act [6]	4,301,207,000	4,453,890,000	+152,683,000
Carried in other regular annual act	4,574,823,000	4,574,833,000	
Private appropriation acts		4,306	+4,306
Subtotal	8,876,040,000	9,028,727,306	+152,687,306
Permanent appropriations:			
Federal funds	137,279,747,000	137,279,747,000	
Trust funds	4,574,750,000	4,574,750,000	
Total, permanent appropriations	141,854,497,000	141,854,497,000	
Total appropriations, fiscal year 1983	150,730,537,000	150,883,224,306	+152,687,306
Appropriations, fiscal year 1982:			
Supplemental act	381,278,000	377,055,959	−4,222,041
Private appropriation acts		62,616	+62,616
Grand total for session, Department of the Treasury	151,111,815,000	151,260,342,881	+148,527,881
Veterans Administration:			
Appropriations, fiscal year 1983:			
Regular annual act	24,118,343,000	24,081,218,000	−37,125,000
Permanent appropriations: Trust funds	1,468,775,000	1,468,775,000	
Total appropriations, fiscal year 1983	25,587,118,000	25,549,993,000	−37,125,000
Appropriations, fiscal year 1982:			
Supplemental act	125,134,000	173,477,000	+48,343,000
Grand total for session, Veterans Administration	25,712,252,000	25,723,470,000	+11,218,000
Grand total:			
Consisting of—			
Appropriations:			
Fiscal year 1983 *(net)*	958,981,655,484	971,663,068,442	+12,681,412,958
New budget *(obligational)* authority	*(958,981,655,484)*	*(974,551,883,942)*	*(+15,570,228,458)*
Rescissions of unobligated balances	*(−5,255,901,079)*	*(−2,888,815,500)*	[8] *(−2,888,815,500)*
Fiscal year 1982 *(net)*	27,487,303,000	20,992,915,540	−6,494,387,460
New budget *(obligational)* authority	*(27,487,303,000)*	*(27,071,881,540)*	*(−415,421,460)*
Rescissions of unobligated balances	*(−8,037,128,165)*	*(−6,078,966,000)*	[8] *(−6,078,966,000)*
Fiscal year 1984	5,919,703,000	6,976,000,000	+1,056,297,000
Fiscal year 1985	85,000,000	130,000,000	+45,000,000
Appropriations to liquidate contract authorizations:			
Fiscal year 1983	*(19,233,695,000)*	*(19,236,695,000)*	*(+3,000,000)*
Fiscal year 1982	*(43,941,000)*	*(43,941,000)*	
Fiscal year 1981	*(8,242,000)*	*(8,242,000)*	
Net total	992,473,661,484	999,761,983,982	+7,288,322,498

See footnotes at end of table, p. 1594.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 97TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session. (See explanation, par. 4, "Compilers' Notes", p. II.) Basically, the figures for permanent appropriations are taken from the February 1982 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 97th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Grand total—Continued:			
Less adjustments for interfund and intragovernmental transactions (see par. 2 "Compilers' Notes", p. IV)	−$135,001,748,000	−$135,001,748,000	
Subtotal	857,471,913,484	864,760,235,982	+$7,288,322,498
Less estimates and appropriations made during prior Congressional sessions for fiscal year 1983	−1,922,753,000	−1,924,341,000	−1,588,000
Net total for session	855,549,160,484	862,835,894,982	+7,286,734,498
Consisting of:			
Regular annual, supplemental and continuing appropriation acts	511,507,863,484	516,169,363,560	+4,661,500,076
Rescission of unobligated balances	*(−13,293,029,244)*	−8,967,781,500	−8,967,781,500
Estimates not considered	36,051,000		−36,051,000
Appropriations in legislative acts *(trust funds)* [12]	3,220,000,000	[12] 14,849,000,000	+11,629,000,000
Private appropriation acts		66,922	+66,922
Permanent appropriations: Federal and trust funds	475,786,994,000	475,786,994,000	
Adjustments for interfund and intragovernmental transactions (see par. 2 "Compilers' Notes", p. IV)	−135,001,748,000	−135,001,748,000	

---

[1] The regular appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for fiscal year 1983 (H.R. 6957), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 10, 1982, and was passed by the House on December 9, 1982, but was not considered by the Senate. S. 2956 was reported by the Senate Committee on Appropriations on September 24, 1982, and incorporated by reference, with certain exceptions, under section 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 105, and pp. 310-321, this volume, for relevant section of continuing resolution).

[2] The regular appropriations bill for Energy and Water Development activities for fiscal year 1983 (H.R. 7145), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 21, 1982, but was not considered by the House. No action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(f) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 143, and p. 347, this volume, for relevant section of continuing resolution).

[3] The regular appropriations bill for the Departments of Defense for fiscal year 1983 (H.R. 7355), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on December 2, 1982, and was passed by the House on December 8, 1982, but was not considered by the Senate. S. 2951 was reported by the Senate Committee on Appropriations on September 23, 1982, but was not passed by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(c) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 131, and pp. 280-310, this volume, for relevant section of continuing resolution).

[4] The regular appropriations bill for the Departments of Labor, Health and Human Services, and Education and Related Agencies for fiscal year 1983 (H.R. 7205), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 29, 1982, and was passed by the House on December 1, 1982. The Senate Committee on appropriations reported the bill on December 8, 1982, but no further action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under sections 101(e) (1), (2) and (3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 203, and pp. 321-346, this volume, for relevant section of contnuing resolution).

[5] The regular appropriations bill for Foreign Assistance and Related Programs for fiscal year 1983 (S. 3075), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the Senate on December 3, 1982, but was not considered by the Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(b)(1) of Public Law 97-377, approved December 21, 1982, Marking Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 145, and pp. 278-280, this volume, for relevant section of continuing resolution).

[6] The regular appropriations bill for Treasury, Postal Service, and General Government activities for fiscal year 1983 (H.R. 7158), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 22, 1982, and was passed by the House on November 30, 1982. The Senate did not act on the bill. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(a)(3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see "note" on p. 251, and p. 277, this volume, for relevant section of continuing resolution).

[7] Also included under "Permanent appropriations, Federal funds".

[8] Reflects actual amounts rescinded rather than comparison with requests.

[9] Budget estimates exclude $4,847,792,000 for fiscal year 1983 to liquidate "indefinite" budget authority requested in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,916,000,000 carried in 1981-1982 volume) (see footnote 22 on p. 1535, 1982-1983 volume, for accounts involved).

[10] Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimated at $4,615,600,000 in 1981-1982 volume). (See footnote 22 on p. 1535, 1982-1983 volume, for accounts involved.)

[11] The regular appropriations bill for the Legislative Branch for fiscal year 1983 (H.R. 7073), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 9, 1982, but was not considered by the House. S. 2939 was reported by the Senate Committee on Appropriations on September 22, 1982, but was not considered by the Senate. However, S. 2939 was incorporated by reference, with certain exceptions, under section 101(e) of Public Law 97-276, approved October 2, 1982, Making Continuing Appropriations for fiscal year 1983 (see "note" on p. 205, and p. 260, this volume, for relevant section of continuing resolution.)

[12] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contract authority (so-called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	$68,941,364,648	$67,545,660,880	-$1,395,703,768
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,153,239,093	33,571,494,011	-1,581,745,082
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	36,725,853,652	34,159,097,708	-2,566,755,944
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	41,053,346,713	38,282,717,957	-2,770,628,756
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	45,524,384,067	43,708,265,798	-1,816,118,269
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	80,172,585,565	78,200,190,841	-1,972,394,724
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	102,449,917,037	97,729,806,397	-4,720,110,640
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	91,205,894,252	82,596,777,411	-8,609,116,841
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	73,976,821,699	61,942,992,897	-12,033,828,802
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	57,422,327,386	54,812,457,263	-2,609,870,123
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	62,030,092,195	59,954,284,321	-2,075,807,874
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	68,587,724,820	68,330,229,608	-257,495,212
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,113,555,340	68,070,096,556	-5,043,458,784
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,737,060,999	81,119,818,276	-617,242,723
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	83,452,687,259	81,572,357,732	-1,880,329,527
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	84,010,398,836	83,799,241,957	-211,156,879
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	101,185,574,673	96,194,946,610	-4,990,628,063
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	107,203,876,735	102,661,536,812	-4,542,339,923
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	110,270,774,856	103,798,634,671	-6,472,140,185
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	[1] 110,204,088,176	[2] 106,070,110,056	-4,133,978,120
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	[3] 121,719,754,896	[4] 119,310,113,527	-2,409,641,369
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	[5] 144,812,809,086	[6] 143,883,626,282	-929,182,804
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	[7] 162,988,905,929	[8] 156,917,115,912	[9] -6,071,790,017

See footnotes on pp. 1599–1601.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (−), appropriations compared with estimates (4)
90th Cong., 2d sess., fiscal year 1969 and prior years	[10] $209,439,260,996	[11] $196,537,244,324	−$12,902,016,672
Consisting of:			
Regular annual and supplemental appropriation acts	*(147,908,612,996)*	*(133,339,868,734)*	*(−14,568,744,262)*
Appropriations in legislative acts	*(1,332,500,000)*	*(2,999,227,590)*	*(+1,666,727,590)*
Permanent appropriations, Federal and trust funds	*(72,998,148,000)*	*(72,998,148,000)*	....
Adjustments for interfund and intragovernmental transactions	*(−12,800,000,000)*	*(−12,800,000,000)*	....
91st Cong., 1st sess., fiscal year 1970 and prior years	[12] 210,843,237,215	[13] 207,248,481,494	−3,594,755,721
Consisting of:			
Regular annual and supplemental appropriation acts	*(142,701,346,215)*	*(134,431,463,135)*	*(−8,269,883,080)*
Appropriations in legislative acts	*(5,000,000)*	*(4,680,127,359)*	*(+4,675,127,359)*
Permanent appropriations, Federal and trust funds	*(82,052,416,000)*	*(82,052,416,000)*	....
Adjustments for interfund and intragovernmental transactions	*(−13,915,525,000)*	*(−13,915,525,000)*	....
91st Cong., 2d sess., fiscal year 1971 and prior years	[14] 217,605,978,434	[15] 232,139,894,882	+14,533,916,448.
Consisting of:			
Regular annual and supplemental appropriation acts	*(147,778,903,434)*	*(144,273,528,504)*	*(−3,505,374,930)*
Appropriations in legislative acts	....	*(18,039,291,378)*	*(+18,039,291,378)*
Permanent appropriations, Federal and trust funds	*(88,059,842,000)*	*(88,059,842,000)*	....
Adjustments for interfund and intragovernmental transactions	*(−18,232,767,000)*	*(−18,232,767,000)*	....
92d Cong., 1st sess., fiscal year 1972 and prior years	[16] 248,329,646,937	[17] 245,707,600,635	−2,622,046,302
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(167,969,353,937)*	*(165,300,661,865)*	*(−2,668,692,072)*
Appropriations in legislative acts	....	*(46,645,770)*	*(+46,645,770)*
Permanent appropriations, Federal and trust funds	*(100,764,691,000)*	*(100,764,691,000)*	....
Adjustments for interfund and intragovernmental transactions	*(−20,404,398,000)*	*(−20,404,398,000)*	....
92d Cong., 2d sess., fiscal year 1973 and prior years	[18] 281,543,640,953	[19] [20] 284,782,538,934	+3,238,897,981
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(185,509,077,552)*	*(179,006,901,364)*	*(−6,502,176,188)*
Appropriations in legislative acts	*(1,954,000,000)*	*(11,200,404,169)*	*(+9,246,404,169)*
Permanent appropriations, Federal and trust funds	*(117,995,208,401)*	*(118,489,878,401)*	*(+494,670,000)*
Adjustments for interfund and intragovernmental transactions	*(−23,914,645,000)*	*(−23,914,645,000)*	....

See footnotes on pp. 1599–1601.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
93d Cong., 1st sess., fiscal year 1974 and prior years	[21] $295,154,959,255	[22] $303,476,236,654	+$8,321,277,399
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(178,014,404,255)*	*(174,902,319,304)*	*(-3,112,084,951)*
Appropriations in legislative acts	*(4,969,950,000)*	*(16,403,312,350)*	*(+11,433,362,350)*
Permanent appropriations, Federal and trust funds	*(149,428,595,000)*	*(149,428,595,000)*	
Adjustments for interfund and intragovernmental transactions	*(-37,257,990,000)*	*(-37,257,990,000)*	
93d Cong., 2d sess., fiscal year 1975 and prior years	[23] 344,779,700,007	[24] 390,041,133,427	[25] +45,261,433,420
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(213,694,183,007)*	*(204,012,311,514)*	*(-9,681,871,493)*
Appropriations in legislative acts	*(7,778,000,000)*	[26] *(62,721,304,913)*	*(+54,943,304,913)*
Permanent appropriations, Federal and trust funds	*(167,031,493,000)*	*(167,031,493,000)*	
Adjustments for interfund and intragovernmental transactions	*(-43,723,976,000)*	*(-43,723,976,000)*	
94th Cong., 1st sess.:			
Fiscal year 1976 and prior fiscal years	[27] 406,281,005,434	[28] 400,113,361,951	-6,167,643,483
Transition period	85,480,984,914	83,406,054,499	-2,074,930,415
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(268,312,351,434)*	*(262,194,919,839)*	*(-6,117,431,595)*
Transition period	*(49,641,474,914)*	*(47,575,114,499)*	*(-2,066,360,415)*
Rescission acts	[29] *(-2,633,306,226)*	*(-287,291,174)*	*(-287,291,174)*
Appropriations in legislative acts	*(10,000,000,000)*	[30] *(10,237,079,286)*	*(+237,079,286)*
Transition period (net)		*(-8,570,000)*	*(-8,570,000)*
Permanent appropriations, Federal and trust funds	*(182,234,795,000)*	*(182,234,795,000)*	
Transition period	*(46,570,059,000)*	*(46,570,059,000)*	
Adjustments for interfund and intragovernmental transactions	*(-54,266,141,000)*	*(-54,266,141,000)*	
Transition period	*(-10,730,549,000)*	*(-10,730,549,000)*	
94th Cong., 2d sess.:			
Fiscal year 1977 and prior fiscal years	[31] 452,558,401,535	[32] 444,664,800,880	-7,893,600,655
Transition period	3,667,308,225	[33] 8,507,078,440	+4,839,770,215
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(280,825,058,535)*	*(277,503,235,407)*	*(-3,321,823,128)*
Transition period (net)	*(3,579,808,225)*	*(4,812,230,180)*	*(+1,232,421,955)*
Rescission acts	[29] *(-2,721,032,655)*	*(-70,656,000)*	*(-70,656,000)*
Transition period	*(-45,600,000)*	*(-5,175,000)*	*(-5,175,000)*
Appropriations in legislative acts	*(6,950,000,000)*	[34] *(2,448,878,473)*	*(-4,501,121,527)*
Transition period	*(87,500,000)*	[35] *(3,700,023,260)*	*(+3,612,523,260)*
Permanent appropriations, Federal and trust funds	*(227,151,661,000)*	*(227,151,661,000)*	
Adjustments for interfund and intragovernmental transactions	*(-62,368,318,000)*	*(-62,368,318,000)*	

See footnotes on pp. 1599–1601.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (−), appropriations compared with estimates (4)
95th Cong., 1st sess.:			
Fiscal year 1978 and prior fiscal years	[36] $540,713,958,174	[37] $527,330,473,509	−$13,383,484,665
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(366,590,877,174)*	*(354,014,030,783)*	*(−12,576,846,391)*
Rescission acts	[29] *(−1,779,480,000)*	*(−807,640,000)*	*(−807,640,000)*
Appropriations in legislative acts		[38] *(1,001,726)*	*(+1,001,726)*
Permanent appropriations, Federal and trust funds	*(235,215,056,000)*	*(235,215,056,000)*	
Adjustments for interfund and intragovernmental transactions	*(−61,091,975,000)*	*(−61,091,975,000)*	
95th Cong., 2d sess.:			
Fiscal year 1979 and prior fiscal years	[39] 597,475,620,701	[40] 579,378,264,134	−18,097,356,567
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(373,829,695,701)*	*(353,538,353,730)*	*(−20,291,341,971)*
Rescission acts	[29] *(−603,255,000)*	*(−55,255,000)*	*(−55,255,000)*
Appropriations in legislative acts	*(17,349,285,000)*	[41] *(19,598,525,404)*	*(+2,249,240,404)*
Permanent appropriations:			
Federal and trust funds	*(269,875,638,000)*	*(269,875,638,000)*	
Adjustments for interfund and intragovernmental transactions	*(−63,578,998,000)*	*(−63,578,998,000)*	
96th Cong., 1st sess.:			
Fiscal year 1980 and prior fiscal years	[42] 638,492,625,836	[43] 623,190,712,474	(−15,301,913,362)
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(402,717,061,836)*	*(388,138,756,291)*	*(−14,578,305,545)*
Rescission acts	[29] *(−914,617,000)*	*(−723,609,000)*	*(−723,609,000)*
Appropriations in legislative acts		[44] *(+1,183)*	*(+1,183)*
Permanent appropriations:			
Federal and trust funds	*(308,995,920,000)*	*(308,995,920,000)*	
Adjustments for interfund and intragovernmental transactions	*(−73,220,356,000)*	*(−73,220,356,000)*	
96th Cong., 2d sess.:			
Fiscal year 1981 and prior fiscal years	[45] 716,540,499,292	[46] 696,792,053,346	(−19,748,445,946)
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(453,514,910,292)*	*(433,765,621,344)*	*(−19,749,288,948)*
Rescission acts			
Appropriations in legislative acts		[44] *(+843,002)*	*(+843,002)*
Permanent appropriations:			
Federal and trust funds	*(351,616,467,000)*	*(351,616,467,000)*	
Adjustments for interfund and intragovernmental transactions	*(−88,590,878,000)*	*(−88,590,878,000)*	

See footnotes on pp. 1599–1601.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 4 "Compilers' Notes", p. II.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
97th Cong., 1st sess.:			
Fiscal year 1982 and prior fiscal years	[47] $770,438,061,450	[48] $755,274,775,261	−$15,163,286,189
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(452,000,228,450)*	*(436,836,942,261)*	*(−15,163,286,189)*
Rescission acts			
Appropriations in legislative acts			
Permanent appropriations:			
Federal and trust funds	*(427,399,947,000)*	*(427,399,947,000)*	
Adjustments for interfund and intragovernmental transactions	*(−108,962,114,000)*	*(−108,962,114,000)*	
97th Cong., 2d sess.:			
Fiscal year 1983 and prior fiscal years	[49] 855,549,160,484	[50] 862,835,894,982	+7,286,734,498
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	(511,543,914,484)	(507,201,582,060)	(−4,342,332,424)
Rescission acts			
Appropriations in legislative acts	*(3,220,000,000)*	*(14,849,000,000)*	*(+11,629,000,000)*
Private appropriation acts		*(66,922)*	*(+66,922)*
Permanent appropriations:			
Federal and trust funds	*(475,786,994,000)*	*(475,786,994,000)*	
Adjustments for interfund and intragovernmental transactions	*(−135,001,748,000)*	*(−135,001,748,000)*	

---

[1] Includes $225,000,000 requested in 1965 for fiscal year 1966.

[2] Includes $75,000,000 appropriated in 1965 for fiscal year 1966.

[3] Includes $937,500,000 requested in 1966 for fiscal year 1967.

[4] Includes $926,000,000 appropriated in 1966 for fiscal year 1967.

[5] Includes $900,000,000 requested in 1967 for fiscal year 1968.

[6] Includes $875,000,000 appropriated in 1967 for fiscal year 1968.

[7] Includes $1,055,000,000 requested in 1968 for fiscal year 1969.

[8] Includes $995,000,000 appropriated in 1968 for fiscal year 1969.

[9] Does not reflect additional reductions in controllable obligations effected pursuant to Public Law 90-218 (H.J. Res. 888) estimated at $3,400,617,000 on June 30, 1968. Reserves established $6,075,520,000; reserves subsequently released, $2,674,903,000; reserves remaining $3,400,617,000.

[10] Totals adjusted to *exclude* $12,800,000,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $2,895,000,000 requested in 1969 for fiscal year 1970.

[11] Totals adjusted to *exclude* $12,800,000,000 of interfund and intragovernmental transactions—see par. 2. "Compilers' Notes", p. IV. Appropriations include $1,965,814,300 appropriated in 1969 for fiscal year 1970.

[12] Totals adjusted to *exclude* $13,915,525,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $1,651,000,000 requested in 1970 for fiscal year 1971.

[13] Totals adjusted to *exclude* $13,915,525,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $214,000,000 appropriated in 1970 for fiscal year 1971.

[14] Totals adjusted to *exclude* $18,232,767,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $188,011,000 requested in 1971 for fiscal year 1972.

[15] Totals adjusted to *exclude* $18,232,767,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $150,000,000 appropriated in 1971 for fiscal year 1972.

[16] Totals adjusted to *exclude* $20,404,398,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $174,321,000 requested in 1972 for fiscal year 1973.

[17] Totals adjusted to *exclude* $20,404,398,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $174,321,000 appropriated in 1972 for fiscal year 1973.

[18] Totals adjusted to *exclude* $23,914,645,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $131,181,000 requested in 1973 for fiscal year 1974.

[19] Totals adjusted to *exclude* $23,914,645,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations include $131,181,000 appropriated in 1973 for fiscal year 1974.

[20] Includes appropriations totaling $33,499,495,500 in continuing resolution (Public Law 92-571) for Foreign Assistance and related programs ($3,652,701,000), and the Departments of Labor, and Health, Education, and Welfare and related agencies ($29,846,794,500), and reflects an increase of $46,794,500 in the amount for Labor-HEW carried in the 1972-1973 volume due to later estimates.

[21] Totals adjusted to *exclude* $37,257,990,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* (1) $90,360,000 requested in 1974 for fiscal year 1975 and (2) proposed rescissions of fiscal year 1973 appropriations of $198,055,000; and *exclude* (1) decreases of $965,788,000 submitted in 1974 budget as amendments to 1973 budget requests and not acted upon, and (2) proposed rescissions of fiscal year 1973 appropriations totaling $382,888,000 which the Congress did not approve.

[22] Totals adjusted to *exclude* $37,257,990,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* (1) $90,360,000 appropriated in 1974 for fiscal year 1975 and (2) rescissions of fiscal year 1973 appropria-

tions totaling $212,412,000; and *excludes* action by the Congress in declining to approve proposed rescissions of fiscal year 1973 appropriations totaling $382,888,000.

[23] Totals adjusted to *exclude* $43,723,976,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $2,391,561,000 requested in fiscal year 1975 for fiscal year 1976, and proposed rescissions totaling $1,455,116,000 in regular appropriation and rescission acts (see table VIIIj on p. 2427 1974–1975 volume for detail).

[24] Totals adjusted to *exclude* $43,723,976,000 of interfund and intragovernmental transactions—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $2,428,597,000 appropriated in fiscal 1975 for fiscal year 1976, and rescissions totaling $1,404,572,000 consisting of $1,319,481,000 in regular appropriation and rescission acts and $85,091,000 in legislative acts (see table VIIIj on p. 2427 1974–1975 volume for detail).

[25] Includes increase of $45,022,070,000 (budget estimate, $5,098,000,000; allowance, $50,120,070,000) which reflects 40-year run-out cost of annual contract authority made available through Public Law 93–383.

[26] Includes private acts totaling $165,913.

[27] Totals adjusted to *exclude* interfund and intragovernmental transactions of $54,266,141,000 for fiscal year 1976 and $10,730,549,000 for the transition period—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $2,417,777,000 requested in fiscal year 1976 for fiscal year 1977, and *exclude* proposed rescissions totaling $25,000,000 considered in a regular annual appropriation act (Public Law 94–134).

[28] Totals adjusted to *exclude* interfund and intragovernmental transactions of $54,266,141,000 for fiscal year 1976 and $10,730,549,000 for the transition period—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $2,653,410,852 appropriated in fiscal year 1976 for fiscal year 1977, and rescissions totaling $702,291,174 consisting of $25,000,000 in a regular annual appropriation act, $287,291,174 in rescission acts and $390,000,000 in a legislative act.

[29] Estimates not reflected in totals.

[30] Includes private acts totaling $27,286.

[31] Totals adjusted to *exclude* interfund and intragovernmental transactions of $62,368,318,000 for fiscal year 1977—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $95,421,779 for fiscal year 1978 and $90,000,000 for fiscal year 1979 requested in fiscal year 1977.

[32] Totals adjusted to *exclude* interfund and intragovernmental transactions of $62,358,318,000 for fiscal year 1977—see par. 2, "Compilers' Notes", p. IV. Appropriations figure includes $557,049,779 for fiscal year 1978 and $256,200,000 for fiscal year 1979 appropriated in fiscal year 1977, and rescissions totaling $243,378,943 consisting of $172,722,943 in a regular annual appropriation act and $70,656,000 in rescission acts.

[33] Reflects rescissions of $5,175,000.

[34] Includes private acts totaling $878,473.

[35] Includes private acts totaling $23,260.

[36] Totals adjusted to *exclude* interfund and intragovernmental transactions of $61,091,975,000 for fiscal year 1978—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $120,200,000 for fiscal year 1980 requested in fiscal year 1978.

[37] Totals adjusted to *exclude* interfund and intragovernmental transactions of $61,091,975,000 for fiscal year 1978—see par. 2, "Compilers' Notes", p. IV. Appropriations figure includes $152,000,000 for fiscal year 1980 appropriated in fiscal year 1978, and rescissions totaling $833,854,000 consisting of $26,214,000 in regular annual appropriation acts and $807,640,000 in rescission acts. Also reflects rescission of $47,500,000 in *permanent* contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1978 (Public Law 95–74).

[38] Includes private acts totaling $1,726.

[39] Totals adjusted to *exclude* interfund and intragovernmental transactions of $63,578,998,000 for fiscal year 1979—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $17,646,443,000, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 95–482). This amount has been increased by $198,300,000 above the $17,448,143,000 referred to in footnote 39 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Budget estimates also *include* $9,835,000,000 for fiscal year 1980, $4,627,000,000 for fiscal year 1981; and $4,465,000,000 for fiscal year 1982 requested in fiscal year 1979.

[40] Totals adjusted to *exclude* interfund and intragovernmental transactions of $63,578,998,000 for fiscal year 1979—see par. 2, "Compilers' Notes", p. IV. Appropriations figure includes $15,427,919,000, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 95–482). Estimates for these programs total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 40 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Appropriations figure also includes $5,136,500,000 for fiscal year 1980, $5,615,000,000 for fiscal year 1981, and $4,374,000,000 for fiscal year 1982 appropriated in fiscal year 1979, and rescissions totaling $518,655,000 consisting of $463,400,000 in the Supplemental Appropriations Act, 1978 (Public Law 95–240) and $55,255,000 in rescission acts. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1979 (Public Law 95–465).

[41] Includes private acts totaling $1,325,404.

[42] Totals adjusted to *exclude* interfund and intragovernmental transactions of $73,220,356,000 for fiscal year 1980—see par. 2, "Compilers' Notes", p. IV. Budget estimates include $662,319,000 excluded from the 1979–80 volume (96th Congress, 1st session) for programs for the Department of Health, Education and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 96–123). This amount has been increased by $14,425,000 above the $647,894,000 referred to in footnote 42 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Budget estimates also include $162,000,000 for fiscal year 1981, and $172,000,000 for fiscal year 1982 requested in fiscal year 1980.

[43] Totals adjusted to *exclude* interfund and intragovernmental transactions of $73,220,356,000 for fiscal year 1980—see par. 2, "Compilers' Notes", p. IV. Appropriations figures includes $1,146,946,000, excluded from the 1979–80 volume (96th Congress, 1st session), for programs for the Department of Health, Education and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 96–123). Estimates for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 43 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Appropriations figure also *includes* $162,000,000 for fiscal year 1981, and $172,000,000 for fiscal year 1982 appropriated in fiscal year 1980, and rescissions totaling $1,636,709,000 consisting of $913,100,000 in regular annual appropriation acts and $723,609,00 in rescission acts. Also reflects rescission of $47,500,000 in *permanent* contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1980 (Public Law 96–126).

[44] Consists of private appropriation acts.

[45] Totals adjusted to *exclude* interfund and intragovernmental transactions of $88,590,878,000 for fiscal year 1981—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $198,100,000 for fiscal year 1982; and $172,000,000 for fiscal year 1983 requested in fiscal year 1981. Budget estimates *exclude* $6,954,927,000 for fiscal year 1981 to liquidate "indefinite" budget authority requested in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no estimates included in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts), but *include* $6,914,793,000 in "indefinite" budget authority for fiscal year 1981 which will be adjusted in fiscal year 1982 (1981–82 volume) when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[46] Totals adjusted to *exclude* interfund and intragovernmental transactions of $88,590,878,000 for fiscal year 1981—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $166,000,000 for fiscal year 1982 and $172,000,000 for fiscal year 1983 appropriated in fiscal year 1981, and rescissions totaling $4,518,572,146 consisting of $1,335,000,000 in regular annual appropriation acts and $3,183,572,146 in supplemental acts. Totals also *exclude* $6,954,927,000 appropriated in fiscal year 1981 to liquidate "indefinite" budget authority provided in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no figures provided in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts). *Includes* authority to obligate $6,914,793,000 in "indefinite" budget authority during fiscal year 1981 which will be adjusted and liquidated in fiscal year 1982 (1981–82 volume) when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[47] Totals adjusted to *exclude* interfund and intragovernmental transactions of $108,962,114,000 for fiscal year 1982—see par. 2, "Compilers' Notes", p. IV. Budget estimates *include* $1,750,753,000 for fiscal year 1983; and $93,500,000 for fiscal year 1984 requested in fiscal year 1982. Budget estimates *exclude* $6,466,410,000 for fiscal year 1982 to liquidate "indefinite" budget authority requested in fiscal year 1981 for certain programs in the Department of Health and Human Services (estimate of $6,914,793,000 carried in 1980–81 volume), but *include*

$4,916,000,000 in "indefinite" budget authority for fiscal year 1982 which will be adjusted in fiscal year 1983 (1982-83 volume) when final amounts become known (see table VIII on pp. 1390-1391, 1981-82 volume, for accounts involved).

[48] Totals adjusted to *exclude* interfund and intragovernmental transactions of $108,962,114,000 for fiscal year 1982—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $1,787,341,000 for fiscal year 1983; and $105,600,000 for fiscal year 1984 appropriated in fiscal year 1982, and rescissions totaling $16,064,086,447 consisting of $1,805,207,800 in regular annual appropriation acts including continuing resolutions and $14,258,878,647 in supplemental acts. Totals also *exclude* $6,379,418,000 appropriated in fiscal year 1982 to liquidate "indefinite" budget authority provided in fiscal year 1981 for certain programs in the Department of Health and Human Services ($6,914,793,000 included in 1980-81 volume). *Includes* authority to obligate $4,615,600,000 in "indefinite" budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 (1982-83 volume) when final amounts become known (see table VIII on pp. 1390-1391, 1981-82 volume, for accounts involved).

[49] Totals adjusted to *exclude* interfund and intragovernmental transactions of $135,001,748,000 for fiscal year 1983—see par. 2, "Compilers' Notes", p. IV. Budget estimates *includes* $5,919,703,000 for fiscal year 1984 and $85,000,000 for fiscal year 1985 requested in fiscal year 1983. Budget estimates *exclude* $4,847,792,000 for fiscal year 1983 to liquidate "indefinite" budget authority requested in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,916,000,000 carried in 1981-82 volume). See table VIII footnote 22 on p. 1535, 1982-83 volume, for accounts involved.

[50] Totals adjusted to *exclude* interfund and intragovernmental transactions of $135,001,748,000 for fiscal year 1983—see par. 2, "Compilers' Notes", p. IV. Appropriations figure *includes* $6,976,000,000 for fiscal year 1984; and $130,000,000 for fiscal year 1985 appropriated in fiscal year 1983, and rescissions totaling $8,967,781,500 consisting of $2,888,815,500 in regular annual appropriation acts including continuing resolutions and $6,078,966,000 in supplemental acts. Totals also *exclude* $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimated at $4,615,600,000 in 1981-82 volume). See table VIII footnote 22 on p. 1535, 1982-83 volume, for accounts involved.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 97th Cong., 2d sess., are based on estimates in the February 1982 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
42d Cong., 2d sess., fiscal year 1873 and prior years	$330,546,360		$330,546,360
42d Cong., 3d sess., fiscal year 1874 and prior years	344,535,209		344,535,209
43d Cong., 1st sess., fiscal year 1875 and prior years	330,441,844		330,441,844
43d Cong., 2d sess., fiscal year 1876 and prior years	322,013,149		322,013,149
44th Cong., 1st sess., fiscal year 1877 and prior years	299,150,125		299,150,125
44th Cong., 2d sess., fiscal year 1878 and prior years	291,220,477		291,220,477
45th Cong., 1st and 2d sess., fiscal year 1879 and prior years	317,924,555		317,924,555
45th Cong., 3d sess., and 46th Cong., 1st sess., fiscal year 1880 and prior years	338,865,031		338,865,031
46th Cong., 2d sess., fiscal year 1881 and prior years	332,791,077		332,791,077
46th Cong., 3d sess., fiscal year 1882 and prior years	361,922,068		361,922,068
47th Cong., 1st sess., fiscal year 1883 and prior years	423,827,294		423,827,294
47th Cong., 2d sess., fiscal year 1884 and prior years	349,463,261		349,463,261
48th Cong., 1st sess., fiscal year 1885 and prior years	306,077,470		306,077,470
48th Cong., 2d sess., fiscal year 1886 and prior years	344,504,413		344,504,413
49th Cong., 1st sess., fiscal year 1887 and prior years	383,245,914		383,245,914
49th Cong., 2d sess., fiscal year 1888 and prior years	365,430,333		365,430,333
50th Cong., 1st sess., fiscal year 1889 and prior years	422,867,168		422,867,168
50th Cong., 2d sess., fiscal year 1890 and prior years	395,430,284		395,430,284
51st Cong., 1st sess., fiscal year 1891 and prior years	463,383,480		463,383,480
51st Cong., 2d sess., fiscal year 1892 and prior years	524,381,816		524,381,816
52d Cong., 1st sess., fiscal year 1893 and prior years	507,376,398		507,376,398
52d Cong., 2d sess., fiscal year 1894 and prior years	519,535,293		519,535,293
53d Cong., 1st and 2d sess., fiscal year 1895 and prior years	492,477,460		492,477,460

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 97th Cong., 2d sess., are based on estimates in the February 1982 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
53d Cong., 3d sess., fiscal year 1896 and prior years	$496,982,585		$496,982,585
54th Cong., 1st sess., fiscal year 1897 and prior years	515,852,380		515,852,380
54th Cong., 2d sess. and 55th Cong., 1st sess., fiscal year 1898 and prior years	528,735,878		528,735,878
55th Cong., 2d sess., fiscal year 1899 and prior years	892,656,776		892,656,776
55th Cong., 3d sess., fiscal year 1900 and prior years	698,912,893		698,912,893
56th Cong., 1st sess., fiscal year 1901 and prior years	705,653,298		705,653,298
56th Cong., 2d sess., fiscal year 1902 and prior years	730,241,863		730,241,863
57th Cong., 1st sess., fiscal year 1903 and prior years	801,682,773		801,682,773
57th Cong., 2d sess., fiscal year 1904 and prior years	752,741,659		752,741,659
58th Cong., 1st and 2d sess., fiscal year 1905 and prior years	781,288,215		781,288,215
58th Cong., 3d sess., fiscal year 1906 and prior years	818,191,283		818,191,283
59th Cong., 1st sess., fiscal year 1907 and prior years	881,953,644		881,953,644
59th Cong., 2d sess., fiscal year 1908 and prior years	919,163,823		919,163,823
60th Cong., 1st sess., fiscal year 1909 and prior years	1,006,431,727		1,006,431,727
60th Cong., 2d sess., fiscal year 1910 and prior years	1,044,433,623		1,044,433,623
61st Cong., 1st and 2d sess., fiscal year 1911 and prior years	1,039,550,617		1,039,550,617
61st Cong. 3d sess., fiscal year 1912 and prior years	1,022,759,949		1,022,759,949
62d Cong., 1st and 2d sess., fiscal year 1913 and prior years	1,021,349,991		1,021,349,991
62d Cong., 3d sess., fiscal year 1914 and prior years	1,098,602,066		1,098,602,066
63d Cong., 1st and 2d sess., fiscal year 1915 and prior years	1,122,471,919		1,122,471,919
63d Cong., 3d sess., fiscal year 1916 and prior years	1,114,490,704		1,114,490,704
64th Cong., 1st sess., fiscal year 1917 and prior years	1,628,441,645		1,628,441,645
64th Cong., 2d sess. and 65th Cong., 1st sess., fiscal year 1918 and prior years	18,881,940,244		18,881,940,244
65th Cong., 2d sess., fiscal year 1919 and prior years	27,065,148,933		27,065,148,933
65th Cong., 3d sess. and 66th Cong., 1st sess., fiscal year 1920 and prior years	6,454,596,650		6,454,596,650
66th Cong., 2d sess., fiscal year 1921 and prior years	4,780,829,510		4,780,829,510
66th Cong., 3d sess., and 67th Cong., 1st sess. (to July 12, 1921), fiscal year 1922 and prior years	3,909,282,209		3,909,282,209

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 97th Cong., 2d sess., are based on estimates in the February 1982 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
67th Cong., 1st sess. (from July 12, 1921), and 67th Cong., 2d sess. (to July 1, 1922), fiscal year 1923 and prior years	$4,248,140,570		$4,248,140,570
67th Cong., 2d sess. (from July 2, 1922), and 67th Cong., 3d sess. and 67th Cong., 4th sess., fiscal year 1924 and prior years	4,092,544,312		4,092,544,312
68th Cong., 1st sess., fiscal year 1925 and prior years	3,748,651,750		3,748,651,750
68th Cong., 2d sess., fiscal year 1926 and prior years	4,151,682,050		4,151,682,050
69th Cong., 1st sess., fiscal year 1927 and prior years	4,409,463,390		4,409,463,390
69th Cong., 2d sess., fiscal year 1928 and prior years	4,211,011,353		4,211,011,353
70th Cong., 1st sess., fiscal year 1929 and prior years	4,633,577,974		4,633,577,974
70th Cong., 2d sess., fiscal year 1930 and prior years	4,665,236,678		4,665,236,678
71st Cong., 1st and 2d sess., fiscal year 1931 and prior years	5,071,711,694		5,071,711,694
71st Cong., 3d sess., fiscal year 1932 and prior years	5,178,524,968		5,178,524,968
72d Cong., 1st sess., fiscal year 1933 and prior years	5,785,252,642		5,785,252,642
72d Cong., 2d sess. and 73d Cong., 1st sess., fiscal year 1934 and prior years	7,692,447,339		7,692,447,339
73d Cong., 2d sess., fiscal year 1935 and prior years	7,527,559,328		[1] 7,527,559,328
74th Cong., 1st sess., fiscal year 1936 and prior years	9,579,757,330		9,579,757,330
74th Cong., 2d sess., fiscal year 1937 and prior years	10,336,399,273		10,336,399,273
75th Cong., 1st sess., fiscal year 1938 and prior years	9,183,701,741	$172,473,242	9,356,174,983
75th Cong., 2d and 3d sess., fiscal year 1939 and prior years	10,338,996,190	1,022,819,464	11,361,815,654
76th Cong., 1st sess., fiscal year 1940 and prior years	11,447,634,077	1,904,152,417	13,351,786,494
76th Cong., 2d and 3d sess., fiscal year 1941 nd prior years	16,878,865,242	2,193,125,902	19,071,991,144
77th Cong., 1st sess., fiscal year 1942 and prior years	57,792,715,367	3,062,440,985	60,855,156,352
77th Cong., 2d sess., fiscal year 1943 and prior years to Oct. 31, 1942	147,071,208,962	3,861,678,074	150,932,887,036
78th Cong., 1st sess., fiscal year 1944 and prior years	114,564,008,595	4,642,328,744	119,206,337,339
78th Cong., 2d sess., fiscal year 1945 and prior fiscal years	67,614,266,775	6,749,006,538	74,363,273,313
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	69,780,137,110	6,662,202,694	76,442,339,804
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,734,209,165	4,653,376,295	40,387,585,460
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	35,982,887,708	5,487,396,936	41,470,284,644

See footnotes on pp. 1609–1611.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 97th Cong., 2d sess., are based on estimates in the February 1982 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	$41,675,480,957	$5,480,063,813	$47,155,544,770
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	46,497,456,898	6,517,603,514	53,015,060,412
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	81,045,040,441	6,632,999,495	87,678,039,936
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	101,117,786,897	8,127,323,548	109,245,110,445
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	85,999,646,411	8,532,644,348	94,532,290,759
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	65,156,254,797	8,999,782,171	74,156,036,968
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	58,160,445,563	9,891,179,453	68,051,625,016
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	63,947,281,321	10,871,988,245	74,819,269,566
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	73,041,364,417	11,679,248,757	84,720,613,174
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,064,958,328	15,610,607,572	88,675,565,900
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,119,818,276	16,382,991,651	[2] 97,502,809,927
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	81,572,357,732	19,495,828,782	[2] 101,068,186,514
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	83,799,241,957	22,329,891,675	[2] 106,129,133,632
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	96,194,946,610	24,915,218,285	[2] 121,110,164,895
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	102,661,536,812	27,401,377,000	[2] 130,062,913,812
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	103,798,634,671	29,472,357,040	[2] 133,270,991,711
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	106,070,110,056	30,929,694,000	[2] 136,999,804,056
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	119,310,113,527	32,747,251,540	[2] 152,057,365,067
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	143,883,626,282	41,830,618,000	[2] 185,714,244,282
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	156,917,115,912	48,205,647,000	[2] 205,122,762,912
90th Cong., 2d sess., fiscal year 1969 and prior years	142,524,357,324	54,012,887,000	[2] 196,537,244,324
Consisting of:			
Regular annual and supplemental appropriation acts	*(133,339,868,734)*		*(133,339,868,734)*
Appropriations in legislative acts	*(2,999,227,590)*		*(2,999,227,590)*
Permanent appropriations	*(18,985,261,000)*	*(54,012,887,000)*	*(72,998,148,000)*
Adjustments for interfund and intragovernmental transactions	*(−12,800,000,000)*		*(−12,800,000,000)*

See footnotes on pp. 1609–1611.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938-68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 97th Cong., 2d sess., are based on estimates in the February 1982 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	$146,628,658,494	$60,619,823,000	[2] $207,248,481,494
Consisting of:			
Regular annual and supplemental appropriation acts	*(134,431,463,135)*		*(134,431,463,135)*
Appropriations in legislative acts	*(4,680,127,359)*		*(4,680,127,359)*
Permanent appropriations	*(21,432,593,000)*	*(60,619,823,000)*	*(82,052,416,000)*
Adjustments for interfund and intragovernmental transactions	*(−13,915,525,000)*		*(−13,915,525,000)*
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	166,758,720,882	65,381,174,000	[2] 232,139,894,882
Consisting of:			
Regular annual and supplemental appropriation acts	*(144,273,528,504)*		*(144,273,528,504)*
Appropriations in legislative acts	*(18,039,291,378)*		*(18,039,291,378)*
Permanent appropriations	*(22,678,668,000)*	*(65,381,174,000)*	*(88,059,842,000)*
Adjustments for interfund and intragovernmental transactions	*(−18,232,767,000)*		*(−18,232,767,000)*
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	170,300,119,635	75,407,481,000	[2] 245,707,600,635
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(165,300,661,865)*		(165,300,661,865)
Appropriations in legislative acts	*(46,645,770)*		*(46,645,770)*
Permanent appropriations	*(25,357,210,000)*	*(75,407,481,000)*	*(100,764,691,000)*
Adjustments for interfund and intragovernmental transactions	*(−20,404,398,000)*		*(−20,404,398,000)*
92d Cong., 2d sess., fiscal year 1973 and prior fiscal years	[3] 193,474,986,934	91,307,552,000	[2] [3] 284,782,538,934
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	[3] *(179,006,901,364)*		[3] *(179,006,901,364)*
Appropriations in legislative acts	*(11,200,404,169)*		*(11,200,404,169)*
Permanent appropriations	*(27,182,326,401)*	*(91,307,552,000)*	*(118,489,878,401)*
Adjustments for interfund and intragovernmental transactions	*(−23,914,645,000)*		*(−23,914,645,000)*
93d Cong., 1st sess., fiscal year 1974 and prior fiscal years	[4] 182,480,509,654	120,995,727,000	[2] [4] 303,476,236,654
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	[4] *(174,902,319,304)*		[4] *(174,902,319,304)*
Appropriations in legislative acts	*(3,940,372,350)*	*(12,462,940,000)*	*(16,403,312,350)*
Permanent appropriations	*(40,895,808,000)*	*(108,532,787,000)*	*(149,428,595,000)*
Adjustments for interfund and intragovernmental transactions	*(−37,257,990,000)*		*(−37,257,990,000)*
93d Cong., 2d sess., fiscal year 1975 and prior fiscal years	[5] 268,304,872,427	121,736,261,000	[2] [5] 390,041,133,427
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(204,012,311,514)*		*(204,012,311,514)*
Appropriations in legislative acts	*(62,568,804,913)*	*(152,500,000)*	*(62,721,304,913)*
Permanent appropriations	*(45,447,732,000)*	*(121,583,761,000)*	*(167,031,493,000)*
Adjustments for interfund and intragovernmental transactions	*(−43,723,976,000)*		*(−43,723,976,000)*

See footnotes on pp. 1609-1611.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 97th Cong., 2d sess., are based on estimates in the February 1982 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
94th Cong., 1st sess.:			
Fiscal year 1976 and prior fiscal years	$269,391,509,951	$130,721,852,000	[2] [6] $400,113,361,951
Transition period	49,782,823,499	33,623,231,000	[7] 83,406,054,499
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(262,194,919,839)*	....	*(262,194,919,839)*
Transition period	*(47,575,114,499)*	....	*(47,575,114,499)*
Rescission acts	*(−287,291,174)*	....	*(−287,291,174)*
Appropriations in legislative acts	*(10,627,079,286)*	*(−390,000,000)*	*(10,237,079,286)*
Transition period (net)	[8] *(−8,570,000)*	....	[8] *(−8,570,000)*
Permanent appropriations	*(51,122,943,000)*	*(131,111,852,000)*	*(182,234,795,000)*
Transition period	*(12,946,828,000)*	*(33,623,231,000)*	*(46,570,059,000)*
Adjustments for interfund and intragovernmental transactions	*(−54,266,141,000)*	....	*(−54,266,141,000)*
Transition period	*(−10,730,549,000)*	....	*(−10,730,549,000)*
94th Cong., 2d sess:			
Fiscal year 1977 and prior fiscal years	[9] 288,220,964,880	156,443,836,000	[2] [9] 444,664,800,880
Transition period	4,792,078,440	3,715,000,000	[10] 8,507,078,440
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(277,157,958,407)*	*(345,277,000)*	*(277,503,235,407)*
Transition period (net)	*(4,797,230,180)*	*(15,000,000)*	*(4,812,230,180)*
Rescission acts	*(−70,656,000)*	....	*(−70,656,000)*
Transition period	*(−5,175,000)*	....	*(−5,175,000)*
Appropriations in legislative acts	*(878,473)*	*(2,448,000,000)*	*(2,448,878,473)*
Transition period	*(23,260)*	*(3,700,000,000)*	*(3,700,023,260)*
Permanent appropriations	*(63,037,720,000)*	*(164,113,941,000)*	*(227,151,661,000)*
Adjustments for interfund and intragovernmental transactions	[11] *(−51,904,936,000)*	*(−10,463,382,000)*	*(−62,368,318,000)*
95th Cong., 1st sess:			
Fiscal year 1978 and prior fiscal years	[12] 360,785,368,842	166,545,104,667	[2] [12] 527,330,473,509
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(353,317,494,116)*	*(696,536,667)*	[2] *(354,014,030,783)*
Rescission acts	*(−807,640,000)*	....	*(−807,640,000)*
Appropriations in legislative acts	*(1,001,726)*	....	*(1,001,726)*
Permanent appropriations	*(56,830,073,000)*	*(178,384,983,000)*	*(235,215,056,000)*
Adjustments for interfund and intragovernmental transactions	[13] *(−48,555,560,000)*	*(−12,536,415,000)*	*(−61,091,975,000)*
95th Cong., 2d sess:			
Fiscal year 1979 and prior fiscal years	[14] 372,683,967,134	206,694,297,000	[2] [14] 579,378,264,134
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(352,638,885,730)*	*(899,468,000)*	[2] *(353,538,353,730)*
Rescission acts	*(−55,255,000)*	....	*(−55,255,000)*
Appropriations in legislative acts	*(7,325,404)*	*(19,591,200,000)*	*(19,598,525,404)*
Permanent appropriations	*(70,749,391,000)*	*(199,126,247,000)*	*(269,875,638,000)*
Adjustments for interfund and intragovernmental transactions	[15] *(−50,656,380,000)*	*(−12,922,618,000)*	*(−63,578,998,000)*

See footnotes on pp. 1609–1611.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 4, "Compilers' Notes", p. II, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 97th Cong., 2d sess., are based on estimates in the February 1982 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
96th Cong., 1st sess:			
Fiscal year 1980 and prior fiscal years	[16] $408,773,914,474	$214,416,798,000	[2] [16] $623,190,712,474
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(386,521,933,291)*	*(1,616,823,000)*	[2] *(388,138,756,291)*
Rescission acts	*(−723,609,000)*		*(−723,609,000)*
Appropriations in legislative acts	*(1,183)*		*(1,183)*
Permanent appropriations	*(81,676,152,000)*	*(227,319,768,000)*	*(308,995,920,000)*
Adjustments for interfund and intragovernmental transactions	[17] *(−58,700,563,000)*	*(−14,519,793,000)*	*(−73,220,356,000)*
96th Cong., 2d sess:			
Fiscal year 1981 and prior fiscal years	453,756,787,346	243,035,266,000	[2] [18] 696,792,053,346
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(432,276,712,344)*	*(1,488,909,000)*	[2] *(433,765,621,344)*
Rescission acts			
Appropriations in legislative acts	*(843,002)*		*(843,002)*
Permanent appropriations	*(96,152,253,000)*	*(255,464,214,000)*	*(351,616,467,000)*
Adjustments for interfund and intragovernmental transactions	[19] *(−74,673,021,000)*	*(−13,917,857,000)*	*(−88,590,878,000)*
97th Cong., 1st sess:			
Fiscal year 1982 and prior fiscal years	469,951,845,261	285,322,930,000	[2] [20] 755,274,775,261
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(434,404,409,261)*	*(2,432,533,000)*	[2] *(436,836,942,261)*
Rescission acts			
Appropriations in legislative acts			
Permanent appropriations	*(128,820,043,000)*	*(298,579,904,000)*	*(427,399,947,000)*
Adjustments for interfund and intragovernmental transactions	[21] *(−93,272,607,000)*	*(−15,689,507,000)*	*(−108,962,114,000)*
97th Cong., 2d sess:			
Fiscal year 1983 and prior fiscal years	546,140,042,982	316,695,852,000	[2] [29] 862,835,894,982
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(504,216,739,060)*	*(2,984,843,000)*	*(507,201,582,060)*
Rescission acts			
Appropriations in legislative acts		*(14,849,000,000)*	*(14,849,000,000)*
Private appropriation acts	*(66,922)*		*(66,922)*
Permanent appropriations	*(155,879,910,000)*	*(319,907,084,000)*	*(475,786,994,000)*
Adjustments for interfund and intragovernmental transactions	[30] *(−113,956,673,000)*	*(−21,045,075,000)*	*(−135,001,748,000)*

---

[1] Does not include appropriations from the receipts created by the increment resulting from the reduction in weight of the gold dollar under sec. 7 of the Gold Reserve Act of 1934 amounting to $2,000,000,000 for the Exchange Stabilization Fund and $135,299,557 for payment to the surplus of Federal Reserve banks. These appropriations did not affect the budget or the national debt and for that reason are not included.

[2] Total funds for the following years are qualified as indicated:

Congress and session	Funds for refunding internal revenue collections excluded	Funds for cumulative sinking fund for public debt retirement excluded	Includes funds for 1 year in advance of budget year
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	$4,706,950,000	$633,349,085	
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	5,402,200,000	633,349,085	
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	6,053,675,000	633,349,085	
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	5,986,825,000	680,849,085	
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	6,554,000,000	680,849,085	
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	6,235,134,000	680,849,085	
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	5,035,100,000	680,849,085	
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	6,243,000,000	680,849,085	$926,000,000
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	7,573,000,000	680,849,085	875,000,000
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	10,700,000,000	680,849,085	995,000,000
90th Cong., 2d sess., fiscal year 1969 and prior fiscal years	11,161,000,000	680,849,085	1,965,814,000
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	12,822,500,000	680,849,085	214,000,000
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	16,075,187,000	680,849,085	150,000,000
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	18,890,425,332	680,849,085	174,321,000
92d Cong., 2d sess., fiscal year 1973 and prior fiscal years	18,787,584,008	680,849,085	131,181,000
93d Cong., 1st sess., fiscal year 1974 and prior fiscal years	25,628,844,731	680,849,085	90,360,000
93d Cong., 2d sess., fiscal year 1975 and prior fiscal years	27,970,932,506	680,849,085	2,428,597,000
94th Cong., 1st sess., fiscal year 1976 and prior fiscal years	39,906,309,490	680,849,085	2,653,410,852
Transition period (July 1, 1977 – Sept. 30, 1976)	2,388,185,173		
94th Cong., 2d sess., fiscal year 1977 and prior fiscal years	33,566,777,877	680,849,085	[22] 813,249,779
95th Cong., 1st sess., fiscal year 1978 and prior fiscal years	36,178,035,326	680,849,085	[23] 152,000,000
95th Cong., 2d sess., fiscal year 1979 and prior fiscal years	39,324,935,206	680,849,085	[24] 15,125,500,000
96th Cong., 1st sess., fiscal year 1980 and prior fiscal years	41,350,321,605	680,849,085	[25] 334,000,000
96th Cong., 2d sess., fiscal year 1981 and prior fiscal years	53,504,051,402	680,849,085	[26] 338,000,000
97th Cong., 1st sess., fiscal year 1982 and prior fiscal years	62,249,552,530	680,849,085	[27] 1,892,941,000
97th Cong., 2d sess., fiscal year 1983 and prior fiscal years	73,405,943,810	680,849,085	[28] 7,106,000,000

---

[3] Includes appropriations totaling $33,499,495,500 in continuing resolution (P.L. 92-571) for Foreign Assistance and related programs ($3,652,701,000), and the Departments of Labor, Health, Education, and Welfare and related agencies ($29,846,794,500), and reflects increase of $46,794,500 in the amount for Labor-HEW carried in the 1972-1973 volume due to later estimates.

[4] Reflects rescissions totaling $212,412,000 of fiscal year 1973 appropriations. Does not reflect action by the Congress in declining to approve proposed rescissions of fiscal year 1973 appropriations totaling $382,999,000.

[5] Reflects rescissions totaling $1,404,572,000 consisting of $1,319,481,000 in regular appropriation and rescission acts and $85,091,000 in legislative acts (see table VIIIj on p. 2427, 1974–1975 volume, for detail).

[6] Reflects rescissions totaling $702,291,174 consisting of $25,000,000 (Federal funds) in a regular annual appropriation act, $287,291,174 (Federal funds) in rescission acts, and $390,000,000 (trust funds) in a legislative act (see table VIIIj on pp. 1259–1260, 1975–1976 volume, for detail).

[7] Reflects rescissions of $14,400,000 in legislative acts (see table VIIIj on pp. 1259–1260, 1975–1976 volume, for detail).

[8] Consists of new budget (obligational) authority of $5,830,000 and rescissions of $14,400,000 (see table VIIIa on pp. 1230–1231, 1975–1976 volume, for detail).

[9] Reflects rescissions totaling $243,378,943 consisting of $172,722,943 in a regular annual appropriation act and $70,656,000 in rescission acts (see table VIIIh, 1976–1977 volume, for detail).

[10] Reflects rescissions of $5,175,000 (see table VIIIh, 1976–1977 volume, for detail).

[11] Consists of $14,728,128,000 in Federal funds and $37,176,808,000 in interfund transactions.

[12] Reflects rescissions totaling $833,854,000 consisting of $26,214,000 in regular annual appropriation acts and $807,640,000 in rescission acts (see table VIIIi, 1977–78 volume, for detail. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1978 (Public Law 95–74).

[13] Consists of $12,130,868,000 in Federal funds and $36,424,692,000 in interfund transactions.

[14] Includes $15,427,919.00, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and Related Agencies funded at the "current rate" under section 101(a) of the continuing resolution (Public Law 95–482) (see p. 319, 1978–79 volume). Budget estimates for these activities total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 14 of the 1978–79 volume (for details, see table VIII on pp. 1221-1222, 1979–80 volume). Reflects rescissions totaling $518,655,000 consisting of $463,400,000 in the Supplemental Appropriations Act, 1978 (Public Law 95–240) and $55,255,000 in rescission acts (see table VIIIk, 1978–79 volume, for details). Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1979 (Public Law 95–465).

[15] Consists of $13,158,914,000 in Federal funds and $37,497,466,000 in interfund transactions.

[16] Includes $1,146,946,000 excluded from the 1979–80 volume for programs for the Department of Health, Education and Welfare and related agencies funded at the "current rate" under section 101(c) of the further continuing resolution (Public Law 96–123, see p. 288, 1979–80 volume). Budget estimates for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 16 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Reflects rescissions totaling $1,636,709,000 consisting of $913,100,000 in regular annual appropriation acts and $723,609,000 in the budget rescission act (see table VIIIh 1979–80 volume). Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. The amount for permanent contract authority is shown in the estimate column and rescinded in the Department of the Interior Appropriation Act, 1980 (Public Law 96–126).

[17] Consists of $16,335,625,000 in Federal funds and $42,364,938,000 in interfund transactions.

[18] Reflects rescissions totaling $4,518,572,146 consisting of $1,335,000,000 in regular annual appropriation acts and $3,183,572,146 in supplemental acts. Excludes $6,954,927,000 appropriated in fiscal year 1981 to liquidate "indefinite" budget authority provided in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no amounts included in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts). Includes authority to obligate $6,914,793,000 in "indefinite" budget authority during fiscal year 1981 which will be adjusted and liquidated in fiscal year 1982 when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[19] Consists of $26,402,993,000 in Federal funds and $48,270,028,000 in interfund transactions.

[20] Reflects rescissions totaling $16,064,086,447 consisting of $1,805,207,800 in regular annual appropriation acts including continuing resolutions and $14,258,878,647 in supplemental acts. Excludes $6,379,418,000 appropriated in fiscal year 1982 to liquidate "indefinite" budget authority provided in fiscal year 1981 for certain programs in the Department of Health and Human Services (estimate of $6,914,793,000 for fiscal year 1981 carried in 1980–81 volume). Includes authority to obligate $4,615,600,000 in "indefinite" budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 when final amounts become known (see table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved).

[21] Consists of $34,835,543,000 in Federal funds and $58,437,064,000 in interfund transactions.

[22] Includes $557,049,779 for fiscal year 1978 and $256,200,000 for fiscal year 1979 (2 years in advance of budget year).

[23] This amount is for fiscal year 1980 (2 years in advance of budget year).

[24] Includes $5,136,500,000 for fiscal year 1980; $5,615,000,000 for fiscal year 1981; and $4,374,000,000 for fiscal year 1982.

[25] Includes $162,000,000 for fiscal year 1981 and $172,000,000 for fiscal year 1982 (2 years in advance of budget year).

[26] Includes $166,000,000 for fiscal year 1982 and $172,000,000 for fiscal year 1983 (2 years in advance of budget year).

[27] Includes $1,752,341,000 for fiscal year 1983 and $105,600,000 for fiscal year 1984 (2 years in advance of budget year).

[28] Includes $6,976,000,000 for fiscal year 1984 and $130,000,000 for fiscal year 1985 (2 years in advance of budget year).

[29] Reflects rescissions totaling $8,967,781,500 consisting of $2,888.815,500 in regular annual appropriation acts including continuing resolutions and $6,078,966,000 in supplemental acts. Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,615,600,000 for fiscal year 1982 carried in 1981–82 volume). See table VIII footnote 22, on p. 1535, 1982–83 volume, for accounts involved.

[30] Consists of $49,761,582,000 in Federal funds and $64,195,091,000 in interfund transactions.

INDEX

A

ABM (*See* missiles under Defense, Department of—Military.)

ACTION: — Page
- Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
- Increased pay costs — 69
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts — 1534
- Permanent trust funds — 1427
  - Recapitulation — 1432
- Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
- Urgent Supplemental Appropriations Act, 1982 — 7

Acts (*See also* Table VII. Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 97th Cong — 1457
- Agriculture — 395
- Commerce — 417
- Defense — 447
- District of Columbia — 573
- Education — 577
- Foreign Operations and State — 585
- General government — 609
- Housing — 793
- Interior — 863
- Judicial — 905
- Labor, Health and Human Services — 941
- Legislative — 1027
- Maritime — 1033
- Public Works — 1067
- Reconciliation — 1091
- Revenue — 1129
- Science — 1185
- Transportation — 1207
- Veterans — 1375

Administrative Conference of the United States:
- Increased pay costs — 69
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts — 1548
- Recapitulation of appropriations by acts, irrespective of fiscal years — 1435

Administrative expenses (*See* specific department or agency.)

Administrative Office, U.S. Courts (*See* Judiciary, the.)

Adult education (*See* Education, Department of under HHS, Department of.)

Advisory Commission on Intergovernmental Relations: — Page
- Increased pay costs — 71
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts — 1548
- Permanent trust funds — 1427
  - Recapitulation — 1432
- Recapitulation of appropriations by acts, irrespective of fiscal years — 1435

Advisory Committee on Federal Pay:
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts — 1548
- Recapitulation of appropriations by acts, irrespective of fiscal years — 1435

Advisory Council on Historic Preservation:
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session — 1527
- Permanent trust funds — 1428
  - Recapitulation — 1432
- Salaries and expenses — 196

Aeronautics and space (*See* National Aeronautics and Space Administration.)

Aging (*See* National Institute of under HHS.)

Aged:
- District of Columbia (*See* District of Columbia.)
- Insurance (*See* Federal Old Age and Survivors under HHS, Department of.)
- Medical assistance (*See* under specific department or agency.)

Agency for International Development:
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts — 1517
- Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)

Agricultural conservation programs (*See* title II under Agriculture, Rural Development, and Related Agencies.)

Agricultural Credit Insurance Fund (*See* title II under Agriculture, Rural Development, and Related Agencies.)

Page

Agricultural Marketing Service (*See* title I under Agriculture, Rural Development, and Related Agencies.)

Agricultural Research Service (*See* title I under Agriculture, Rural Development, and Related Agencies.)

Agricultural Stabilization and Conservation Service (*See* title I under Agriculture, Rural Development, and Related Agencies.)

Agriculture, Rural Development, and Related Agencies Appropriations Act, 1983:
Acts relating to:
International carriage of perishable foodstuffs 412
No Net Cost Tobacco Program, 1982 act for 395
Tahoe National Park, Blythe Arena, sale of 395
Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1444
Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1437
Comparison of budget estimates and appropriations by sessions of Congress 1595
Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1585
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments 1565
Department of Agriculture:
Economics, Statistics, and Cooperative Service:
Permanent trust funds 1420
Recapitulation 1431
Forest Service:
Administrative provisions 187
Construction 185
Forest research 185
Increased pay costs 62
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1525
Land acquisition 186
Land exchanges, acquisition of land to complete 186
Miscellaneous trust funds 186
National Forest System 185
National forests, acquisition of lands for 186

Page

Agriculture, Rural Development, and Related Agencies Appropriations Act, 1983—Continued
Department of Agriculture—Continued
Forest Service—Continued
Permanent Federal funds 1409
Recapitulation 1417
Permanent trust funds 1421
Recapitulation 1431
Range Betterment Fund 186
Recapitulation of appropriations by acts, irrespective of fiscal years 1434
State and private forestry 185
Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Youth Conservation Corps 186
Increased pay costs 61
Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Title I—Agricultural programs:
Farm income stabilization:
Agricultural Stabilization and Conservation Service:
Dairy Indemnity Program 88
Increased pay costs 61
Salaries and expenses 87
Production, processing and marketing:
Advisory committees (USDA) 79
Agricultural Cooperatives Service 85
Permanent trust funds:
Recapitulation 1431
Agricultural Marketing Service:
Administrative expenses, limitation 86
Increased pay costs 62
Marketing services 86
Markets, income, and supply, funds for strengthening 86
Permanent Federal funds 1408
Recapitulation 1417
Permanent trust funds 1420
Recapitulation 1431
States and possessions, payments to 87
Transportation office 86
Agricultural Research Service:
Buildings and facilities 81
Permanent trust funds 1420
Recapitulation 1431
Scientific activities overseas 82
Animal and Plant Health Inspection Service:
Buildings and facilities 84
Increased pay costs 62
Permanent trust funds 1420
Recapitulation 1431
Salaries and expenses 83
Commodity Credit Corporation:
Direct loans 89
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1495
Net realized losses, reimbursement for 89

Agriculture, Rural Development, and Related Agencies Appropriations Act, 1983—Continued Page

- Department of Agriculture—Continued
  - Title I—Agricultural programs—Con.
    - Production, processing and marketing—Continued
      - Commodity Credit Corporation—Continued
        - Permanent Federal funds 1408
          - Recapitulation 1417
      - Congressional Affairs, Office of 80
      - Cooperative State Research Service 82
      - Departmental administration 79
      - Economics Research Service 85
      - Extension Service 82
        - Permanent trust funds:
          - Recapitulation 1431
      - Federal Crop Insurance Corporation:
        - Administrative and operating expenses 88
        - Capital stock 88
        - Fund 88
        - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1495
      - Federal Grain Inspection Service 80
        - Inspection and weighing services 81
      - Food Safety and Inspection Service 84
        - Increased pay costs 62
        - Permanent trust funds 1420
          - Recapitulation 1431
      - Food Safety and Quality Service:
        - Permanent Federal funds 1408
      - General Counsel, Office of 80
      - Governmental and public affairs 80
      - Inspector General, Office of 80
      - National Agricultural Library 83
      - Packers and Stockyards Administration 87
        - Increased pay costs 62
      - Secretary, Office of 79
      - Standard level user charges (USDA) 79
        - Permanent trust funds:
          - Recapitulation 1431
      - Statistical Reporting Service 85
      - World Agricultural Outlook Board 86
  - Title II—Rural development programs:
    - Conservation:
      - Agricultural Stabilization and Conservation Service:
        - Agricultural conservation programs 96
        - Forestry Incentives Program 97
        - Water Bank Program 97
      - Soil Conservation Service:
        - Conservation operations 94
        - Great Plains Conservation Program 95
        - Increased pay costs 61
        - Permanent trust funds 1421
          - Recapitulation 1431
        - Resource conservation and development 95

Agriculture, Rural Development, and Related Agencies Appropriations Act, 1983—Continued Page

- Department of Agriculture—Continued
  - Title II—Rural development programs—Continued
    - Conservation—Continued
      - Soil Conservation Service—Con.
        - River basin surveys and investigations 94
        - Watershed and flood prevention operations 95
        - Watershed planning 95
    - Rural development assistance:
      - Farmers Home Administration:
        - Agricultural Credit Insurance Fund 90
        - Construction defects, compensation for 91
        - Increased pay costs 61
        - Mutual and self-help housing 91
        - Permanent Federal funds:
          - Recapitulation 1417
        - Rural community fire protection grants 91
        - Rural Development Insurance Fund 91
        - Rural housing for domestic farm labor 91
        - Rural Housing Insurance Fund 89
        - Rural water and waste disposal grants 91
        - Salaries and expenses 91
        - Very low-income housing repair grants 91
      - Rural Development Policy, Office of 89
      - Rural Electrification Administration:
        - Increased pay costs 61
        - Permanent Federal funds 1408
          - Recapitulation 1417
        - Rural Communication Development Fund 93
        - Rural Electrification and Telephone Revolving Fund loan authorizations 92
        - Rural telephone bank 93
        - Salaries and expenses 93
  - Title III—Domestic food programs:
    - Food and Nutrition Service:
      - Child nutrition programs 97
      - Commodity Supplemental Food Program 98
      - Food Donations Program 99
      - Food program administration 99
      - Food Stamp Program 98
      - Permanent Federal funds 1408
        - Recapitulation 1417
      - Special Milk Program 98
      - Women, Infants, and Children [WIC], Feeding Program for 98
    - Human Nutrition Information Service 99
  - Title IV—International programs:
    - Foreign Agricultural Service 99
      - General sales manager 100

Page

Agriculture, Rural Development, and Related Agencies Appropriations Act, 1983—Continued
- Department of Agriculture—Continued
  - Title IV—International programs—Con.
    - International Cooperation and Development, Office of 100
      - Permanent trust funds 1420
        - Recapitulation 1431
    - Public Law 480 100
  - Title V—Related agencies:
    - Commodity Futures Trading Commission 101
    - Farm Credit Administration:
      - Administrative expenses, limitation 101
    - Food and Drug Administration:
      - Salaries and expenses 101
      - Standard level user charges 101
  - Title VI—General provisions (*See also* general provisions, comprehensive reference.) 101
- Increased pay costs 61
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1494
- Permanent Federal funds 1408
  - Recapitulation 1417
- Permanent trust funds 1420
  - Recapitulation 1431
- Recapitulation of appropriations by acts, irrespective of fiscal years 1433
- Recapitulation of itemized estimates and new budget (obligational) authority 1557
- Total appropriations by sessions of Congress 1603
- Urgent Supplemental Appropriations Act, 1982 15

Aircraft (*See* general provisions under specific department and agency.)

Air Force, Department of (*See also* Defense, Department of—Military.)
- Permanent trust funds 1423
  - Recapitulation 1431

Air National Guard (*See* Defense, Department of—Military.)

Airport:
- Grants in aid (*See* Transportation, Department of.)
- Metropolitan Washington Airports (*See* Transportation, Department of.)

Air Reserve (*See* Defense, Department of—Military.)

Alaska:
- Gas pipeline, Federal Inspector for (*See* Federal Inspector for the Alaska Gas Pipeline.)
- Highway (*See* Federal Highway Administration under Transportation, Department of.)
- Joint Federal-State Land Use Planning Commission for Alaska (*See* Joint Federal-State Land Use Planning Commission for Alaska.)

Page

Alaska—Continued
- National petroleum reserve (*See* Energy and minerals under Interior.)
- Native Fund (*See* Indian Affairs under Interior, Department of.)
- Pribilof Islands (*See* National Oceanic and Atmospheric Administration under Commerce, Department of.)
- Railroad Revolving Fund (*See* Federal Railroad Administration under Transportation, Department of.)
- U.S. Fish and Wildlife (*See* Fish and wildlife under Interior, Department of.)
- Veterans (*See* Veterans' Administration.)

Alaska Power Administration (*See* Energy, Department of.)

Alcohol, Drug Abuse, and Mental Health Administration (*See* HHS, Department of.)

Alcohol, Tobacco and Firearms, Bureau of (*See* Treasury, Department of.)

Aliens (*See* Immigration and Naturalization Service.)

Allergy and infectious diseases (*See* National Institutes of Health under HHS.)

American Battle Monuments Commission:
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1521
- Permanent trust funds 1428
  - Recapitulation 1432
- Recapitulation of appropriations by acts, irrespective of fiscal years 1434
- Salaries and expenses 152

American National Red Cross (*See* Government Corporations.)

American Printing House for the Blind (*See* Special institutions under HHS, Department of.)

American Samoa (*See* Territorial affairs under Interior.)

American schools and hospitals abroad (*See* Economic assistance, Funds Appropriated to the President under Foreign Assistance.)

Ammunition procurement, Army (*See* Defense, Department of—Military.)

AMTRAK (*See* National Railroad Passenger Corporation.)

Anadromous fish (*See* U.S. Fish and Wildlife Service, fish and wildlife and parks under Interior.)

Animal and Plant Health Inspection Service (*See* title I under Agriculture, Rural Development and Related Agencies.)

Annotated Constitution, revision (*See* Library of Congress under Legislative Branch.)

Page

- **Antitrust Division (*See* Justice, Department of.)**
- **Appalachian Regional Commission:**
  - Itemized comparisons of budget estimates, appropriations, and rescisions arranged by acts 1514
  - Permanent trust funds:
    - Recapitulation 1432
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1433
- **Appalachian regional development programs:**
  - Funds Appropriated to the President (*See* Funds Appropriated to the President.)
  - Itemized comparisons of budget estimates, appropriations, and rescisions arranged by acts 1514
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1433
- **Appeals, Courts of (*See* Courts of Appeals.)**
- **Appropriation acts:**
  - Agriculture, Rural Development and Related Agencies 79
  - Commerce, Justice, and State, the Judiciary and Related Agencies 105
  - Defense 131
  - District of Columbia 133
  - Energy and Water Development 143
  - Foreign Assistance and Related Programs 145
  - Housing and Urban Development—Independent Agencies 147
  - Interior and Related Agencies 169
  - Labor, Health and Human Services, and Education and Related Agencies 203
  - Legislative Branch 205
  - Military Construction 223
  - Transportation, and Related Agencies 229
  - Treasury, Postal Service, and General Government 251
- **Appropriations acts, departments and agencies within:**
  - Agriculture, Rural Development and Related Agencies:
    - Agriculture, Department of:
      - Agricultural Cooperative Service 85
      - Agricultural Marketing Service 86
      - Agricultural Research Service 81
      - Agricultural Stabilization and Conservation Service 87, 96
      - Animal and Plant Health Inspection Service 83
      - Commodity Credit Corporation 89
      - Cooperative State Research Service 82
      - Departmental administration 79
      - Economic Research Service 85
      - Extension Service 82
      - Farmers Home Administration 89
      - Federal Crop Insurance Corporation 88
      - Federal Grain Inspection Service 80
      - Food and Nutrition Service 97
      - Food Safety and Inspection Service 84
      - Foreign Agricultural Service 99
      - Human Nutrition Information Service 99
      - National Agricultural Library 83
      - Office of Congressional Affairs 80
      - Office of Governmental and Public Affairs 80

Page

- **Appropriations acts, departments and agencies within—Continued**
  - Agriculture, Rural Development and Related Agencies—Continued
    - Agriculture, Department of—Continued
      - Office of the General Counsel 80
      - Office of the Inspector General 80
      - Office of International Cooperation and Development 100
      - Office of Rural Development Policy 89
      - Office of the Secretary 79
      - Packers and Stockyards Administration 87
      - Rural Electrification Administration 92
      - Soil Conservation Service 94
      - Statistical Reporting Service 85
      - World Agricultural Outlook Board 86
    - Commodity Futures Trading Commission 101
    - Farm Credit Administration 101
    - Food and Drug Administration 101
  - Commerce, Justice, and State, the Judiciary, and Related Agencies 105
    - Arms Control and Disarmament Agency 122
    - Board for International Broadcasting 123
    - Commission on Civil Rights 117
    - Commission on Security and Cooperation in Europe 123
    - Commission on Wartime Relocation and Internment of Civilians 123
    - Department of Commerce:
      - Bureau of the Census 105
      - Economic Development Administration 106
      - Economic and Statistical Analysis 106
      - International Trade Commission 106
      - Minority Business Development Agency 107
      - National Oceanic and Atmospheric Administration 108
      - National Telecommunications and Information Administration 109
      - Patent and Trademark Office 109
      - Science and Technical Research 109
      - U.S. Travel and Tourism Administration 107
    - Department of Justice:
      - Drug Enforcement Administration 115
      - Federal Bureau of Investigation 115
      - Federal Prison System 116
      - General legal activities 113
      - Immigration and Naturalization Service 115
      - Office of Justice Assistance, Research, and Statistics 117
      - U.S. Parole Commission 113
    - Department of State:
      - Administration of Foreign Affairs 119
      - International Boundary and Water Commission, United States and Mexico 121
      - International commissions 121
      - International organizations and conferences 120
    - Department of the Treasury:
      - Chrysler Corporation Loan Guarantee Program 111

Page

- **Appropriations acts, departments and agencies within—Continued**
  - Commerce, Justice, and State, the Judiciary, and Related Agencies—Continued
    - Department of the Treasury—Continued
      - Federal Communications Commission 111
      - Federal Maritime Commission 111
      - Federal Trade Commission 111
      - International Trade Commission 112
      - Marine Mammal Commission 112
      - Office of U.S. Trade Representative 112
      - Securities and Exchange Commission 112
      - Small Business Administration 112
    - Department of Transportation:
      - Maritime Administration 110
    - Equal Employment Opportunity Commission 117
    - International Communication Agency 123
    - Japan-United States Friendship Commission 124
    - Legal Services Corporation 118
    - The Judiciary:
      - Administrative Office of the U.S. Courts 126
      - Courts of Appeals, District Courts, and Other Judicial Services 125
      - Federal Judicial Center 127
      - U.S. Court of Appeals for the Federal Circuit 125
      - U.S. Court of International Trade 125
      - U.S. Supreme Court 124
  - Defense (*See* appended note.) 131
  - District of Columbia 133
  - Energy and Water Development (*See* appended note.) 143
  - Foreign Assistance and Related Programs (*See* appended note.) 145
  - Housing and Urban Development—Independent Agencies 147
    - American Battle Monuments Commission 152
    - Consumer Product Safety Commission 152
    - Department of Defense—Civil:
      - Cemeterial expenses, Army 152
    - Department of the Treasury 159
    - Environmental Protection Agency 152
    - Executive Office of the President 154
    - Federal Emergency Management Agency 154
    - Federal Home Loan Bank Board 162
    - General Services Administration 155
    - Health and Human Services, Department of:
      - Office of Consumer Affairs 156
    - Housing and Urban Development, Department of:
      - Community planning and development 150
      - Fair housing and equal opportunity 151
      - Government National Mortgage Association 149
      - Housing programs 147
      - Management and administration 151
      - New Community Development Corporation 151
      - Policy development and research 151
      - Solar Energy and Energy Conservation Bank 150

Page

- **Appropriations acts, departments and agencies within—Continued**
  - Housing and Urban Development—Independent Agencies—Con.
    - National Aeronautics and Space Administration 156
    - National Credit Union Administration 157
    - National Science Foundation 157
    - Neighborhood Reinvestment Corporation 158
    - Selective Service System 158
    - Veterans' Administration 159
  - Interior, Department of, and Related Agencies (except):
    - Alaska Power Administration.
    - Bonneville Power Administration.
    - Bureau of Reclamation.
    - Southeastern Power Administration.
    - Southwestern Power Administration.
    - Underground Electric Power Transmission Research.
  - Interior, Department of, and related agencies (including):
    - Advisory Council on Historic Preservation 196
    - Agriculture, Department of 185
      - Forest Service 185
    - Commission of Fine Arts 196
    - Education, Department of 192
      - Navajo and Hopi Indian Relocation Commission 193
      - Office of Elementary and Secondary Education 192
      - Smithsonian Institution 193
        - National Gallery of Art 194
        - National Zoological Park 193
        - Woodrow Wilson International Center for Scholars 194
    - Energy, Department of 188
    - Federal Inspector for the Alaska Gas Pipeline 197
    - Franklin Delano Roosevelt Memorial Commission 196
    - Health and Human Services, Department of 191
      - Health Services Administration 191
    - Holocaust Memorial Council 197
    - Interior, Department of:
      - Bureau of Indian Affairs 177
      - Bureau of Land Management 169
      - Bureau of Mines 176
      - Geological Survey 175
      - Minerals Management Service 176
      - National Park Service 173
      - Office of the Inspector General 182
      - Office of the Secretary 182
      - Office of the Solicitor 182
      - Office of Surface Mining Reclamation and Enforcement 176
      - Office of Water Policy 182
      - United States Fish and Wildlife Service 171
    - Joint Federal-State Land Use Planning Commission for Alaska (*See* Permanent trust funds.)
    - National Capital Planning Commission 196
    - National Foundation for the Arts 194
    - National Foundation for the Humanities 195

Page

Appropriations acts, departments and agencies within—Continued
- Interior, Department of, and related agencies (including)—Continued
  - Pennsylvania Avenue Development Corporation 196
  - Treasury, Department of 197
- Labor, Health and Human Services, and Education, and related agencies (*See* appended note.) 203
- Legislative Branch:
  - Architect of the Capitol 213, 217
  - Botanic Garden 215
  - Congressional Budget Office 213
  - Copyright Office 216
  - Copyright Royalty Tribunal 217
  - General Accounting Office 218
  - Government Printing Office 215, 217
  - House of Representatives 208
  - Joint items 210
  - Library of Congress 215, 216
  - Office of Technology Assessment 213
  - Senate 205
- Military Construction 223
- Supplementals, 1982:
  - Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
  - Urgent Supplemental Appropriations Act, 1982 (*See* Urgent Supplemental Appropriations Act.)
  - Urgent Supplemental for the Department of Agriculture, 1982 (*See* Urgent Supplemental for the Department of Agriculture.)
  - Urgent Supplemental for the Department of Labor (*See* Urgent Supplemental for the Department of Labor.)
- Transportation and Related Agencies 229
  - Coast Guard 230
  - Federal Aviation Administration 232
  - Federal Highway Administration 234
  - Federal Railroad Administration 236
  - National Highway Traffic Safety Administration 236
  - Office of the Inspector General 241
  - Office of the Secretary 229
  - Related agencies:
    - Architectural and Transportation Barriers Compliance Board 241
    - Civil Aeronautics Board 241
    - Interstate Commerce Commission 242
    - National Transportation Safety Board 241
    - Panama Canal Commission 242
    - Treasury, Department of the:
      - Secretary, Office of the 243
    - U.S. Railway Association 243
    - Washington Metropolitan Area Transit Authority 244
  - Research and Special Programs Administration 240
  - Saint Lawrence Seaway Development Corporation 240
  - Urban Mass Transportation Administration 239

Page

Appropriations acts, departments and agencies within—Continued
- Treasury, Postal Service, and General Government (*See* appended note.) 251

Appropriations and estimates:
- I. Appropriations made during the second session of the Ninety-seventh Congress in regular annual, supplemental, continuing and miscellaneous appropriation acts; rescision acts; deferral resolutions; and major acts authorizing appropriations 1
- II. Permanent appropriations—
  - Federal funds 1407
    - Recapitulation 1417
- III. Permanent appropriations—
  - Trust funds 1419
    - Recapitulation 1431
- IV. Recapitulation of appropriations by acts, irrespective of fiscal years, 97th Congress, 2d session 1433
- IVa. Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1437
- V. Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1444
- VI. Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts, 97th Congress, 2d session 1451
- VIa. Comparison of budget estimates and contract authorizations carried in appropriation acts, 97th Congress, 2d session 1453
- VIb. Comparison of budget estimates and appropriations to liquidate contract authorizations, 97th Congress, 2d session 1455
- VII. Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 97th Congress 1457
- VIII. Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1459
- VIIIa. Recapitulation of itemized estimates and new budget (obligational) authority, 97th Congress, 2d session 1557
- VIIIb. Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983, arranged by departments and establishments, 97th Congress, 2d session 1565
- VIIIc. Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies, 97th Congress, 2d session 1571

Appropriations and estimates—Continued Page
VIIId. Comparison of budget estimates, appropriations, and rescissions, fiscal year 1984, arranged by agencies, 97th Congress, 2d session 1573
VIIIe. Comparison of budget estimates, appropriations, and rescissions, fiscal year 1985, arranged by agencies, 97th Congress 2d session 1575
VIIIf. Recapitulation of comparison of budget estimates, appropriations, and rescissions, 97th Congress, 2d session 1577
VIIIg. Summary of estimates not considered, by fiscal years, arranged by departments and establishments, 97th Congress, 2d session 1579
VIIIh. Rescissions of appropriations considered during the 2d session of the 97th Congress, arranged by departments and establishments 1581
VIIIi. Deferrals of budget authority and outlays arranged by departments and establishments, 97th Congress, 2d session 1583
VIIIj. Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments, 97th Congress, 2d session 1585
IX. Comparison of budget estimates and appropriations, by sessions of Congress 1595
X. Total appropriations by sessions of Congress 1603
Appropriations made during the second session of the 97th Congress in regular annual, supplemental, continuing and miscellaneous appropriation acts and major acts authorizing appropriations (*See* appropriations and estimates.)
Architect of the Capitol (*See* Legislative Branch.)
Architectural and Transportation Barriers Compliance Board:
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1545
Salaries and expenses 241
Archives and Records Service, National (*See* General Services Administration.)
Arlington National Cemetery (*See* Cemeterial expenses under Department of Defense—Civil.)
Armed Forces (*See* Defense, Department of—Military.)

Arms Control and Disarmament Agency, U.S.: Page
Activities 122
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1505
Army, Department of the (*See also* Defense, Department of—Military.)
Permanent trust funds 1422
Recapitulation 1431
Army National Guard (*See* Defense, Department of—Military.)
Arthritis, Diabetes, Digestive, and Kidney Diseases (*See* National Institute of.)
Asian Development Bank (*See* international financial institutions under Funds Appropriated to the President, Foreign Assistance.)
Atomic energy information (*See* Nuclear Regulatory Commission.)
Atomic energy programs (*See* Defense activities under Energy, Department of.)
Attorney General (*See* Justice, Department of.)
Attorneys, U.S. (*See* Justice, Department of.)
Authorizations (*See* Appropriations and authorizations.)
Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 97th Congress, table VII, (*See* Acts: Appropriations and estimates.)
Automated Data and Telecommunications Service (*See* General Services Administration.)
Aviation (*See* Defense, Department of; Civil Aeronautics Board; Federal Aviation Administration under Transportation; National Aeronautics and Space Administration.)
Aviation Insurance Revolving Fund (*See* Federal Aviation Administration under Transportation, Department of.)

B

Bakery (*See* General provisions, under Defense, Department of.)
Bank (*See* name of bank under Treasury, Department of; State, Department of.)
Beekeeper Indemnity Program (*See* Corporations under Agriculture.)
Beltsville, MD, facilities (*See* ARS under Agriculture, Department of.)
Binding (*See* Government Printing Office under Legislative Branch.)

Page

Blind (*See also* Committee for Purchase; National Institute of Neurological and Communicative Disorders and Stroke under HHS.)
  American Printing House for (*See* American Printing House for the Blind under HHS.)
Board for International Broadcasting:
  Grants and expenses ... 123
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1505
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Boating:
  National recreational (*See* Coast Guard under Transportation.)
Bonneville Power Administration (*See* Power Marketing Administration under Energy, Department of.)
Books:
  Blind and physically handicapped (*See* Library of Congress under Legislative Branch.)
  General collections (*See* Library of Congress under Legislative Branch.)
  Law library (*See* Library of Congress under Legislative Branch.)
Botanic Garden (*See* Legislative Branch.)
Broadcasting (*See* Corporation for Public Broadcasting.)
Budget authority rescission bills (*See* itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts.)
Budget estimates (*See* Appropriations and estimates.)
Buildings and facilities (*See* under specific department or agency.)
Bureaus (*See* name of bureau.)
Buy American, provision on (*See* General provisions under Defense.)

C

California (*See* Oregon and California grant lands under Interior.)
Cambodia, Vietnam, and Laos, special assistance to refugees from (*See* Social Security Administration under Health and Human Services, Department of.)
Canada and United States:
  Boundary Commission (*See* International Boundary Commission.)
  St. Lawrence Seaway Development Corporation (*See* Transportation, Department of.)
Canal (*See* Panama Canal Commission.)
Canal Zone Government (*See* Panama Canal Commission.)
Cancer Institute, National (*See* National Cancer Institute under HHS.)

Page

Capitol Buildings and Grounds (*See* Architect of the Capitol under Legislative Branch.)
Capitol Guide Service (*See* Legislative Branch.)
Capitol Police (*See* Legislative Branch.)
Catalog cards (*See* Library of Congress under Legislative Branch.)
Cemeteries:
  Arlington National Cemetery (*See* Defense, Department of—Civil.)
  American Battle Monuments Commission (*See* American Battle Monuments.)
  Soliders' and Airmen's Home (*See* Defense, Department of—Civil.)
Census, Bureau of (*See* Commerce, Department of.)
Center for Disease Control (*See* HHS, Department of.)
Central Intelligence Agency:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
Chaplain:
  House of Representatives (*See* House of Representatives under Legislative Branch.)
  Senate (*See* Senate under Legislative Branch.)
Child nutrition programs (*See* Food and Nutrition Service under Agriculture.)
Child Health and Human Development (*See* National Institutes of Health under HHS.)
Chronological history of regular annual and supplemental appropriation bills, table V (*See* Appropriations and estimates, and under specific department).
Chrysler Corporation Loan Guarantee Program:
  Administrative expenses ... 111
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1501
CIA Retirement and Disability System Fund:
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1509
Civil Aeronautics Board:
  Increased pay costs ... 69
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1545
  Payments to air carriers ... 242
  Salaries and expenses ... 241
  Urgent Supplemental Appropriations Act, 1982 ... 12
Civil defense, Department of Defense (*See* Department of Defense—Civil.)

Page

Civil defense and defense mobilization functions of Federal agencies (*See* Civil defense, Department of Defense.)

Civil functions, Department of the Army, Corps of Engineers (*See* Defense, Department of—Civil.)

Civil Rights, Commission on:

  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)

  Increased pay costs 69

  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1503

  Salaries and expenses 117

Civil Rights, Office for (*See* Departmental management under HHS.)

Civil Service Retirement and Disability Fund, payment to (*See* Personnel Management, Office of.)

Civilian Health and Medical Program of the Uniformed Services [CHAMPUS] (*See* Defense agencies under Defense, Department of—Military.)

Claims:

  Damage (*See* under specific department or agency.)

  Defense, Department of (*See* Defense, Department of.)

  District of Columbia (*See* District of Columbia.)

  Foreign (*See* Foreign Claims Settlement Commission.)

  Indian (*See* Indian Claims Commission.)

Clerk of the House of Representatives (*See* House of Representatives: Legislative.)

Coal miners, special benefits to disabled (*See* Social Security Administration under HHS.)

Coast Guard (*See* Transportation, Department of.)

Coastal Engineering Research Center (*See* General expenses under Department of Defense—Civil.)

Coastal Zone Management (*See* National Oceanic and Atmospheric Administration under Commerce, Department of.)

Code of Federal Regulations (*See* Printing and binding under Government Printing Office: Legislative.)

Commerce, Department of—Title I:

  Acts relating to:

    Communications Act of 1934, amendments to 431

    Louisiana World Exposition, U.S. participation in 426

    National Bureau of Standards authorization for 1983 442

    Patent and Trademark Office, authorization of appropriations 421

Commerce, Department of—Title I—Con. Page

  Acts relating to—Continued

    Small business innovation development 417

    U.S. International Trade Commission, U.S. Customs Service, and Office of U.S. Trade Representative, authorization of appropriations for 444

  Census, Bureau of:

    Increased pay costs 62

    Periodic censuses and programs 105

    Permanent trust funds 1421

      Recapitulation 1431

    Salaries and expenses 105

  Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1444

  Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1437

  Comparison of budget estimates and appropriations by sessions of Congress 1595

  Comparison of budget estimates, appropriations, and rescissions, by fiscal years arranged by departments and establishments 1585

  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571

  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983, arranged by departments and establishments 1565

  Deferrals of budget authority and outlays arranged by departments and establishments 1583

  Economic and Statistical Analysis:

    Increased pay costs 62

    Permanent trust funds 1421

      Recapitulation 1431

    Salaries and expenses 106

  Economic Development Administration:

    Economic development assistance programs 106

    Salaries and expenses 106

  Energy Research and Technology Administration:

    Permanent trust funds 1422

      Recapitulation 1431

  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)

  General administration:

    Increased pay costs 62

    Permanent trust funds 1421

      Recapitulation 1431

    Salaries and expenses 105

  General provisions (*See also* General provisions, comprehensive reference.) 109

  Industry and Trade Administration:

    Permanent trust funds 1421

Commerce, Department of—Title I—Con. Page
International Trade Administration:
  Operations and administration ... 106
  Permanent trust funds:
    Recapitulation ... 1431
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts ... 1500
Judiciary, the (*See* Judiciary, the.)
Minority Business Development Agency:
  Minority business development ... 107
National Oceanic and Atmospheric Administration:
  Coastal zone management ... 108
  Fishermen's Contingency Fund ... 108
  Fishermen's Guarantee Fund ... 108
  Fishing Vessel and Gear Damage Compensation Fund ... 108
  Foreign Fishing Observer Fund ... 108
  Increased pay costs ... 62
  Operations, research, and facilities ... 108
  Permanent trust funds ... 1421
    Recapitulation ... 1431
National Telecommunications and Information Administration:
  Public telecommunications facilities, planning and construction ... 109
  Salaries and expenses ... 109
Patent and Trademark Office:
  Increased pay costs ... 62
  Salaries and expenses ... 109
Permanent trust funds ... 1421
  Recapitulation ... 1431
Recapitulation of appropriations by acts, irrespective of fiscal years ... 1433
Recapitulation of itemized estimates and new budget (obligational) authority ... 1557
Related agencies:
  Department of Transportation (*See* Transportation, Department of—Maritime Administration.)
  Department of the Treasury (*See* Treasury, Department of:
    Chrysler Corporation Loan Guarantee Program (*See* Chrysler Corporation Loan Guarantee Program.)
    Federal Communications Commission (*See* Federal Communications Commission.)
    Federal Maritime Commission (*See* Federal Maritime Commission.)
    Federal Trade Commission (*See* Federal Trade Commission.)
    International Trade Commission (*See* International Trade Commission.)
    Marine Mammal Commission (*See* Marine Mammal Commission.)
    Office of U.S. Trade Representative (*See* Office of U.S. Trade Representative.)
    Securities and Exchange Commission (*See* Securities and Exchange Commission.)

Commerce, Department of—Title I—Con. Page
Related agencies—Continued
  Department of the Treasury (*See* Treasury, Department of—Con.
    Small Business Administration (*See* Small Business Administration.)
Science and Technical Research:
  Permanent trust funds ... 1422
    Recapitulation ... 1431
  Scientific and technical research and services ... 109
Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Total appropriations by sessions of Congress ... 1603
Urgent Supplemental Appropriations Act, 1982 ... 13
U.S. Travel and Tourism Administration:
  Salaries and expenses ... 107
Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations bill, 1983 ... 105
[NOTE.—The following bill is a copy of S. 2956 as reported on September 24, 1982, by the Committee on Appropriations of the Senate. The House bill, H.R. 6957, was reported by the Committee on Appropriations of the House on August 10, 1982, and passed the House on December 9, 1982, but was not considered by the Senate. Funding of items in the Senate bill, with certain adjustments as noted, is provided for the fiscal year ending September 30, 1983 under sec. 101(d) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations, 1983. (For specific exceptions to the bill below, see pp. 310–321 for text of continuing resolution and pp. 1500–1507 for the related table VIII.)]
  Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session ... 1444
  Comparison of budget estimates and appropriations by sessions of Congress ... 1595
  Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts ... 1451
  Continuing Appropriations, 1983 ... 270
  General provisions (*See also* General provisions, comprehensive reference) ... 127
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1500

Page

Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations bill, 1983—Continued
  Justice, Department of (*See* Justice, Department of.)
  Permanent Federal funds:
    Recapitulation 1417
  Recapitulation of appropriations by acts, irrespective of fiscal years 1433
  Recapitulation of itemized estimates and new budget (obligational) authority 1557
  State, Department of (*See* State, Department of.)
  Treasury, Department of the (*See* Treasury, Department of the.)
  Total appropriations by sessions of Congress 1603
Commissary stores, general provisions on (*See* Defense, Department of.)
Commission of Fine Arts (*See* Fine Arts.)
Commission on Civil Rights (*See* Civil Rights, Commission on.)
Commission on Security and Cooperation in Europe (*See* Security and Cooperation in Europe, Commission on.)
Commissioned officers, retirement pay and medical benefits (*See* Assistant Secretary for Health under HHS; Defense, Department of—Military.)
Commissions (*See also* International commission; national commission; under name of commission):
  Assay (*See* Mint, Bureau of under Treasury.)
Committee for Purchase From the Blind and Other Severely Handicapped (*See also* Blind; Handicapped):
  Increased pay costs 69
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1548
  Recapitulation of appropriations by acts, irrespective of fiscal years 1435
Committees on appropriations, listing (*See* Senate; House of Representatives under Legislative.)
Commodity Credit Corporation (*See* Agriculture, Department of.)
Commodity Futures Trading Commission:
  Increased pay costs 69
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1498
Commodity Supplemental Food Program (*See* Food Donations Program under Food and Nutrition Service: Agriculture.)

Page

Communicable diseases (*See* Diseases under National Institutes of Health: HHS.)
Community planning and development (*See* Housing and Urban Development, Department of.)
Community planning and management (*See* Housing and Urban Development, Department of.)
Community Relations Service (*See* Legal activities under Justice, Department of.)
Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983, table IVa (*See* Appropriations and estimates.)
Comparison of budget estimates and appropriations to liquidate contract authorizations, table VIb (*See* Appropriations and estimates.)
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments, table VIIIb (*See* Appropriations and estimates.)
Comparison of budget estimates and appropriations, by sessions of Congress, table IX (*See* Appropriations and estimates.)
Comparison of budget estimates and contract authorizations carried in appropriations acts, table VIa (*See* Appropriations and estimates.)
Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts, table VI (*See* Appropriations and estimates.)
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1984, arranged by agencies, table VIIId (*See* Appropriations, and estimates.)
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1985, arranged by agencies, table VIIIe (*See* Appropriations and estimates.)
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1985, arranged by agencies, table VIIIf (*See* Appropriations and estimates.)
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies, table VIIIc (*See* Appropriations and estimates.)

Page
Comparison of budget estimates, appropriations, and rescissions, by fiscal years, arranged by departments and establishments, table VIIIj (*See* Appropriations and estimates.)
Compensation (*See* specific department or agency.)
Compilers notes II
Conferences (*See* International organizations and conferences under Foreign Operations.)
Congress (*See* House of Representatives; Senate under Legislative Branch.)
Congressional Budget Office (*See* Legislative Branch.)
Congressional Research Service (*See* Library of Congress under Legislative Branch.)
Conservation programs, Agriculture (*See* Agriculture, Department of.)
Construction, military (*See* Military construction.)
Consular Service (*See* Diplomatic and Consular Service under State, Department of.)
Consultants (*See* specific department or agency under general provisions.)
Consumer Affairs, Office of 156
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1522
  Recapitulation of appropriations by acts, irrespective of fiscal years 1434
Consumer Information Center (*See* General Services Administration.)
Consumer Product Safety Commission:
  Increased pay costs 69
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1521
  Recapitulation of appropriations by acts, irrespective of fiscal years 1434
  Salaries and expenses 152
Contents VII
Contingencies, defense (*See* Defense, Department of—Military.)
Continuing Appropriations:
  Chronological history of regular annual and supplemental appropriations bills, 97th Congress, 2d session 1448
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1550
  Recapitulation of appropriations by acts, irrespective of fiscal years 1435
  Recapitulation of itemized estimates and new budget (obligational) authority 1559
Contracts and agreements (*See* specific department or agency.)
Page
Cooperative State Research Service (*See* Agriculture, Department of.)
Coos Bay Wagon Road grant lands (*See* Administrative provisions under Interior.)
Copyright Office (*See* Library of Congress under Legislative Branch.)
Copyright Royalty Tribunal (*See* Legislative Branch.)
Corporation for Public Broadcasting:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1534
  Permanent Federal funds 1416
    Recapitulation 1418
  Urgent Supplemental Appropriations Act, 1982 7
Corporations, Government (*See* Government corporations.)
Corps of Engineers (*See* Defense, Department of—Civil.)
Council of Economic Advisers (*See* Executive Office of the President.)
Council on Environmental Quality and Office of Environmental Quality:
  Acts relating to (*See* Energy programs, acts relating to.)
  Increased pay costs 60
  Recapitulation of appropriations by acts, irrespective of fiscal years 1434
  Salaries and expenses 154
Council on Wage and Price Stability (*See* Executive Office of the President, Treasury.)
Counsel:
  Court appointed (*See* Courts of Appeals under Judiciary, the.)
Court of Claims (*See* Judiciary, the.)
Court of Customs and Patent Appeals (*See* Judiciary, the.)
Court of Military Appeals (*See* Defense, Department of—Military.)
Courts (*See also* Administrative Office, U.S. Courts; Judiciary; Names of courts.):
  District of Columbia (*See* District of Columbia.)
  Military (*See* Department of Defense—Military.)
Courts of Appeals, district courts and other judicial services (*See* Judiciary, the.)
Crop insurance (*See* Federal Crop Insurance Corporation under Agriculture.)
Cuban refugee assistance (*See* Refugee assistance, Social Security Administration under Health and Human Services, Department of.)
Customs and Patent Appeals, Court of (*See* Judiciary, the.)
Customs Court (*See* Judiciary, the.)

D

Page

- **Dairy and beekeeper indemnity programs (*See* Agricultural Stabilization and Conservation Service under Agriculture, Department of.)**
- **Deaf:**
  - Gallaudet College (*See* Special institutions under HHS.)
  - National Technical Institute for the Deaf (*See* Special institutions under HHS.)
- **Defender organizations, operation (*See* Judiciary, the.)**
- **Defense, Civil (*See* Civil Defense.)**
- **Defense, Department of—Civil:**
  - Army, Department of:
    - Cemeterial expenses, Army:
      - Increased pay costs ... 64
    - Corps of Engineers—Civil:
      - Increased pay costs ... 63
      - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts ... 1514
      - Permanent Federal funds ... 1410
        - Recapitulation ... 1417
      - Permanent trust funds ... 1423
        - Recapitulation ... 1431
    - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts ... 1521
    - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1514
    - Recapitulation of appropriations by acts, irrespective of fiscal years ... 1434
    - Salaries and expenses ... 152
  - Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 ... 1437
  - Comparison of budget estimates and appropriations by sessions of Congress ... 1595
  - Comparison of budget estimates and appropriations, fiscal year 1983, arranged by departments and establishments ... 1565
  - Comparison of budget estimates, appropriations, and rescissions, by fiscal years arranged by departments and establishments ... 1585
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies ... 1571
  - Increased pay costs ... 63
  - Permanent Federal funds ... 1410
    - Recapitulation ... 1417
  - Permanent trust funds ... 1423
    - Recapitulation ... 1431
  - Soldiers' and Airmen's Home (*See* Soldiers' and Airmen's Home.)
  - Total appropriations by sessions of Congress ... 1603

Page

- **Defense, Department of—Civil—Continued**
  - Urgent Supplemental Appropriations Act, 1982 ... 15
- **Defense, Department of—Military:**
  - **[NOTE.—The Department of Defense Appropriation Bill, 1983 (H.R. 7355), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on December 2, 1982, and was passed by the House on December 8, 1982, but was not considered by the Senate. S. 2951 was reported by the Senate Committee on Appropriations on September 23, 1982, but was not passed by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(c) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see pp. 280-310 for text of relevant part of Public Law 97-377, and pp. 1508-1511 for the related table VIII showing estimates and funding levels by appropriation account.)]**
  - Acts relating to:
    - Arms Control and Disarmament Amendments Act of 1982 ... 570
    - Department of Defense Authorization Act, 1983 ... 468
    - Intelligence and intelligence-related activities, authorization of appropriations for ... 506
    - Military Construction Authorization Act, 1983 ... 543
    - Military Construction Codification Act, revise and codify ... 447
    - Military Personnel and Civilian Employees Claims Act, amendments to ... 468
    - U.S. Code titles 10, 14, 37, and 38, amendments to ... 518
  - Air Force, Department of:
    - Permanent trust funds ... 1423
      - Recapitulation ... 1431
  - Army, Department of:
    - Permanent trust funds ... 1422
      - Recapitulation ... 1431
  - Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session ... 1444
  - CIA Retirement and Disability System Fund (*See* CIA Retirement and Disability System Fund.)

Defense, Department of—Military—Continued Page
Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 ... 1437
Comparison of budget estimates and appropriations by sessions of Congress ... 1595
Comparison of budget estimates and appropriations, fiscal year 1983 arranged by departments and establishments ... 1566
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies ... 1571
Comparison of budget estimates, appropriations, and rescissions, by fiscal years arranged by departments and establishments ... 1586
Continuing Appropriations, 1983 ... 258
Family housing:
Increased pay costs ... 63
Permanent Federal funds ... 1409
Recapitulation ... 1417
Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
General provisions—Title VII (*See* General provisions, comprehensive reference.)
Increased pay costs ... 63
Intelligence community staff (*See* Intelligence community staff.)
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts ... 1508
Military personnel:
Increased pay costs ... 63
Navy, Department of:
Permanent trust funds ... 1422
Recapitulation ... 1431
Operation and maintenance:
Increased pay costs ... 63
Permanent trust funds ... 1422
Recapitulation ... 1431
Recapitulation of appropriations by acts, irrespective of fiscal years ... 1433
Recapitulation of itemized estimates and new budget (obligational) authority ... 1557
Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Total appropriations by sessions of Congress ... 1603
Defense agencies (*See* Defense, Department of—Military; Military Construction.)
Defense Civil Preparedness Agency (*See* Defense, Department of—Military.)
Defense communications (*See* Intelligence and communications activities under Defense agencies.)
Defense Contract Audit Agency (*See* Defense, Department of—Military.) Page
Defense intelligence (*See* Intelligence and communications activities under Defense agencies.)
Defense Investigative Service (*See* Defense, Department of—Military.)
Defense Mapping Agency (*See* Defense, Department of—Military.)
Defense mobilization (*See* Emergency preparedness under Defense, Department of—Civil.)
Defense Nuclear Agency (*See* Defense, Department of—Military.)
Defense Production Act (*See* Defense Production Act under General Services Administration.)
Defense Supply Agency (*See* Defense, Department of—Military.)
Deferral resolutions:
H. Res. 411 (Energy) ... 391
H. Res. 474 (Interior) ... 391
H. Res. 475 (Interior) ... 392
H. Res. 476 (Interior) ... 392
H. Res. 479 (Energy) ... 393
H. Res. 493 (Interior) ... 393
H. Res. 494 (Interior) ... 394
Deferrals (*See* Rescissions and deferrals of budget authority, cumulative report on.)
Deferrals of budget authority and outlays arranged by departments and establishments, table VIIIi (*See* Appropriations and estimates.)
Delaware River Basin Commission:
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1514
Recapitulation of appropriations by acts, irrespective of fiscal years ... 1433
Dental health (*See* National Institute of Dental Research under HHS.)
Development assistance (*See* Economic assistance, Funds Appropriated to the President under Foreign Assistance.)
Disabled (*See* Handicapped.)
Disarmament (*See* Arms Control and Disarmament Agency.)
Disaster:
Assistance (*See* Funds Appropriated to the President.)
Loan fund (*See* Small Business Administration.)
Relief (*See* Funds Appropriated to the President.)
District Courts:
Commissioners (*See* under Commission.)
Counsel and Defender Organization (*See* Judiciary, the.)
Counsel fees (*See* Judiciary, the.)
Judges (*See* Judiciary, the.)

District Courts—Continued Page
Jurors (*See* Judiciary, the.)
Magistrates (*See* Judiciary, the.)
Referees (*See* Judiciary, the.)
District of Columbia Appropriation Act, 1983:
Acts relating to:
D.C. Self-Government and Governmental Reorganization Act, amendment to increase Federal payment to 575
D.C. Self-Government and Governmental Reorganization Act, amendment to finance college and university programs 574
District of Columbia property use for an international center, amend Public Law 90-553 to authorize 573
Capital outlay 137
Chronological history of regular annual and supplemental appropriations bills, 97th Congress, 2d session 1444
Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1437
Comparison of budget estimates and appropriations by sessions of Congress 1595
Comparison of budget estimates and appropriations fiscal year 1983, arranged by departments and establishments 1566
Comparison of budget estimates, appropriations, and rescissions, by fiscal years arranged by departments and establishments 1587
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571
Continuing Appropriations, 1983 264
Division of expenses 134
Economic development and regulation 134
Energy adjustment 137
Environmental services and supply 136
Federal payment to the District of Columbia 133
General provisions (*See also* General provisions, comprehensive reference.) 139
Governmental direction and support 134
General fund deficit, repayment of 137
Human support services 136
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1512
Loans and interest, repayment of 137
Loans to the District of Columbia for capital outlay 134
Lottery and Charitable Games Enterprise Fund 138
Permanent Federal funds:
Recapitulation 1418
Personal services 136
Public education system 135
Public safety and justice 135

District of Columbia Appropriation Act, 1983—Continued Page
Recapitulation of appropriations by acts, irrespective of fiscal years 1433
Recapitulation of itemized estimates and new budget (obligational) authority 1558
Rescissions of appropriations considered during the 2d session of the 97th Congress, arranged by departments and establishments 1581
Special crime initiative 133
Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Total appropriations by sessions of Congress 1603
Transportation services and assistance 136
Washington Convention Center Enterprise Fund 138
Water and Sewer Enterprise Fund 138
Documents (*See* Government Printing Office under Legislative Branch.)
Documents, Superintendent of (*See* Government Printing Office; Superintendent of Documents under Legislative Branch.)
Domestic policy staff (*See* Executive Office of the President, Treasury.)
Doorkeeper:
House of Representatives (*See* House of Representatives' under Legislative Branch.)
Senate (*See* Senate: Sergeant at Arms under Legislative Branch.)
Drug Enforcement Administration (*See* Justice, Department of.)

E

Economic Advisers, Council of (*See* Executive Office of the President, Treasury.)
Economic and Statistical Analysis, Bureau of (*See* Commerce, Department of.)
Economic Committee (*See* Joint Economic Committee under Legislative Branch.)
Economic Development Administration (*See* Commerce, Department of.)
Economics, Statistics, and Cooperative Service (*See* Agriculture, Department of.)
Education, Department of—Title III:
Acts relating to:
National Museum of African Art and Eastern Art Center, authorization to construct building for 577
Student Financial Assistance Technical Amendments Act of 1982 578
Chronological history of regular annual and supplemental appropriations bills, 97th Congress, 2d session 1446
Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1438

Education, Department of—Title III—Con. Page
  Comparison of budget estimates and appropriations by sessions of Congress 1595
  Comparison of budget estimates, appropriations, and rescissions by fiscal years, arranged by departments and establishments 1588
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983, arranged by departments and establishments 1566
  Continuing Appropriations, 1983 269
  Elementary and secondary education:
    Indian education 192
    Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1526
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Increased pay costs 64
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1533
  Permanent Federal funds:
    Recapitulation 1417
  Recapitulation of appropriations by acts, irrespective of fiscal years 1434
  Recapitulation of itemized estimates and new budget (obligational) authority 1558
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
  Total appropriations by sessions of Congress 1603
  Urgent Supplemental Appropriations Act, 1982 6
Educational exchange (*See* Education, Department of.)
Elderly:
  Feeding Program (*See* Food and Nutrition Service under Agriculture.)
  Housing for (*See* Housing and Urban Development, Department of.)
Elementary and secondary education (*See* Education, Department of.)
Emergency Fund for the President (*See* Funds Appropriated to the President, Treasury.)
Emergency school aid (*See* Education, Department of.)
Employees of the United States (*See* Personnel management, Office of; Advisory Committee on Federal Pay.)
Employment and employees (*See* specific department or agency.)
Employment and Training Administration (*See* Labor, Department of.)
Employment Standards Administration (*See* Labor, Department of.) Page
Energy and Water Development Appropriation bill, 1983:
  [NOTE.—The Energy and Water Development Appropriation Bill, 1983 (H.R. 7145), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 21, 1982, but was not considered by the House. No action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(f) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see p. 347 for text of relevant part of Public Law 97-377, and pp. 1513-1515 for the related table VIII showing estimates and funding levels by appropriation account).]
  Continuing Appropriations, 1983 261
  Energy acts (*See* Energy programs, acts relating to.)
  General provisions (*See* General provisions, comprehensive reference.)
Energy, Department of (*See also* Interior, Department of.)
  Administrative provisions 189
  Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1444
  Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1438
  Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts 1451
  Comparison of budget estimates and appropriations by sessions of Congress 1595
  Comparison of budget estimates, appropriations, and rescissions by fiscal years, arranged by departments and establishments 1588
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983, arranged by departments and establishments 1566

Energy, Department of (*See also* Interior, Department of.)—Continued Page
  Continuing Appropriations, 1983 265
  Deferral resolutions (*See* Deferral resolutions.)
  Deferrals of budget authority and outlays arranged by departments and establishments 1583
  Economic regulation 188
  Energy conservation 188
  Energy Information Administration 189
  Fossil energy research and development 188
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1513
  Naval petroleum and oil shale reserves 188
  Permanent Federal funds 1410
    Recapitulation 1417
  Recapitulation of appropriations by acts, irrespective of fiscal years 1433
  Recapitulation of itemized estimates and new budget (obligational) authority 1558
  Reclamation, Bureau of:
    Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1514
    Permanent Federal funds:
      Recapitulation 1418
    Permanent trust funds 1425
      Recapitulation 1432
  SPR petroleum account 189
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
  Title V—General provisions (*See* General provisions, comprehensive reference.)
  Total appropriations by sessions of Congress 1603
Engineer Corps, Army (*See* Department of Defense—Civil: Corps of Engineers.)
Engraving and Printing, Bureau of (*See* Treasury, Department of the.)
Environmental health sciences (*See* National Institutes of Health under HHS.)
Environmental Protection Agency:
  Abatement, control, and compliance 153
  Administrative provision 154
  Buildings and facilities 153
  Comparison of budget estimates and appropriations by sessions of Congress 1595
  Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1438
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1588
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571

Environmental Protection Agency—Continued Page
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments 1566
  Construction grants 154
  Hazardous Substance Response Trust Fund 153
    Payment to 153
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1521
  Recapitulation of appropriations by acts, irrespective of fiscal years 1434
  Research and development 153
  Salaries and expenses 152
  Total appropriations by sessions of Congress 1603
  Urgent Supplemental Appropriations Act, 1982 9
Equal Employment Opportunity Commission:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Increased pay costs 69
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1503
  Salaries and expenses 117
Estimates (*See* Appropriations and estimates.)
Executive Office of the President (*See also* Funds Appropriated to the President):
  Administration, Office of:
    Increased pay costs 61
  Continuing Appropriations, 1983 270
  Council on Environmental Quality and Office of Environmental Quality (*See* Council on Environmental Quality and Office of Environmental Quality.)
  Economic Advisers, Council of:
    Increased pay costs 60
  Executive residence:
    Increased pay costs 60
  Federal Procurement Policy, Office of:
    Increased pay costs 61
  Increased pay costs 60
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1521, 1547
  Management and Budget, Office of:
    Increased pay costs 61
  National Security Council:
    Increased pay costs 61
  Office of Policy Development:
    Increased pay costs 60
  Office of Science and Technology Policy (*See* Science and Technology Policy, Office of.)
  Permanent trust funds (*See* Funds Appropriated to the President.)
  President:
    Increased pay costs 60

Page

- **Executive Office of the President (*See also* Funds Appropriated to the President)—Continued**
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1435
  - Special Representative for Trade Negotiations, Office of (*See* Special Representative for Trade Negotiations, Office of.)
  - Supplemental Appropriations and Rescission Act, 1981 (*See* Supplemental Appropriations and Rescission Act.)
  - U.S. Trade Representative:
    - Increased pay costs 61
  - White House Office:
    - Increased pay costs 60
- **Executive residence (*See* Executive Office of the President, Treasury.)**
- **Exhibits (*See* under Commerce, Department of; United States Information Agency.)**
- **Export-Import Bank of the United States:**
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1518
- **Extension Service (*See* Agriculture, Department of.)**
- **Eye Institute (*See* National Institutes of Health under HHS.)**

F

- **Family housing, Defense (*See* Military construction.)**
- **Farm Credit Administration:**
  - Increased pay costs 69
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1498
- **Farmers Home Administration (*See* Agriculture, Department of.)**
- **Federal-aid highways (trust fund) (*See* Federal Highway Administration under Transportation.)**
- **Federal Aviation Administration (*See* Transportation, Department of.)**
- **Federal Bureau of Investigation (*See* Justice, Department of.)**
- **Federal City College (*See* Education under District of Columbia.)**
- **Federal Communications Commission:**
  - Increased pay costs 69
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1501
  - Salaries and expenses 111
- **Federal Crop Insurance Corporation (*See* Agriculture, Department of.)**
- **Federal Deposit Insurance Corporation (*See* Government Corporations.)**
- **Federal Disaster Assistance Administration (*See* Funds Appropriated to the President, HUD.)**

Page

- **Federal Election Commission:**
  - Increased pay costs 70
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1548
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1435
- **Federal Emergency Management Agency:**
  - Disaster relief 154
  - Emergency planning and assistance 155
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1521
  - National Flood Insurance Fund 155
  - Permanent Federal funds 1416
    - Recapitulation 1418
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1434
  - Salaries and expenses 155
  - State and local assistance 155
- **Federal employees (*See* Personnel Management, Office of.)**
- **Federal Energy Regulatory Commission:**
  - Permanent Federal funds 1416
    - Recapitulation 1418
- **Federal funds (*See* Appropriations and estimates.)**
- **Federal Grain Inspection Service (*See* Agriculture, Department of; Agricultural Programs—Title I.)**
- **Federal Highway Administration (*See* Transportation, Department of.)**
- **Federal Home Loan Bank Board:**
  - Administrative and nonadministrative expenses, limitation 162
  - Federal Savings and Loan Insurance Corporation (*See* Federal Savings and Loan Insurance Corporation.)
  - Increased pay costs 70
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1523
- **Federal Housing Administration (*See* Housing and Urban Development.)**
- **Federal Inspector for the Alaska Gas Pipeline:**
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1527
  - Permitting and enforcement 197
  - Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
- **Federal Insurance Administration (*See* Housing and Urban Development, Department of.)**
- **Federal Judicial Center (*See* Judiciary, the.)**
- **Federal Labor Relations Authority:**
  - Increased pay costs 70
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1549

Page

Federal Labor Relations Authority—Con.
  Recapitulation of appropriations by acts, irrespective of fiscal years 1435
Federal Law Enforcement Training Center (*See* Treasury, Department of the.)
Federal Maritime Commission:
  Increased pay costs 70
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1501
  Salaries and expenses 111
Federal Mediation and Conciliation Service:
  Further continuing appropriations 1983 (*See* Further continuing appropriations, 1983.)
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1534
Federal Mine Safety and Health Review Commission:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Increased pay costs 70
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1534
Federal Old-Age and Survivors Insurance Trust Fund (*See* Social Security Administration under HHS.)
Federal Prison Industries, Inc. (*See* Federal prison system under Justice, Department of.)
Federal prison system (*See* Justice, Department of.)
Federal Procurement Policy, Office of (*See* Executive Office of the President, Treasury.)
Federal Railroad Administration (*See* Transportation, Department of.)
Federal Register (*See* Printing and binding under Government Printing Office: Legislative Branch.)
Federal Savings and Loan Insurance Corporation:
  Administrative expenses, limitation on 163
  Increased pay costs 70
Federal Supply Service (*See* General Services Administration, Treasury.)
Federal Telecommunications Fund (*See* Automated Data and Telecommunications Service under GSA.)
Federal Trade Commission:
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1501
  Salaries and expenses 111

Page

Fees:
  Commissioners (*See* under specific Commission.)
  Jurors (*See* Judiciary, the.)
Fees and expenses of witnesses (*See* Legal activites under Justice, Department of.)
Fine Arts, Commission of:
  Increased pay costs 69
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1527
  Salaries and expenses 196
Fire: Forest (*See* Forest protection and utilization under Forest Service.)
Fire ant (*See* Animal and Plant Health Inspection Service under Agriculture.)
Fish and Wildlife Service, U.S. (*See* Fish and Wildlife and Parks under Interior.)
Fish and wildlife and parks (*See* Interior, Department of.)
Fisheries Commission, International (*See* International Fisheries Commission.)
Fishermen's Guarantee Fund (*See* National Oceanic and Atmospheric Administration under Commerce, Department of.)
Fisherman's Protective Fund (*See* Treasury, Department of.)
Flood:
  Control (*See* Department of Defense—Civil; Interior, Department of.)
  Insurance (*See* Federal Insurance Administration under HUD.)
  Prevention (*See* Soil Conservation Service under Agriculture.)
Fogarty, John E., International Center for Advanced Study in the Health Sciences (*See* National Institutes of Health under HHS.)
Food and Drug Administration:
  Increased pay costs 64
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1498
Food and Nutrition Service (*See* Agriculture, Department of.)
Food Donations Program (*See* Food and Nutrition Service under Agriculture.)
Food Stamp Program (*See* Food and Nutrition Service; Inspector General, Office of, under Agriculture.)
Foreign affairs (*See* Foreign Assistance; State, Department of.)
Foreign Agricultural Service (*See* Agriculture, Department of.)

Page

Foreign Assistance and Related Programs Appropriations bill, 1983 (97th Congress, S. 3075):

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1983 (S. 3075) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the Senate on December 3, 1982, but was not acted on by the full Senate nor acted on by the House of Representatives. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(b)(1) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see pp. 278–280 for text of relevant part of Public Law 97-377, and pp. 1516–1519 for the related table VIII showing estimates and funding levels by appropriation account).]

Act relating to:
    Lebanon, to authorize humanitarian assistance for the people of 585
Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1444
Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1438
Comparison of budget estimates and appropriations by sessions of Congress 1595
Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1588
Comparison of budget estimates, appropriations, and rescissions, fiscal year arranged by departments and establishments 1567
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982 arranged by agencies 1571
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1516
Recapitulation of appropriations by acts, irrespective of fiscal years 1433

Page

Foreign Assistance and Related Programs Appropriations bill, 1983 (97th Congress, S. 3075)—Continued
    Recapitulation of itemized estimates and new budget (obligational) authority 1558
    Title V—General provisions (*See* General provisions, comprehensive reference.)
    Total appropriations by sessions of Congress 1603
Foreign Claims Settlement Commission (See Justice, Department of.)
Foreign military credit sales (*See* Foreign Assistance.)
Foreign operations (*See* Foreign Assistance.)
Foreign policy (*See* Foreign Assistance.)
Foreign service (*See* Foreign Assistance; State, Department of.)
Foreign Service Retirement and Disability Fund (*See* Funds Appropriated to the President.)
Forest Haven (*See* Human resources under District of Columbia.)
Forest Service (*See* Forest Service under Agriculture, Rural Development and Related Agencies.)
Fossil fuels (*See* Department of Energy under Interior.)
Franklin Delano Roosevelt Memorial Commission:
    Salaries and expenses 196
Funds appropriated to the President (*See also* Executive Office of the President.):
    Agency for International Development (*See* Agency for International Development.)
    Federal Emergency Management Agency:
        Emergency planning and assistance 70
        Increased pay costs 70
        State and local assistance 70
    General provisions (*See* General provisions, comprehensive reference.)
    Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1505, 1516
    Peace Corps (*See* ACTION.)
    Permanent trust funds 1420
        Recapitulation 1431
    Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
    Total appropriations by sessions of Congress 1603
Further Continuing Appropriations, 1982, Public Law 97-161, approved March 31, 1982 255

Page

Further Continuing Appropriations, 1983, Public Law 97-377, approved December 21, 1982 ... 277

[NOTE.—This joint resolution provides budget authority for six annual appropriation bills which were not enacted into law. These six bills are: (1) Commerce, Justice, 1983 (S. 2956); (2) Defense, 1983 (H.R. 7355); (3) Energy and Water, 1983 (H.R. 7145); (4) Foreign Assistance, 1983 (S. 3075); (5) Labor—HHS, 1983 (H.R. 7205); and (6) Treasury, Postal Service, 1983 (H.R. 7158). Although budget authority for these bills is provided in this joint resolution, a separate modified bill and table VIII for each are included where they would normally appear in this volume.]

- Agriculture, Rural Development, and Related Agencies Appropriation Act, 1983 ... 349
- Commerce, Justice and State, the Judiciary, and Related Agencies Appropriation Act, 1983 ... 310
  - Department of Commerce:
    - Bureau of the Census ... 311
    - Economical and Statistical Analysis ... 311
    - Economic Development Administration ... 311
    - General administration ... 310
    - General provisions ... 313
    - International Trade Administration ... 311
    - Minority Business Development Agency ... 312
    - National Oceanic and Atmospheric Administration ... 312
    - National Telecommunication and Information Administration ... 313
    - Science and technical research ... 313
    - Transportation, Department of:
      - Federal Trade Commission ... 314
      - Maritime Administration ... 314
      - Small Business Administration ... 314
    - U.S. Travel and Tourism Administration ... 312
  - Department of Justice:
    - Drug Enforcement Administration ... 316
    - Federal Bureau of Investigation ... 316
    - General administration ... 315
    - General provisions ... 317
    - Immigration and Naturalization Service ... 316
    - Interagency law enforcement ... 315
    - Legal activities ... 315
    - Related agencies:
      - Commission on Civil Rights ... 317
      - Equal Employment Opportunity Commission ... 317
      - Legal Services Corporation ... 317
  - Department of State:
    - Administration of foreign affairs ... 319

Page

Further Continuing Appropriations, 1983, Public Law 97-377, approved December 21, 1982—Continued

- Commerce, Justice and State, the Judiciary, and Related Agencies Appropriation Act, 1983—Continued
  - Department of State—Continued
    - Commission on Wartime Relocation and Internment of Civilians ... 320
    - International organization and conferences ... 320
    - U.S. Information Agency ... 320
  - The Judiciary:
    - Bankruptcy courts ... 321
  - Department of Defense:
    - General provisions (*See also* General provisions, Comprehensive reference.) ... 295
    - Military personnel ... 280
    - Operation and maintenance ... 282
    - Procurement ... 286
    - Related agencies ... 310
    - Retired military personnel ... 282
    - RDT&E ... 292
    - Special Foreign Currency Program ... 295
- Comparison of budget estimates and appropriations to liquidate contract authorizations ... 1456
- Comparison of budget estimates and contract authorizations carried in appropriation acts ... 1453
- Energy and Water Development Act, 1982. 347
- Foreign Assistance Appropriation Act of 1982 ... 278
- General provisions (*See* General provisions, comprehensive reference.)
- Housing and Urban Development, Department of:
  - Government National Mortgage Association ... 349
  - Housing programs ... 347
- Interior and Related Agencies Appropriations Act, 1983 ... 349
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts ... 1552
- Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1983:
  - Department of Education ... 336
    - Departmental management ... 341
    - General provisions ... 341
    - Office for Civil Rights ... 341
    - Special institutions ... 340
  - Department of Health and Human Services:
    - Alcohol, Drug Abuse, and Mental Health Administration ... 329
    - Assistant Secretary for Health ... 330
    - Assistant Secretary for Human Development Services ... 333
    - Centers for Disease Control ... 327
    - Departmental management ... 334

Page

Further Continuing Appropriations, 1983, Public Law 97-377, approved December 21, 1982—Continued
- Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1983—Continued
  - Department of Health and Human Services—Continued
    - General provisions 335
    - Health Care Financing Administration 331
    - Health Resources Administration 329
    - Health Services Administration 326
    - National Institutes of Health 327
    - Office of Community Services 334
    - Social Security Administration 331
  - Department of Labor:
    - Bureau of Labor Statistics 326
    - Departmental management 326
    - Employment and Training Administration 321
    - Employment Standards Administration 323
    - General provisions 326
    - Labor-Management Services Administration 322
    - Occupational Safety and Health Administration 323
    - Pension Benefit Guarantee Corporation 322
  - General provisions (*See also* General provisions, Comprehensive reference.) 345
  - Related agencies:
    - ACTION 342
    - Corporation for Public Broadcasting 342
    - Federal Mediation and Conciliation Service 343
    - Federal Mine Safety and Health Review Commission 343
    - National Commission on Libraries and Information Science 343
    - National Commission on Student Financial Assistance 343
    - National Labor Relations Board 343
    - National Mediation Board 343
    - Occupational Safety and Health Review Commission 344
    - Railroad Retirement Board 344
    - Soldiers' and Airmen's Home 344
- Recapitulation of appropriations by acts, irrespective of fiscal years 1559
- Treasury, Postal Service, and General Government Appropriation Act, 1983 277, 352

G

Gallaudet College (*See* Special institutions under HHS.)

Gas:
- Natural gas pipeline safety, grants-in-aid (*See* Transportation, Department of.)

General Accounting Office (*See* Legislative Branch.)

Page

General government (*See also* Treasury, Postal Service and General Government.):
- Acts relating to:
  - Money and finance, enactment as title 31, United States Code, revise codify and enact 612
  - Prompt Payment Act 609
  - U.S. Secret Service Uniformed Division, clarify function in foreign diplomatic missions of 792
- Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1438
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1589
- Comparison of budget estimates, appropriations, and rescissions, b fiscal year 1983 arranged by departments and establishments 1567
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571
- Comparison of budget estimates and appropriations by sessions of Congress 1595
- Deferrals of budget authority and outlays arranged by departments and establishments 1583
- Rescissions of appropriations considered during the 2d session of the 97th Congress, arranged by departments and establishments 1581
- Total appropriations by sessions of Congress 1603

General medical science (*See* National Institutes of under HHS.)

General provisions (comprehensive reference to general provisions in all appropriation acts):
- Abortions, prohibition of funds unless life of mother endangered, and other stipulations regarding:
  - District of Columbia, 118 141
  - Defense, 755 304
  - HHS, 204 336
- Access roads:
  - Construction funds available when need certified by Secretary:
    - Military Construction 105 226
  - Maintenance of certified:
    - Defense, 708(g) 296
- Act of September 23, 1950, amend to carry out section 10 of:
  - Defense, 709(k) 297
- Active commissioned officers of PHSRC, expenses for:
  - HHS, 203 335

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page

Activity, prohibition of minor construction funds for transferring or relocating from one base or installation to another:
Military Construction, 109 227
Advanced Technology Bomber Program, funding from strategic programs made available for:
Defense, 776 307
Advertising by defense contractor, funds denied except when paid from profits and not part of contract cost. Exemption for recruitment of contractor personnel, procurement of scarce items, disposal of surplus materials:
Defense, 731 301
Air carrier, claim for compensation brought by:
Transportation, 322 247
Airborne alert, cost authorized as excepted expense when President determines necessary:
Defense, 713(b) 297
Aircraft:
Funds for hire, maintenance, operation:
Interior 104 184
Transportation, 301 244
Proficiency flying (*See* Proficiency flying, *infra*)
Seating capacity, aircraft substitution by CAB because of:
Transportation, 323 248
Aircraft, buildings, or other facilities or equipment, emergency reconstruction, replacement, or repair of:
Interior, 101 183
Airport:
Development grants-in-aid, limitation:
Transportation, 302 244
Alaska National Interest Lands Conservation Act, amend:
Interior, 110 184
Interior, 315 200
Aliens, denial of funds to carry on activity for or on behalf of:
Military Construction, 115 227
Allowances and differentials, salaries and expenses for:
State, 303 122
Alternate fighter aircraft engine, denial of funds for purchase of:
Defense, 797 309
Aluminum scrap, denial of DOD funds for operation, acquisition, or construction of facilities for bailing, shearing, melting or sweating:
Defense, 712 297
Appropriation account, denial of funds for obligation to unappropriated:
HUD, 412 165

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page

Arms Export Control Act, denial of funds to approve request for waiver of costs to be recovered under:
Defense, 747, 770 .... 303, 306
Audit, vouchers covering appropriation expenditures shall be subject to:
District of Columbia, 102 139
Education, 302 341
Bakery, laundry, drycleaning facility, funds denied unless Secretary certifies service not available commercially at reasonable rates:
Defense, 724 300
Military Construction, 103 226
Base realinement or closure activity, denial of funds prior to compliance of National Environmental Policy Act requirements:
Military Construction, 110 227
Binational arbitrations funding to pay expenses of:
State, 302 122
Block, Hudson, Toms, Carteret, Lindenkhol, Spencer, Wilmington, Baltimore, Washington, or Norfolk Canyons of Outer Continental Shelf Lease Sale Numbered 76: Block Canyon, NK 19-10: 945, 946, 989, 990; Hudson Canyon, NJ 18-3: 290, 291, 334, 335, 336, 379, 380, 423-427, 467-471, 513-515, 558, 559; Toms Canyon, NJ 18-3: 815, 859; Lindenkohl Canyon, NJ 18-6: 193-194; Wilmington Canyon, NJ 18-6: 491, 492, 535, 536, 579, 580, 624; Baltimore Canyon, NJ 18-6: 750, 751, 794, 838, 882, 883; Washington Canyon, NJ 18-8: 515, 516, 559, 560, 604; and Norfolk Canyon, NJ 18-8: 907, 908, 909, 951, 952, 953, 997, denial of funds for programs for:
Interior, 108 184
Bond, cancellation of under act of May 13, 1954, and replaced with new paragraph:
Transportation, 311 246
Borrowing and spending, report to DC Council by Mayor of progress in programs for:
District of Columbia, 119 141
Budget authority levels, reduction of levels of:
Defense, 790 308

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
Busing, denial of funds for use in forcing desegregated school to enforce:
Education, 304 341
C-130H aircraft, transfer to Coast Guard without reimbursement:
Defense, 786 308
Capital projects:
Limitation on Mayor for borrowing from U.S. Treasury unless approved by DC Council for:
District of Columbia, 120 141
Operating expenses, limitation on mayoral spending for capital projects borrowed from:
District of Columbia, 121 141
Central and Northern California Planning Area, denial of funds for programs on:
Interior, 107 184
Central Intelligency Agency:
Obligation, denial of funds available for:
Defense, 751 304
Reserve for contingencies, denial of funds to pay salaries of persons authorizing transfer of unobligated or deobligated appropriations into:
Defense, 752 304
Certificates of beneficial ownership, limitation of value of loans closed during fiscal year by various agencies on:
Agriculture, 615 103
CHAMPUS:
Limitation of funds for use in other purposes:
Defense, 741 302
Services available at facility within 40-mile radius:
Defense, 740 302
Child and spouse abuse, funding available to provide programs to deal with problems of:
Defense, 772 307
Citizens, U.S. compensation payments limited to, with specific exceptions:
Defense, 704 295
City administrator, payment of salary to:
District of Columbia, 126 141
Civil reserve air fleet, limitation on commercial transportation, with small businesses favored and performance characteristics specified:
Defense, 729 300
Civilian clothing:
Limitation for enlisted personnel discharged under conditions specified:
Defense, 730 301
Transporting to homes if inductees:
Defense, 708(i) 296

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
Civilian Health and Medical Program of the uniformed services, denial of funds available to for the following:
741(a) services for pastoral counselors 302
741(b) special education 302
741(c) therapy and counseling 302
741(d) obesity treatment 302
741(e) cosmetic surgery 302
741(f) restrictions on reimbursement of physicians 302
741(g) unnecessary medical treatment 302
Coal or coke, denial of funds for purchase of:
Defense, 778 307
Columbia Slough, OR. projects or actions denied which would interfere with navigation on:
Transportation, 325 248
Commercial insurance, denial of funds to reimburse contractor for:
Defense, 766 306
Commissary stores, conditions for operation of:
Defense, 714 297
Commitments to purchase, limitation of funds for:
Defense, 799 309
Committees on Appropriations, assessments denied unless approved by:
Interior, 310 199
Commodities to hardship individuals, use by Commodity Credit Corporation of:
Agriculture, 620 103
Communications systems, equipment and related items, limitation of funds for:
Defense, 109(l) 297
Compensation and benefits, funding by act obligated only for:
Agriculture, 612 102
HUD, 409 165
Competition for contracts, denial of funds unless activity head determines:
Defense, 760 305
Condemnation proceedings, payment of judgments:
Defense, 708(d) 296
Conference space, salaries and expenses for:
Labor, 101 326
Confidential files, reimbursing GSA for protection of:
Defense, 705 295
Confirmation (*See* Nominee *infra.*)
Congress, exclusion of funds for payment as salaries to contract recipients or agents designed to influence legislation or appropriations pending before:
Labor-HHS, 509 345

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page

Construction:
  Prior-year funds available:
    Military Construction, 101 ... 226
Consulting service, expenditure of funds for when a matter of public record:
  Commerce, Justice, State, 504 ... 127
Consultants:
  Agencies, reduction of funds to:
    Transportation, 318 ... 246
  Denial of funds either directly or through grants to pay or reimburse:
    HUD, 408 ... 165
  Funds available for:
    HHS, 203 ... 335
Contract for services, denial of funds for obligation or expenditure unless meeting specific requirements for:
  Defense, 759 ... 305
  Labor-HHS, 502 ... 345
  Transportation, 317 ... 246
Cooperative agreements, limitation of funds for paying negotiated indirect cost rates between USDA and nonprofit institutions on:
  Agriculture, 616 ... 103
Consulting service:
  Limitation of expenditures to contracts a matter of public record:
    Agriculture, 601 ... 101
    Defense, 701 ... 295
    District of Columbia, 101 ... 139
    HUD, 411 ... 165
    Interior, 301 ... 197
    Labor-HHS, 501 ... 345
    Legislative, 304 ... 219
    Military Construction, 116 ... 227
    Transportation, 317 ... 246
Cost-plus-fixed-fee contract, funds denied without specific approval of Secretary:
  Military Construction, 102 ... 226
County committees, new obligational authority for various items provided for:
  Agriculture, 608 ... 102
Cowlitz and Toutle Rivers, funding obligated due to emergency conditions on:
  Supplemental Appropriation Act, 1982, 304 ... 73
Cuban-Haitian entrants, funding for assistance to:
  Justice, 202 ... 317
Debt payment, availability of funds on family housing to cover:
  Military Construction, 118 ... 227
Deepwater port liability funds, denial of funds to implement programs in excess of stipulated amount for:
  Transportation, 320 ... 247

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page

Department of State, International Communication Agency, and Board for International Broadcasting, limitation of funds to carry out fiscal year 1982 and 1983 for:
  Supplemental Appropriation Act, 1982, 307 ... 74
Depot maintenance contracts, 12-month payments for:
  Defense, 708(o) ... 296
Dermatological blemishes, nonavailability of funds for dependents care or treatment of elective correction of minor:
  Defense, 756 ... 304
Desegregated school or school district, denial of funds for use of busing in:
  Education, 304 ... 341
Deserters, prisoners, and members absent without leave, reward for apprehension:
  Defense, 709(j) ... 297
Disbursing officers and agents accounts, funds for losses in and exchange fees:
  Defense, 709(h) ... 296
District of Columbia budget, limitation on transmittal of to Congress:
  District of Columbia, 114 ... 140
District of Columbia employees, compensation of not subject to title 5, United States Code:
  District of Columbia, 127 ... 142
District of Columbia Revenue Recovery Act, 1977, funding for making payments to:
  District of Columbia, 115 ... 140
Dues for membership, when authorized:
  District of Columbia, 105 ... 139
  Interior, 104 ... 184
Education of the handicapped, delay regulations on:
  Supplemental Appropriation Act, 1982, 305 ... 73
Employees:
  Denial of funds to pay salary where name not open for public inspection:
    District of Columbia, 116 ... 140
  Part-time and intermittent assistance to other agencies:
    Agriculture, 611 ... 102
Enlisted personnel, while sick in hospital, funds to reimburse for subsistence of:
  Defense, 709(d) ... 297
Enlisted aides in armed forces, denial of funds to support in excess of 300:
  Defense, 745 ... 303
Europe, personnel stationed on-shore in:
  Defense, 799A ... 310

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
Executive schedule, limitation of personnel to be funded for:
  Defense, 782 308
Expenditures:
  Amounts considered as maximum amounts for objects of:
    District of Columbia, 103 139
  Limitations on use of vouchers and GAO audits:
    HUD, 405 164
  Purposes which are prohibited under act:
    Labor–HHS, 512 346
Family housing:
  Funds to use on, limited to housing funded in regular appropriation:
    Military Construction, 108 227
Federal Aviation Administration, availability of funds for various expenditures by the:
  Transportation, 306 244
Federal-aid highways, denial of funds for program planning or execution for:
  Transportation, 310 245
Federal employees, funding to maintain limited number of:
  Supplemental Appropriation Act, 1982, 303 73
Federal Employees Compensation Fund, limitation of funds for the payment to:
  Defense, 734 301
Federal Mine Safety and Health Act, limitation of funds to enforce regulations under:
  Urgent Supplemental, 1982, 204 16
Federal Republic of Germany, limitation of funds to pay anticipatory possession compensation claims to:
  Defense, 758 305
Field parties, chiefs of, advances of money to, from appropriations:
  Agriculture, 606 102
Firefighters or police officers, denial of funds for implementation of personal lottery with respect to hiring of:
  District of Columbia, 122 141
Fire suppression, Secretary may authorize additional funds, with reimbursement for equipment:
  Interior, 102, 313 .... 183, 199
Fiscal year limitation on obligations (*See also* Obligations, *infra*):
  Agriculture, 609 102
  Commerce, Justice, State, 503 127
  Defense, 711 297
  District of Columbia, 109 140
  HUD, 404 164
  Labor–HHS, 508 345
  Interior, 306 198
  Legislative, 302 219
  Supplemental Appropriation Act, 1982, 301 72

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
Fiscal year limitation on obligations (*See also* Obligations, *infra*)—Continued
  Transportation, 309 245
  Urgent Supplemental, 1982, 202 16
Flight pay (*See* Proficiency flying *infra*).
Food, clothing, cotton, silk, synthetic fabric or wool not grown or produced in U.S. or possessions, except to extent such articles cannot be procured as and when needed at U.S. market prices, and except procurements outside U.S. for combat operations and emergencies. Nothing precludes procurement of foods processed in U.S. or possessions; funds denied for price differential; contracts on competitive bids:
  Defense, 723 299
Foreign contractors, denial of Indian Ocean dredging funds to be used by:
  Military Construction, 112 227
Foreign credits and currencies:
  Available for payments when Treasury is reimbursed:
    Commerce, Justice, State, 502 127
  Exchange rates:
    Defense, 792 309
  Transfers:
    Defense, 791 309
Foreign languages, funding granted for translation of publications to:
  Agriculture, 624 103
Fort DeRussy, Honolulu, denial of sale, lease or rental of:
  Military Construction, 120 228
Forest or range fires, expenditure or transfer of funds for suppression of:
  Interior, 102 183
Fraudulent enlistment, donation:
  Defense, 709(a) 296
Grants and contracts, availability of funds for:
  Urgent Supplemental, 1982, 206 16
Hammond, IN, relocation of water lines under I–80 and I–94 in:
  Transportation, 326 248
Hart Senate Office Building, construction of physical fitness facility for:
  HUD, 416 165
Heating plants, conversion of:
  Defense, 736 302
Highway-related safety grants, limitation of funds for planning or execution of programs:
  Transportation, 303 247
Household furnishings, automobiles, purchase for resale to incoming personnel outside U.S.:
  Defense, 726 300

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
Household goods:
  Personal effects, expense of transporting denied in shipment exceeding weight limitation:
    Defense, 716 298
  Transportation to or from Alaska or Hawaii:
    Defense, 769 306
Housing allowance, denial of funds for variable payment for:
  Defense, 783 308
Inactive duty training pay, payment to reserve for equivalent duties not obligated from section 206, title 37, U.S.C.:
  Defense, 725 300
Increased pay costs, additional funding to meet:
  Defense, 789 308
  Supplemental Appropriation Act, 1982, 302 72
Indiana, availability of funds for interchange construction at Porter-La Porte County line:
  Transportation, 327 248
Industrial fund activities, payments from annual appropriations to:
  Defense, 708(n), 788 .... 296, 308
Indian industry products, open market availability of:
  Defense, 771 307
Inpatient mental health services, denial of funds to pay claims for:
  Defense, 785 308
Insignia, limitation of funds to purchase unless purchase price is adjusted to cover cost of expenses of:
  Defense, 757 304
Institutions of higher education:
  Denial of funds to individual preventing acceptable curricula by threat of force on:
    Labor-HHS, 506 345
  Developing institution, application for funds for:
    Urgent Supplemental, 1982, 201 15
  Guam, American Samoa, Trust Territory of the Pacific Islands, Virgin Islands, and the States (including District of Columbia and Puerto Rico, appropriated sums for:
    Urgent Supplemental, 1982, 208 16
  State apportionment, ratio of funding based on:
    Urgent Supplemental, 1982, 207 16
Intelligence activities, denial of transferred or reprogrammed funds for:
  Defense, 775 307
International military headquarters and organizations:
  Defense, 708(k) 296

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
Interstate highway system, approval of funds for repairs on:
  Urgent Supplemental, 1982, 218 18
Land acquisition, maintenance or construction funds available for:
  Defense, 707 296
  Interior, 312 199
Land or easements, limitations on purchase of:
  Military Construction, 107 226
LANTIRN system, nonavailability of funds for system in competition with:
  Defense, 795 309
Latin-American cooperation authorized for Navy, expenses of:
  Defense, 709(i) 297
Leasing:
  Aircraft or vehicles:
    Defense, 794 309
  Buildings and facilities, rentals:
    Defense, 708(e) 296
  Real or personal property, funds for 12 months:
    Defense, 708(j) 296
Legal:
  Services on contract or fee basis:
    HUD, 403 164
Legislation, denial of funds to influence congressional action on:
  Defense, 796 309
Legislative liaison activities, limitation for:
  Defense, 728 300
Legislative proposal, denial of funds for activity or publications designed to promote public reaction before congressional action has been taken on:
  Interior, 304 197
Library membership (*See* Dues.)
Loan or grant, denial of funds to applicant convicted of crime against institution of higher education for:
  Defense, 735 301
Logging operations, expenditure of funds on cyclocrane concept for use in:
  Urgent Supplemental, 1982, 214 18
Long-term special institutional agreement, denial to terminate:
  Urgent Supplemental, 1982, 209 17
Loyalty oath, senior student failing to execute certificate denied funds:
  Defense, 722 299
Manual typewriters, denial of funds for procurement of:
  Defense, 780 307
Marihuana or drug producing plants, provision of harvesting:
  Agriculture, 605 102

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. ..... Page
Mass transit facilities, equipment, or operating expenses, restriction of funding if user not in compliance with certain restrictions:
Transportation, 308 246
Medical assistance to Safety and Traffic Program, additional funding for Kentucky National Guard for:
Urgent Supplemental, 1982, 216 18
Medical care, denial of funds on inpatient basis to foreign military personnel unless reimbursed for costs of:
Defense, 761 305
Medical care facilities, advanced funds for NIH management fund available for sharing expenses of:
HHS, 205 336
Meetings, attendance at, funds available for:
Labor-HHS, 505 345
Metal scrap baling (*See* Proceeds from sales, *infra*)
Military:
Courts, boards, and commissions:
Defense, 709(f) 296
Equipment, transfer to a foreign country of:
Defense, 774 307
Personnel, increase in active duty authorized as excepted expense when President deems necessary:
Defense, 713(c) 297
Supplies (*See* Proceeds from sales, *infra.*)
Milk, funds for purchase from agricultural surplus, included in commuted ration for enlisted personnel:
Defense, 708(h) 296
Morale, welfare and recreation activities, denial of funds to support various personnel assigned to or used in support of:
Defense, 753 304
Motor vehicles (*See also* Miles per gallon, *supra.*)
Hire of passenger, funds available for:
Commerce 109, 313
HUD, 402 164
Interior, 104 184
Military Construction, 104 226
Transportation, 301 244
Insurance in foreign countries:
Defense, 705 295
Transportation, 301 244
Mandatory State inspection fees or sticker requirements, denial of funds for State to impose:
Transportation, 316 246

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. ..... Page
Motor vehicles (*See also* Miles per gallon, *supra.*)—Continued
Miles per gallon, purchase of automobiles restricted by limits on:
Defense, 787 308
District of Columbia, 125 141
HUD, 415 165
Privately owned conveyances, allowances for official duties in use of:
District of Columbia, 104 139
Purchase and hire, funds for:
Agriculture, 602 101
Right-hand drive, limitation per vehicle on cost of:
Defense, 708(l) 296
Mount Baker-Snoqualmie National Forest, WA, denial of funds to evaluate oil and gas geothermal losses on:
Interior, 309 199
Mount McKinley, denial of funds to finance changing of name of:
Interior, 109 184
Multiyear procurement contracts, denial of funds for initiation of major weapons systems for:
Defense, 765 306
MX missile system, denial of funds for site-specific facilities unless regulations met on:
Military Construction, 113 227
National defense, Presidential exemption of DOD funding if found to be in:
Defense, 713(a) 297
Natural disasters, Agriculture employees utilized part-time by other agencies for:
Agriculture, 611 102
Natural gas, use of by any powerplant in Alaska:
Interior, 317 200
Net realilzed losses, funding to reimburse for:
Agriculture, 625 104
New bases in United States, funds denied for construction of without specific appropriation:
Military Construction, 106 226
Nicaragua, denial of funds to CIA for activities in:
Defense, 793 309
Obligations (*See also* Fiscal year, *supra.*):
Estimated, report to Congress monthly on:
Defense, 713(d) 297
Last 2 months of fiscal year limited to 20 percent of year's, except civilian active duty training and ROTC summer-camp training:
Defense, 718 297

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
Obligations (*See also* Fiscal year, *supra.*)—Continued
New authority on items, available until expended:
Agriculture, 608 102
Ratified and confirmed, incurred obligations in anticipation of appropriations:
Defense, 754 304
Occupied areas, funds for administration of:
Defense, 708(b) 296
Official business, denial of funds to pay lodging expenses of person away from designated post of duty on:
Defense, 749a 303
Official reception and representation expenses, funds available for:
HHS, 206, 510 .... 336, 345
Justice, 201 317
Official travel, employees duties requiring more than 50 percent of total basic administrative work weeks for:
Defense, 749b 303
Offshore Oil Pollution Compensation Fund, nonavailability of unobligated funds for implementation and execution of programs for:
Transportation, 312 246
Oil and natural gas:
Leasing within boundaries of Shawnee National Forest:
Interior, 303 197
One world government, denial of funds to pay U.S. contribution to:
State, 301 122
Operation and maintenance of active forces, various items available in:
Defense, 738 302
Orientation and language training, limitation of funds to provide appropriate:
Agriculture, 610 102
Overtime or temporary positions, limitation to under 4½ per centum of funds for personnel compensation to be used for:
District of Columbia, 110 140
Palestine Liberation Organization, Southwest Africa Peoples Organization or Cuba, limitation of funds for:
Urgent Supplemental, 1982, 203 16
Panama Canal Commission, pay increases for officers or employees not in excess of rates for Government employees in comparable positions as:
Transportation, 305 244

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
Panama Canal treaties, 1977, expenditure of funds not authorized unless in conformance with:
Transportation, 313 246
Panama Canal Zone, limitation on compensation to teachers not applicable to teachers in:
Defense, 777 307
Partisan political activities, prohibition of funds earmarked for educational purposes used for:
District of Columbia, 113 140
Passenger or freight transportation, salaries and expenses for:
State, 303 122
Permanent employment, no personnel ceiling or restriction on:
Interior, 311 199
Permits or leases, denial of funds for processing or issuance of:
Interior, 308 198
Per diem rates (*See* Travel and per diem, *infra.*)
Personal cook, chauffer, or servants, denial of funds to provide for officer or employee:
District of Columbia, 124 141
HUD, 414 165
Interior, 307 198
Personnel and dependents, salaries and expenses of:
State, 303 122
Personnel compensation, limitation of appropriations during fiscal year 1983 for:
District of Columbia, 112 140
Polish People's Republic, limitation of funds for payment of loan guarantees to:
Agriculture, 621 103
Supplemental Appropriation Act, 1982, 306 74
Urgent Supplemental, 1982, 205 16
Political subdivision, interest earned on sums paid may be spent by:
Interior, 314 199
POMCUS, denial of funds for transportation of equipment or material designated in Europe for:
Defense, 773 307
Positions and compensation, establish permanent law for when different from established:
Legislative, 303 219
Potash mine, gassy classification of:
Urgent Supplemental, 1982, 212 17
Primary and secondary schooling, expenses and transportation of dependents outside continental U.S.:
Defense, 708(a) 296

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. ... Page
Printing and binding costs, publication exchange with foreign governments to share:
Legislative, 305 ... 220
Prisoners:
Articles issued, to funds for:
Defense, 709(b) ... 296
Nonmilitary facilities, funds for expenses in:
Defense, 709(e) ... 296
Prisoners of war, or others in custody, funds for maintenance, pay and allowances:
Defense, 706 ... 295
Private vehicles, maintenance or care not funded except for emergency assistance and cleaning related to parking facilities for:
Legislative, 301 ... 219
Proficiency flying, funds for operating aircraft for denied, except under regulations establishing standards and flying hours, which may provide for flight pay to certain qualified members:
Defense, 715 ... 298
Projects, denial of funds for prior-year construction until Appropriations Committees notified:
Military Construction, 117 ... 227
Public affairs activities, limitation of funds to pay for costs of:
Defense, 746 ... 303
Public assistance, availability of funds without legal requirements for:
District of Columbia, 108 ... 139
Public domain, mining of coal, phosphate, oil, oil shale, gas, and sodium on:
Interior, 318 ... 200
Public Health Service Commissioned Corps, denial of funds to phase down:
Urgent Supplemental, 1982, 213 ... 17
Public or private landfill, denial of funds for transporting District of Columbia waste output to any State except Maryland and Virginia:
District of Columbia, 128 ... 142
Publicity or propaganda, funds denied for:
Commerce, Justice, State, 501 ... 127
Defense, 702 ... 295
District of Columbia, 117 ... 141
Labor-HHS, 509 ... 345
Rail-highway crossings, denial of funds for use at specific sites of:
Transportation, 314 ... 246

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. ... Page
Real property, services and commodities may be accepted from foreign countries under mutual defense agreements or occupational arrangements for support of U.S. forces, without specific appropriation, with quarterly report to Congress on such use:
Defense, 719 ... 298
Real property taxes, denial of funds for payment to foreign nations of:
Military Construction, 114 ... 227
Refugee Act, funding only when in compliance with:
Commerce, Justice, State, 506 ... 127
Refunds and judgments, funds made available for payment of:
District of Columbia, 107 ... 139
Refuse-derived, fuel-fired electric generating plant, authorization to construct and operate:
Military Construction, 119 ... 228
Regulation, limitation of funds to implement, administer or enforce:
Agriculture, 614 ... 102
Commerce, Justice, State, 505 ... 127
HUD, 413 ... 165
Transportation, 319 ... 247
Regulatory or adjudicatory proceedings, denial of funds to compensate intervening parties in:
HUD, 410 ... 165
Transportation, 315 ... 246
Reprints, purchase of:
Interior, 103 ... 184
Reprogramming; denial of expenditure of funds unless set forth in House Report 96-443:
District of Columbia, 123 ... 141
Reprograming: No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprograming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprograming is requested has been denied by the Congress:
Commerce, Justice, State, 508 ... 127
Defense, 739 ... 302

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
  Research:
    Cost of project, limitation on grants for:
      HUD, 407 164
    Prohibition of funds for any research involving uninformed or nonvoluntary human beings as experimental subjects:
      Defense, 737 302
      Labor-HHS, 511 346
  Research and development, authorized funds for available in other appropriations of service concerned:
    Defense, 720 299
  Research grant, denial of funds for payment over total cost of:
    HHS, 202, 303 335
  Research work, contracting:
    Agriculture, 604 102
  Reserve Officers Training Corps, availability of funds for various uses by entitled personnel at educational institutions for:
    Defense, 748 303
  Resource Conservation and Development Program, denial of funds used for phasing out:
    Agriculture, 617 103
  Retainer pay, denial of funds of enlisted member transferred to fleet reserve to pay portion of:
    Defense, 750(a) 304
  Retired pay or retainer pay, denial of funds to pay greater than deduction amount of:
    Defense, 768 306
  Revenue ruling, Secretary of Treasury enforcement of:
    Urgent Supplemental, 1982, 211 17
  Rewards, payment:
    Defense, 708(c) 296
  Salary or basic pay, limitation on employees of three branches of Government and DC to receive increase in:
    Legislative, 306(a) 220
  Sales (*See* Proceeds from, *supra.*)
  Second Career Training Program, limitation of obligated funds for:
    Defense, 762 305
  Senior Reserve Officer's Training Corps:
    Appointed cadets, appointment, pay and support for:
      Defense, 743 303
    Training, denial of funds for except to complete various programs and personnel:
      Defense, 748 303
  Services:
    Funds available for:
      Agriculture, 613 102
      Commerce, 109 313
      Defense, 703 295
      Labor-HHS, 503 345
      Labor, 101 326

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
  Services—Continued
    Funds available for—Continued
      State, 303 122
      Transportation, 307 245
  Services or rentals, availability of funds for GSA-issued contracts for:
    Interior, 106 184
  Ship overhaul, maintenance, and repair, payment of unusual cost overruns incident to:
    Defense, 708(m) 296
  Silver, denial of sale from National Defense Stockpile Fund of:
    Defense, 799B 310
  Small- and minority-owned business, assisting with information on purchases and on available commodities services:
    Defense, 710 297
  Service or supply, denial of CHAMPUS funds to pay for:
    Defense, 779 307
  Southwestern Indian Polytechnic Institute, denial of funds for termination of operation of:
    Urgent Supplemental, 1982, 217 18
  Standard level user charges, denial of funds to reimburse GSA for:
    Agriculture, 622 103
  State agencies, grants-in-aid from SRS to cover if merit system established in:
    HHS, 201, 301 335
  State and Community Highway Safety, limitation of funds for planning or execution of programs in excess of specific amount:
    Transportation, 304 244
  State or local expenditures, denial of funds of SSA Act to reimburse:
    HHS, 206 336
  Steel procurement, funding denied for project or activity at which American producers have been denied opportunity to compete for:
    Military Construction, 111 227
  Students, prohibition of funds to transfer from school nearest home if title VI of Civil Rights Act has been observed:
    HHS, 306 342
  Subsistence of various personnel when necessitated by emergent military circumstances:
    Defense, 709(c) 296
  Support position, denial of funds for Reserve forces to convert:
    Defense, 784 308
  Surplus agricultural commodities, denial of funds to be used to interfere with Commodity Credit Corporation right to sell:
    Agriculture, 618 103

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
Surplus nonautomatic firearms, denial of funds for salaries for purposes of demilitarization of:
  Defense, 763 ... 305
Taxicabs, prohibition of use of funds in connection with Public Service Commission regulations governing:
  District of Columbia, 106 ... 139
Telephone to private residence in field, funds for when authorized by regulations of Secretary:
  Interior, 104 ... 184
Test Program, limitation of CHAMPUS funds to conduct:
  Defense, 764 ... 305
Tools and facilities, payments for maintenance of on 12-month contracts:
  Defense, 708(f) ... 296
Tract disposal, denial of funds unless agency determines Federal land may be released for:
  Interior, 316 ... 200
Trade or business expenses, Internal Revenue Code language limiting:
  Urgent Supplemental, 1982, 215 ... 18
Transfers:
  Between appropriations:
    Defense:
      Military equipment, 744(a) ... 307
    Labor-HHS, 507 ... 345
    Transportation, 328 ... 249
Transportation, denial of funds to pay officer or employee between his domicile and place of employment funds for:
  HUD, 406 ... 164
Travel and/or per diem:
  Expenses, limited to budget estimates with certain exceptions:
    District of Columbia, 105 ... 139
    HUD, 401 ... 164
  Limitation of funds for use of:
    Defense, 767 ... 306
    District of Columbia, 111 ... 140
    Transportation, 324 ... 248
Tuition or expenses, percentage limitation for off-duty military personnel, and denied to commissioned personnel not agreeing to active duty 2 years after training:
  Defense, 721 ... 299
Uniforms or allowances, funds for:
  Agriculture, 603 ... 101
  Commerce, 109 ... 313
  Defense, 727 ... 300
  HUD, 402 ... 164
  Interior, 105 ... 184
  Labor-HHS, 504 ... 345
  Transportation, 301 ... 244
U.S. Code, amendment of:
  Defense, 798 ... 309

General provisions (comprehensive reference to general provisions in all appropriation acts)—Con. Page
Unprocessed timber, sale of from Federal lands west of 100th meridian, denial of funds for:
  Interior, 302 ... 197
Unused accrued leave, limitation on funds to pay for in excess of 60 days:
  Defense, 744 ... 303
Utilities and services, authorization to furnish:
  Maritime Administration ... 110
Utility lines, O&M Army funds available for payment for proposed West Point Jewish Chapel:
  Defense, 781 ... 307
Utility services in buildings used for welfare and recreation, funds for:
  Defense, 709(g) ... 296
Vehicle width limitation, denial of funds to States imposing:
  Transportation, 321 ... 247
Vessels (*See also* Ship):
  Transfer between departments without reimbursement:
    Defense, 717 ... 298
Voluntary prayer and meditation, denial of funds to prevent implementation of programs for:
  HHS, 307 ... 342
Warehouses, garages, shops, operation of:
  Interior, 103 ... 183
Waterfowl, prohibition of funds for enforcing regulations of the U.S. Fish and Wildlife Service requiring use of steel shot in hunting of:
  Interior, 305 ... 198
Watershed projects:
  Exemption from EO 12113 and 12141 requirements of:
    Agriculture, 619 ... 103
  Initiate construction on new projects:
    Agriculture, 623 ... 103
    Urgent Supplemental, 1982, 210 ... 17
Wig, health care available to patient suffering treatment for malignant disease resulting in use of:
  Defense, 742 ... 303
Working Capital Fund:
  Cash balances, maintenance for cash disbursement of:
    Defense, 733 ... 301
  Transfer of funds to with approval of agency administrator:
    Agriculture, 607 ... 102
  Transfer between various accounts with approval of OMB:
    Defense, 732 ... 301
General Services Administration:
Automated Data and Telecommunications Service:
  Increased pay costs ... 71

General Services Administration—Continued Page
- Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 ... 1438
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 1589
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983, arranged by departments and establishments ... 1567
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies ... 1571
- Consumer Information Center ... 155
  - Recapitulation of appropriations by acts, irrespective of fiscal years ... 1434
- Court facilities (*See* Courts.)
- Emergency Preparedness (*See* Emergency Preparedness Office of under Defense, Department of—Civil.)
- Federal Buildings Fund:
  - Increased pay costs ... 70
  - Rescissions (*See* Budget rescission acts.)
- Federal Property Resources Service:
  - Increased pay costs ... 71
- Federal Supply Service:
  - Increased pay costs ... 70
- General management and administration:
  - Increased pay costs ... 71
- General provisions (*See* General provisions, comprehensive reference.)
- Increased pay costs ... 70
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts ... 1522, 1548
- National Archives and Records Service:
  - Increased pay costs ... 70
- Permanent Federal funds ... 1416
  - Recapitulation ... 1418
- Permanent trust funds ... 1428
  - Recapitulation ... 1432
- Presidents, former, allowances (*See* Executive Office of the President.)
- Recapitulation of appropriations by acts, irrespective of fiscal years ... 1435
- Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
- Temporary study commissions:
  - National Commission on Supplies and Shortages (*See* National Commission on Supplies and Shortages.)
- Total appropriations by sessions of Congress ... 1603
- Transition expenses (*See* Funds Appropriated to the President.)
- Transportation and Public Utilities Service:
  - Increased pay costs ... 70
- Urgent Supplemental Appropriations Act, 1982 ... 14

General Services Administration—Continued Page
- U.S. court facilities, expenses (*See* Courts.)
- U.S. Tax Court (*See* U.S. Tax Court under Judiciary, The.)

General supplementals, summary (*See* Appropriation acts, departments and agencies within.)

Geological Survey (*See* Energy and minerals under Interior, Department of.)

Germany (*See* Foreign affairs under State, Department of.)

Government corporations:
- American National Red Cross (Non-Federal funding.)
- American Printing House for the Blind (*See* Special institutions under HHS.)
- Commodity Credit Corporation (*See* Agriculture, Department of.)
- Corporation for Public Broadcasting (*See* Labor-HHS.)
- Federal Crop Insurance Corporation (*See* Agriculture, Department of.)
- Federal Deposit Insurance Corporation (Non-Federal funding.)
- Federal Prison Industries, Inc. (*See* Justice, Department of.)
- Federal Savings and Loan Insurance Corporation (*See* Federal Savings and Loan Insurance Corporation.)
- Gallaudet College (*See* Special institutions under HHS.)
- Howard University (*See* Special institutions under HHS.)
- Inter-American Foundation (*See* Inter-American Foundation.)
- International Finance Corporation (*See* Treasury, Department of.)
- National Railroad Passenger Corporation (Amtrak) (*See* National Railroad Passenger Corporation.)
- Overseas Private Investment Corporation (*See* Overseas Private Investment Corporation.)
- Panama Canal Company (*See* Panama Canal, the.)
- Pension Benefit Guarantee Corporation (Non-Federal funding.)
- Saint Lawrence Seaway Development Corporation (*See* Transportation, Department of.)
- Securities and Exchange Commission (*See* Securities and Exchange Commission.)
- Tennessee Valley Authority (*See* Tennessee Valley Authority.)

Government Financial Operations, Bureau of (*See* Treasury, Department of.)

Government Printing Office (*See* Legislative Branch.)

Grand Teton National Park (*See* Permanent funds, Department of Interior.)

Page

Grasslands, National, payments to counties (*See* Permanent Federal funds, Department of Interior.)

Grazing:
- Leasing of lands (*See* Permanent Federal funds, Department of Interior.)
- Receipts, payments to States (*See* Permanent Federal funds, Department of Interior.)

Great Plains Conservation Program (*See* Soil Conservation Service under Agriculture.)

Guam, grants to (*See* Territorial Affairs under Interior.)

H

Handicapped:
- Books (*See* Library of Congress under Legislative Branch.)
- Education (*See* Education, Department of.)
- Housing for (*See* Housing and Urban Development, Department of.)
- President's Committee on Employment of (*See* Departmental management under Labor, Department of.)

Harpers Ferry, WV, (*See* National Park Service under Interior.)

Harry S. Truman Scholarship Foundation:
- Permanent trust funds 1428
  - Recapitulation 1432

Hatch Act, provisions (*See* Cooperative State Research Service under Agriculture.)

Hawaii:
- East-West Center (*See* Center for Cultural and Technical Interchange Between East and West under International Communications Agency.)

Health (*See* National Institutes of Health; Public Health Service.)

Health and Human Services, Department of—Title II: (*See note* under bill title on p. 203 for explanation of action taken on bill.)
- Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1446
- Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1438
- Comparison of budget estimates and appropriations by sessions of Congress 1595
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1984, arranged by agencies 1573
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1589

Page

Health and Human Services, Department of—Title II—Continued
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments 1567
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571
- Consumer Affairs, Office of (*See* Consumer Affairs, Office of.)
- Continuing Appropriations, 1983 269
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1530
- Further continuing appropriations, 1983, (*See* Further continuing appropriations, 1983.)
- Food and Drug Administration (*See* Food and Drug Administration.)
- General provisions (*See* General provisions, comprehensive reference.)
- Health Services Administration:
  - Administrative provisions 192
  - Increased pay costs 64
  - Indian health:
    - Facilities 192
    - Services 191
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1526
- Increased pay costs:
  - Alcohol, Drug Abuse, and Mental Health Administration 64
  - Assistant Secretary for Health 64
    - Permanent trust funds 1423
      - Recapitulation 1431
  - Assistant Secretary for Human Development Services 65
  - Centers for Disease Control 64
  - Departmental management 65
  - Food and Drug Administration 64
  - Health Care Financing Administration 64
    - Permanent trust funds 1424
      - Recapitulation 1431
  - Health Resources Administration 64
  - National Institutes of Health 64
  - Social Security Administration 65
    - Permanent trust funds 1423
      - Recapitulation 1431
- Labor, Department of (*See* Labor, Department of.)
- Navajo and Hopi Relocation Commission (*See* Navajo and Hopi Relocation Commission.)
- Permanent Federal funds 1410
  - Recapitulation 1417
- Permanent trust funds 1423
  - Recapitulation 1431
- Recapitulation of appropriations by acts, irrespective of fiscal years 1434
- Recapitulation of itemized estimates and new budget (obligational) authority 1558

Health and Human Services, Department of—Title II—Continued Page
Related agencies—Title III:
ACTION (*See* ACTION.)
Community Services Administration (*See* Community Services Administration.)
Corporation for Public Broadcasting (*See* Corporation for Public Broadcasting.)
Federal Mediation and Conciliation Service (*See* Federal Mediation and Conciliation Service.)
National Commission on Libraries and Information Science (*See* National Commission on Libraries and Information Service.)
National Labor Relations Board (*See* National Labor Relations Board.)
National Mediation Board (*See* National Mediation Board.)
Occupational Safety and Health Administration (*See* Occupational Safety and Health Administration.)
Railroad Retirement Board (*See* Railroad Retirement Board.)
Soldiers' and Airmen's Home (*See* Soldiers' and Airmen's Home.)
Social Security Administration:
Permanent Federal funds:
Recapitulation 1417
Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Total appropriations by sessions of Congress 1603
Urgent Supplemental Appropriations Act, 1982 6
Urgent Supplemental Appropriations for the Department of Health and Human Services (*See* Urgent supplemental appropriations for the Department of Health and Human Services.)
Health Resources Administration (*See* HHS.)
Health Services Administration (*See* HHS.)
Heart, Lung, and Blood (*See* National Institute of.)
Helium Fund (*See* Mines, Bureau of under Interior.)
Heritage Conservation and Recreation Service (*See* Fish and wildlife and parks under Interior.)
Higher education (*See* Education Division under HHS.)
Highway:
Access (*See* Federal Highway Administration under Transportation, Department of.)
Alaska (*See* Federal Highway Administration under Transportation, Department of.)
Beautification (*See* Federal Highway Administration under Transportation, Department of.)

Highway—Continued Page
Crossing Federal projects (*See* Federal Highway Administration under Transportation, Department of.)
Federal aid (*See* Federal Highway Administration under Transportation, Department of.)
National scenic and recreational (*See* Federal Highway Administration under Transportation, Department of.)
Off-system railway-highway crossings (*See* Federal Highway Administration under Transportation, Department of.)
Overseas (*See* Federal Highway Administration under Transportation, Department of.)
Railroad and crossings demonstration projects (*See* Federal Highway Administration under Transportation, Department of.)
Safety construction programs (*See* Federal Highway Administration under Transportation, Department of.)
Safety grants (*See* Federal Highway Administration under Transportation, Department of.)
Safety research and development (*See* Federal Highway Administration under Transportation, Department of.)
Territorial (*See* Federal Highway Administration under Transportation, Department of.)
Historical and memorial commissions (*See* Name of commission.)
Holocaust Memorial Council:
Expenses 197
Increased pay costs 71
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1527
Permanent trust funds 1429
Recapitulation 1432
Hopper dredges (*See* Revolving Fund under Department of Defense—Civil.)
Hospitals:
St. Elizabeths Hospital (*See* St. Elizabeths Hospital under HHS.)
Veterans' Administration (*See* Veterans' Administration.)
House Office Building (*See* Architect of the Capitol under Legislative Branch.)
House of Representatives (*See* Legislative Branch.)
Housing counseling assistance (*See* Housing and Urban Development.)
Housing programs (*See* Housing and Urban Development, Department of.)
Act relating to:
Garn-St. Germain Depository Institutions Act of 1982 793

Page

Housing Administration, Federal (*See* HUD.)
Housing and Urban Development—Independent Agencies Appropriations Act, 1983:
  Corporations—Title III:
    Federal Home Loan Bank Board (*See* Federal Home Loan Bank Board.)
  General provisions—Title IV (*See also* General provisions, comprehensive reference ... 164
  Housing and Urban Development—Title I (*See* Housing and Urban Development, Department of.)
  Independent agencies—Title II:
    American Battle Monuments Commission (*See* American Battle Monuments Commission.)
    Consumer Product Safety Commission (*See* Consumer Product Safety Commission.)
    Department of Defense—Civil (*See* DOD—Civil.)
    Department of Health and Human Services (*See* Health and Human Services, Office of.)
    Department of the Treasury (*See* Treasury, Department of.)
    Environmental Protection Agency (*See* Environmental Protection Agency.)
    Executive Office of the President (*See* Executive Office of the President.)
    Federal Emergency Management Agency (*See* Federal Emergency Management Agency.)
    General Services Administration (*See* General Services Administration.)
    National Aeronautics and Space Administration (*See* National Aeronautics and Space Administration.)
    National Credit Union Administration (*See* National Credit Union Administration.)
    National Science Foundation (*See* National Science Foundation.)
    Neighborhood Reinvestment Corporation (*See* Neighborhood Reinvestment Corporation.)
    Selective Service System (*See* Selective Service System.)
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts ... 1520
  Urgent Supplemental Appropriations Act, 1982 ... 7
  Veterans' Administration (*See* Veterans' Administration.)
Housing and Urban Development, Department of:
  Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session ... 1446

Page

Housing and Urban Development, Department of—Continued
  Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 ... 1439
  Comparison of budget estimates and appropriations by sessions of Congress ... 1595
  Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts ... 1451
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 1590
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments ... 1567
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies ... 1571
  Funds Appropriated to the President (*See* Funds Appropriated to the President.)
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Housing programs—Title I:
    Community planning and development:
      Community development grants ... 150
      Rehabilitation Loan Fund ... 150
      Urban development action grants ... 150
      Urban homesteading ... 150
    Congregate services ... 148
    Elderly or handicapped, housing for ... 147
    Fair housing and equal opportunity:
      Fair housing assistance ... 151
    Federal Housing Administration:
      Fund ... 149
    Government National Mortgage Association:
      Emergency mortgage purchase assistance ... 149
      Mortgage-backed securities, guarantees of ... 149
      Participation sales insufficiencies, payment of ... 149
      Permanent Federal funds ... 1411
        Recapitulation ... 1417
    Housing counseling assistance ... 148
    Housing payments ... 147
    Low-income housing projects:
      Payments for operation of ... 148
    Nonprofit sponsor assistance ... 149
    Permanent Federal funds ... 1410
      Recapitulation ... 1417
    Solar Energy and Energy Conservation Bank:
      Solar and conservation improvements, assistance for ... 150
    Troubled projects operating subsidy ... 148

Page

- **Housing and Urban Development, Department of—Continued**
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by appropriation acts 1520
  - Management and administration:
    - Permanent trust funds:
      - Recapitulation 1431
    - Salaries and expenses, (including transfer of funds) 151
  - New Community Development Corporation:
    - New Communities Fund 151
    - Permanent Federal funds 1411
      - Recapitulation 1417
  - Permanent Federal funds 1410
    - Recapitulation 1417
  - Policy development and research:
    - Research and technology 151
  - Rescissions of appropriations considered during the 2d session of the 97th Congress, arranged by departments and establishments 1581
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1434
  - Recapitulation of itemized estimates and new budget (obligational) authority 1558
  - Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
  - Total appropriations by sessions of Congress 1603
- **Howard University (*See* Special institutions under HHS.)**
- **Human development (*See* Human Development, Assistant Secretary of under HHS.)**
- **Humanities (*See* National Foundation on the Arts and the Humanities.)**

I

- **Immigration and Naturalization Service (*See* Justice, Department of.)**
- **Increased pay costs (*See* specific department or agency.)**
- **Independent offices (*See also* under name of administration; agency; authority; board; bureau; committee; commission; corporation; council; foundation; office or service.):**
  - Funds appropriated (*See* Funds Appropriated to the President.)
- **Indians Affairs, Bureau of (*See* Interior, Department of.)**
- **Indian trust accounting (*See* General Services Administration.)**
- **Indians (*See* Indian Affairs, Bureau of; Indian Claims Commission; Indian Education and Health under HHS.)**
- **Information Agency, United States (*See* United States Information Agency.)**
- **Institutions (*See* under specific department or agency.)**

Page

- **Insurance:**
  - Agricultural Credit Insurance Fund (*See* Agriculture, Department of.)
  - Aviation (*See* Aviation war risk under Transportation, Department of.)
  - Crop (*See* Federal Crop Insurance Corporation under Agriculture.)
  - Flood (*See* Federal Insurance Administration under HUD.)
  - Hospital (*See* Hospitals.)
  - Housing (*See* Housing under HUD.)
  - Savings and loan (*See* Federal savings and loan under Federal Home Loan Bank Board.)
  - Social Security (*See* Social Security Administration under HHS.)
  - Unemployment (*See* Labor, Department of.)
- **Intelligence and communications activities (*See* Defense agencies under Defense, Department of—Military.)**
- **Intelligence community staff:**
  - Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  - Increased pay costs 71
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1509
- **Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, table VIII (*See* Appropriations and estimates; itemized comparisons under specific department or agency.)**
- **Inter-American Development Bank (*See* Funds Appropriated to the President.)**
- **Inter-American Foundation (*See* Foreign Assistance.)**
- **Intergovernmental agencies (*See* name of agency.)**
- **Interior and Related Agencies:**
  - Acts relating to:
    - Camden, SC, historic preservation, authorize assistance for 863
    - Emergency Fund Act, amendment to 877
    - Endangered Species Act Amendments of 1982, authorize appropriations to carry out 878
    - Energy Emergency Preparedness Act, 1982, amend 864
    - Franklin Delano Roosevelt memorial, authorize construction for 864
    - John F. Kennedy Center for the Performing Arts, authorize appropriations for 863
    - Mount St. Helens National Volcanic Monument, WA, act to designate 870
    - Platte River, NE, to authorize Federal-State study on 895
    - U.S. insular areas, authorize appropriations for certain 896

Interior and Related Agencies—Continued Page

- Acts relating to—Continued
  - Wolf Trap Farm Park Act, provision of financial assistance to 892
- Deferral resolutions (*See* Deferral resolutions.)
- General provisions—Title III (*See also* General provisions, comprehensive reference.) 197
- Interior, Department of the—Title I (*See* Interior, Department of.)
  - Related agencies—Title II:
    - Advisory Council on Historic Preservation (*See* Advisory Council on Historic Preservation.)
    - Agriculture, Department of—Forest Service (*See* Forest Service under Agriculture.)
    - American Revolution Bicentennial Administration (*See* American Revolution Bicentennial Administration.)
    - Commission of Fine Arts (*See* Commission of Fine Arts.)
    - Education, Department of (*See* Education, Department of.)
    - Energy, Department of (*See* Energy, Department of.)
    - Federal Energy Administration (*See* Federal Energy Administration.)
    - Federal Inspector for the Alaska Gas Pipeline (*See* Federal Inspector for the Alaska Gas Pipeline.)
    - Forest Service (*See* Agriculture, Department of.)
    - Franklin Delano Roosevelt Memorial Commission (*See* Franklin Delano Roosevelt Memorial Commission.)
    - Funds Appropriated to the President (*See* Funds Appropriated to the President.)
    - Health and Human Services, Department of:
      - Assistant Secretary for Education (*See* Education Division under HHS.)
      - Education, Office of (*See* Education Division under HHS.)
      - Health Services Administration (*See* Health Services Administration under HHS.)
    - Holocaust Memorial Council (*See* Holocaust Memorial Council.)
    - Indian Claims Commission (*See* Indian Claims Commission.)
    - Joint Federal-State Land Use Commission (*See* Joint Federal-State Land Use Commission.)
    - National Capital Planning Commission (*See* National Capital Planning Commission.)

Interior and Related Agencies—Continued Page

- Interior, Department of the—Title I (*See* Interior, Department of.)—Continued
  - Related agencies—Title II—Continued
    - National Foundation on the Arts and the Humanities (*See* National Foundation on the Arts and the Humanities.)
    - National Gallery of Art (*See* National Gallery of Art.)
    - Navajo and Hopi Relocation Commission (*See* Navajo and Hopi Relocation Commission.)
    - Pennsylvania Avenue Development Corporation (*See* Pennsylvania Avenue Development Corporation.)
    - Smithsonian Institution (*See* Smithsonian Institution.)
    - Treasury, Department of (*See* Treasury, Department of.)
    - Woodrow Wilson International Center for Scholars (*See* Woodrow Wilson International Center for Scholars.)

Interior, Department of the—Title I:

- Acts relating to (*See* Interior and Related Agencies.)
- Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1446
- Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1439
- Comparison of budget estimates and appropriations by sessions of Congress 1595
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1590
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments 1568
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982 arranged by agencies 1571
- Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts 1451
- Departmental offices:
  - Administrative provision 183
  - Construction management 182
  - Inspector General, Office of 182
  - Secretary, Office of 182
    - Increased pay costs 65
  - Solicitor, Office of 182
    - Increased pay costs 65
  - Water Policy, Office of 182

Interior, Department of the—Title I—Con. Page
- Energy and minerals:
  - Geological Survey:
    - Administrative provisions 175
    - Barrow Area gas operation, exploration and development 175
    - Increased pay costs 65
    - Surveys, investigations, and research 175
  - Minerals Management Service:
    - Leasing and royalty management 176
  - Mines, Bureau of:
    - Administrative provisions 176
    - Mines and minerals 176
    - Permanent trust funds 1424
      - Recapitulation 1431
    - Rescissions (*See* Budget rescission acts.)
  - Surface Mining Reclamation and Enforcement:
    - Abandoned Mine Reclamation Fund 176
    - Regulation and technology 176
- Fish and wildlife and parks:
  - National Park Service:
    - Administrative provisions 174
    - Construction 173
    - Historic Preservation Fund 173
    - Increased pay costs 65
    - John F. Kennedy Center for the Performing Arts 174
    - Land acquisition and State assistance 174
    - National Park System, operation 173
    - National recreation and preservation 173
    - Permanent Federal funds 1413
      - Recapitulation 1418
    - Permanent trust funds 1424
      - Recapitulation 1432
  - U.S. Fish and Wildlife Service:
    - Administrative provisions 172
    - Construction and anadromous fish 172
    - Increased pay costs 65
    - Land acquisition 172
    - Migratory bird conservation account 172
    - National Wildlife Refuge Fund 172
    - Permanent Federal funds 1412
      - Recapitulation 1418
    - Permanent trust funds 1424
      - Recapitulation 1431
    - Resource management 171
- Forest Service (*See* Forest Service, Department of Agriculture.)
- General provisions (*See also* General provisions, comprehensive reference.) 183
- Health and Human Services, Department of:
  - Health Services Administration (*See* under HHS.)
  - Office of Education (*See* under HHS.)
  - Office of the Assistant Secretary for Education (*See* under HHS.)
- Increased pay costs 65
- Indian affairs:
  - Indian Affairs, Bureau of:
    - Administrative provisions 179
    - Construction 178
    - Increased pay costs 65
    - Indian Loan Guaranty and Insurance Fund 178

Interior, Department of the—Title I—Con. Page
- Indian affairs—Continued
  - Indian Affairs, Bureau of—Continued
    - Indian programs, operation 177
    - Loans, revolving fund for 178
    - Permanent Federal funds 1411
      - Recapitulation 1418
    - Permanent trust funds 1424
      - Recapitulation 1431
    - Road construction 178
    - Tribal trust funds 178
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1524
- Land and water resources—Title I:
  - Land Management, Bureau of:
    - Administrative provisions 171
    - Construction and access 169
    - Increased pay costs 65
    - Land acquisition 169
    - Management of lands and resources 169
    - Miscellaneous trust funds 170
    - Oregon and California grant lands 170
    - Permanent Federal funds 1411
      - Recapitulation 1418
    - Permanent trust funds 1424
      - Recapitulation 1431
    - Range improvements 170
    - Service charges, deposits, and forfeitures 170
    - Taxes, payments in lieu of 169
  - Third Budget Rescission Act, 1976 (*See* Third Budget Rescission Act.)
- Permanent Federal funds 1411
  - Recapitulation 1418
- Permanent trust funds 1424
  - Recapitulation 1431
- Recapitulation of appropriations by acts, irrespective of fiscal years 1434
- Recapitulation of itemized estimates and budget (obligational) authority 1558
- Reclamation, Bureau of (*See* Department of Interior under Energy, Department of.)
- Rescissions of appropriations considered during the 2d session of the 97th Congress, arranged by departments and establishments 1581
- Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
- Territorial and international affairs:
  - Territorial Affairs, Office of:
    - Permanent Federal funds 1412
      - Recapitulation 1418
    - Territories, administration of 181
    - Trust Territory of the Pacific Islands 181
- Total appropriations by sessions of Congress 1603
- Treasury, Department of the (*See* Treasury, Department of the.)
- Water and Power Resources Service:
  - Permanent Federal funds 1413
    - Recapitulation 1418

Page

- **Internal Revenue Service (*See* Joint Committee on Internal Revenue Taxation under Legislative Branch; Social Security Administration under HHS; Treasury, Department of.)**
- **International:**
  - Conferences and contingencies (*See* International organizations and conferences under State, Department of.)
  - Organizations:
    - Contributions (*See* International organizations and conferences under State, Department of.)
    - Missions (*See* International organizations and conferences under State, Department of.)
    - Peacekeeping activities (*See* International organizations and conferences under State, Department of.)
    - Trade negotiations (*See* International organizations and conferences under State, Department of.)
- **International Boundary and Water Commission, U.S. and Mexico (*See* International commissions under State.)**
- **International Boundary Commission, U.S. and Canada (*See* International commissions under State.)**
- **International Broadcasting, Board for (*See* Board for International Broadcasting.)**
- **International commissions, congresses etc., Expenses (*See also* State, Department of.)**
  - American Sections, International Commissions (*See* International commissions under State.)
  - Boundary and Water Commission (*See* International, *infra*.)
  - Boundary Commission, United States and Canada (*See* International commissions under State.)
  - Contributions to (*See* International organizations.)
  - Fisheries commissions (*See* International commissions under State, Department of.)
  - International Boundary and Water Commission United States and Mexico (*See* International commissions under State.)
- **International Communication Agency:**
  - Acquisition and construction of radio facilities 124
  - Center for Cultural and Technical Interchange Between East and West 124
  - Increased pay costs 71
  - Permanent trust funds 1428
    - Recapitulation 1432
  - Salaries and expenses 123

Page

- **International Communication Agency—Con.**
  - Urgent Supplemental Appropriations Act, 1982 14
- **International development assistance (*See* Funds Appropriated to the President.)**
- **International exhibits (*See* United States Information Agency.)**
- **International financial institutions (*See* Asian Development Bank; Inter-American Development Association; International Monetary Fund under Funds Appropriated to the President.)**
- **International Fisheries Commission (*See* Commerce, Justice, and State, the Judiciary and Related Agencies.)**
- **International military education and training (*See* Foreign Assistance.)**
- **International organizations and conferences (*See* State, Department of.)**
- **International Trade Administration (*See* Commerce, Department of.)**
- **International Trade Commission:**
  - Increased pay costs 71
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1502
  - Salaries and expenses 112
- **Interstate Commerce Commission:**
  - Directed rail service, payments to 242
  - Highway beautification (*See* Highway.)
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1545
  - Salaries and expenses 242
  - Urgent Supplemental Appropriations Act, 1982 12
- **Interstate Commission on the Potomac River Basin:**
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1514
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1433
- **Investigation, Federal Bureau of (*See* Federal Bureau of Investigation under Justice, Department of.)**
- **Israel (*See* Security supporting assistance under Funds Appropriated to the President.)**
  - Foreign military credit sales (*See* Foreign military credit sales under Foreign Assistance.)
- **Itemized comparisons of budget estimates, appropriations, and rescissions, arranged by acts, table VIII (*See also* Appropriations and estimates; and under specific department and agency.)** 1459

J

Page

James Madison Memorial Library Building (*See* Library of Congress under Legislative Branch.)
Japan-United States Friendship Commission:
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1505
  Trust fund 124
John E. Fogarty (*See* Fogarty, John E.)
John F. Kennedy Center for the Performing Arts (*See* National Park Service under Interior.)
Joint Chiefs of Staff (*See* Defense, Department of—Military.)
Joint Committee on Printing (*See* Contingent expenses of the Senate under Legislative Branch: Joint Items.)
Joint Committee on Taxation (*See* Contingent expenses of the House under Legislative: Joint Items.)
Joint Economic Committee (*See* Contingent expenses of the Senate under Legislative Branch: Joint Items.)
Jordan (*See* Security supporting assistance under Funds Appropriated to the President.)
Judges:
  Appeals Court judges (*See* Judiciary, the.)
  District judges (*See* Judiciary, the.)
  District of Columbia (*See* Judiciary, the.)
  Tax Court (*See* United States Tax Court.)
Judgements (*See* Claims.)
Judicial programs:
  Acts relating to:
    Federal Courts Improvement Act, 1982 905
    Pretrial Services Act of 1982 934
    Penalties for crimes against governmental officials, amend U.S. Code to provide for 937
Judiciary Services (*See* Judiciary, the.)
Judiciary, the:
  Administrative Office of the U.S. Courts:
    Salaries and expenses 126
  Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1444
  Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1439
  Comparison of budget estimates and appropriations by sessions of Congress 1595
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1591
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571

Judiciary, the—Continued Page
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983, arranged by departments and establishments 1568
  Courts of Appeals, District Courts, and Other Judicial Services:
    Bankruptcy courts, salaries and expenses 126
    Court security 126
    Defender services 125
    Drug dependent offenders, services for 126
    Judges, salaries of 125
    Jurors and commissioners, fees of 126
    Operation and maintenance of the courts, expenses of 126
    Space and facilities 126
    Supporting personnel, salaries of 125
  Federal Judicial Center:
    Salaries and expenses 127
  General provisions (*See also* General provisions, comprehensive reference.) 127
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1505
  Permanent trust funds 1419
    Recapitulation 1431
  Supreme Court of the United States:
    Buildings and grounds, care of 124
    Salaries and expenses 124
  Total appropriations by sessions of Congress 1603
  U.S. Court of Appeals for the Federal Circuit:
    Salaries and expenses 125
  U.S. Court of International Trade:
    Increased pay costs 60
    Salaries and expenses 125
Judiciary, The—Title IV (*See also* Justice, Department of.)
  Acts relating to (*See* Judicial programs.)
  Administrative Office of the U.S. Courts:
    Increased pay costs 60
  Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1444
  Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1440
  Comparison of budget estimates and appropriations by sessions of Congress 1595
  Court of Claims:
    Increased pay costs 60
  Court of Customs and Patent Appeals:
    Increased pay costs 60
  Courts of Appeals, District Courts, and Other Judicial Services:
    Increased pay costs 60
    Salaries and expenses ....
  Federal Judicial Center:
    Increased pay costs 60
  General provisions (*See* General provisions, comprehensive reference.)

Judiciary, The—Title IV (*See also* Justice, Department of.)—Con. Page
- Increased pay costs 59
- Recapitulation of appropriations by acts, irrespective of fiscal years 1433
- Recapitulation of itemized estimates and new budget (obligational) authority 1557
- Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
- Supreme Court of the United States:
  - Increased pay costs 59
- Total appropriations by sessions of Congress 1603

Jurors, fees of (*See* Judiciary, the.)

Justice, Department of:
- Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1444
- Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1440
- Comparison of budget estimates and appropriations by sessions of Congress 1595
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1591
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571
- Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1502
- Total appropriations by sessions of Congress 1603

Justice, Department of—Title II (*See also* Judiciary, The.)
- Acts relating to (*See* Judicial programs.)
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments 1568
- Comparison of budget, estimates, and appropriations by sessions of Congress 1595
- Drug Enforcement Administration:
  - Increased pay costs 66
  - Salaries and expenses 115
- Federal Bureau of Investigation:
  - Increased pay costs 66
  - Salaries and expenses 115
- Federal Prison System:
  - Buildings and facilities 116
  - Federal Prison Industries 116
    - Administrative and Vocational training expenses, limitation 116

Justice, Department of—Title II (*See also* Judiciary, The.)—Con. Page
- Federal Prison System—Continued
  - Increased pay costs 66
  - National Institute of Corrections 116
  - Salaries and expenses 116
- Foreign Claims Settlement Commission:
  - Salaries and expenses 25
- General Administration:
  - Increased pay costs 66
  - Salaries and expenses 113
- General provisions (*See also* General provisions, comprehensive reference.) 117
- Immigration and Naturalization Service:
  - Increased pay costs 66
  - Salaries and expenses 115
- Increased pay costs 66
- Justice Assistance, Research, and Statistics, Office of:
  - Increased pay costs 66
  - Law enforcement assistance 117
  - Research and statistics 117
- Law Enforcement Assistance Administration (*See* Office of Justice Assistance, Research, and Statistics.):
- Legal Activities:
  - Antitrust Division, salaries and expenses 114
  - Community Relations Service 114
  - Fees and expenses of witnesses 114
  - Foreign Claims Settlement Commission, salaries and expenses 114
  - General legal activities 113
  - Increased pay costs 66
  - U.S. attorneys and Marshals 114
  - U.S. Prisoners, support 114
- Recapitulation of appropriations by acts, irrespective of fiscal years 1433
- Recapitulation of itemized estimates and new budget (obligational) authority 1557
- Related agencies:
  - Commission on Civil Rights (*See* Commission on Civil Rights.)
  - Equal Employment Opportunity Commission (*See* Equal Employment Opportunity Commission.)
  - Legal Services Corporation (*See* Legal Services Corporation.)
- Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
- Total appropriations by sessions of Congress 1603
- U.S. Parole Commission:
  - Increased pay costs 66
  - Salaries and expenses 113

K

Kennedy, John F. (*See* John F. Kennedy Center for the Performing Arts.)

L

Page

Labor, Health and Human Services, and Education and Related Agencies Appropriation bill, 1983:

[NOTE.—**The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1983 (H.R. 7205) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 29, 1982, and was passed by the House on December 1, 1982. The Senate Committee on Appropriations reported the bill on December 8, 1982, but no further action was taken by the Senate. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(e)(1)(2)(3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983. (See pp. 321-346 for text of relevant part of Public Law 97-377, and pp. 1529-1535 for the related table VIII showing estimates and funding levels by appropriation account).**]

- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1985, arranged by agencies 1575
- Health and Human Services—Title II (*See* Health and Human Services, Department of.)
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1529
- Labor, Department of—Title I (*See* Labor, Department of.)
- Recapitulation of appropriations by acts, irrespective of fiscal years 1434
- Related agencies—Title IV:
  - ACTION (*See* ACTION.)
  - Community Services Administration (*See* Community Services Administration.)
  - Corporation for Public Broadcasting (*See* Corporation for Public Broadcasting.)
  - Federal Mediation and Conciliation Service (*See* Federal Mediation and Conciliation Service.)
  - Federal Mine Safety and Health Review Commission (*See* Federal Mine Safety and Health Review Commission.)

Page

Labor, Health and Human Services, and Education and Related Agencies Appropriation bill, 1983—Continued

- Related agencies—Title IV—Continued
  - National Commission on Libraries and Information Science (*See* National Commission on Libraries and Information Science.)
  - National Labor Relations Board (*See* National Labor Relations Board.)
  - National Mediation Board (*See* National Mediation Board.)
  - Occupational Safety and Health Administration (*See* Occupational Safety and Health Administration.)
  - Occupational Safety and Health Review Commission (*See* Occupational Safety and Health Review Commission.)
  - President's Commission for the Study of Ethical Problems in Medicine (*See* President's Commission for the Study of Ethical Problems in Medicine.)
  - Railroad Retirement Board (*See* Railroad Retirement Board.)
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1558
  - Soldiers' and Airmen's Home (*See* Soldiers' and Airmen's Home.)

Labor, Department of—Title I (*See* note under bill title on p. 203 for explanation of action taken on this bill.):

- Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1446
- Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1440
- Comparison of budget estimates and appropriations by sessions of Congress 1595
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1591
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments 1568
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982 arranged by agencies 1571
- Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
- Increased pay costs:
  - Bureau of Labor Statistics 67
  - Departmental management 67

Page

Labor, Department of—Title I (*See* note under bill title on p. 203 for explanation of action taken on this bill.)—Con.
- Increased pay costs—Continued
  - Employment and Training Administration 66
    - Permanent trust funds 1425
      - Recapitulation 1432
  - Employment Standards Administration 66
    - Permanent trust funds 1425
      - Recapitulation 1432
  - Labor-Management Services Administration 66
  - Occupational Safety and Health Administration 67
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1529
- Permanent trust funds 1425
  - Recapitulation 1432
- Recapitulation of appropriations by acts, irrespective of fiscal years 1434
- Recapitulations of itemized estimates and new budget (obligational) authority 1558
- Rescissions of appropriations considered during the 2d session of the 97th Congress, arranged by departments and establishments 1581
- Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
- Total appropriations by sessions of Congress 1603
- Urgent Supplemental Appropriations Act, 1982 5

Labor, Health and Human Services:
- Acts relating to:
  - Job Training Partnership Act 941
  - Job Training Partnership Act, amendments 1010
  - Orphan Drug Act 1012
  - Refugee Assistance Amendments of 1982 1007

Labor-Management Services Administration (*See* Labor, Department of.)

Labor Relations Board, National (*See* National Labor Relations Board.)

Labor Statistics, Bureau of (*See* Department of.)

Lake Tahoe California/Nevada Basin (*See* Fish and wildlife and parks under Interior.)

Land and Water Conservation Fund (*See* Fish and wildlife and parks under Interior.)

Land Management, Bureau of (*See* Land and water resources under Interior.)

Lands and resources (*See* Land and water resources under Interior.)

Laos (*See* Cambodia under HHS.)

Latin-America:
- Cooperation, expenses (*See* General provisions under Defense, Department of—Military.)

Page

Laundry or dry cleaning facilities: provisions on (*See* Department of Defense—Military: General provisions.)

Law Enforcement Assistance Administration (*See* Office of Justice Assistance, Research, and Statistics under Justice, Department of.)

Legal:
- Activities (*See* Justice, Department of.)
- Antitrust Division (*See* Justice, Department of.)
- U.S. attorneys and Marshals (*See* Justice, Department of.)
- Witnesses, fees, and expenses (*See* Justice, Department of.)

Legal Services Corporation:
- Continuing Appropriations, 1983 265
- Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1504
- Payment to 118

Legislative Branch:
- **[Note.—The following bill is a copy of S. 2939 as reported on September 22, 1982, by the Committee on Appropriations of the Senate. H.R. 7073 was reported by the Committee on Appropriations of the House of Representatives on September 9, 1982, but was not considered by the House. Funding of programs and activities included in the Senate bill, with certain adjustments as noted, is provided for the fiscal year ending September 30, 1983, under section 101(e) of Public Law 97-276, approved October 2, 1982, Making Continuing Appropriations for fiscal year 1983. (For specific exceptions to the bill below, see p. 260 for text of the continuing resolution and pp. 1536–1541 for the related table VIII).]**
- Acts relating to:
  - Historic Congressional Cemetery, Wash, DC, preservation of 1027
  - Office of the Architect of the Capitol and Botanic Garden, employee training for 1028
  - Permanent Committee for the Oliver Wendell Holmes Devise Fund, amend act to establish 1028
  - U.S. Capitol Grounds, additional areas for 1032

Legislative Branch—Continued Page
Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session ... 1446
Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 ... 1440
Comparison of budget estimates and appropriations by sessions of Congress ... 1595
Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 1591
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments ... 1568
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies ... 1571
Congressional operations—Title I:
  Acquisition of property as an addition to the Capitol Grounds:
    Capitol power plant ... 214
    House Office Buildings ... 214
    Senate Office Buildings ... 214
  Architect of the Capitol:
    Architect of the Capitol, Office of:
      Contingent expenses ... 213
      Salaries and expenses ... 213
    Capitol Buildings and Grounds:
      Capitol Buildings ... 213
      Capitol Grounds ... 214
  Congressional Budget Office:
    Increased pay costs ... 59
    Salaries and expenses ... 213
  Government Printing Office:
    Congressional printing and binding ... 215
  House of Representatives:
    Administrative provisions ... 210
    Committee employees ... 209
    Committee on Appropriations (Studies and investigations) ... 209
    Committee on the Budget (Studies) ... 209
    Contingent expenses of the House:
      Allowances and expenses ... 210
      Special and select committees ... 210
    House leadership offices ... 209
    Increased pay costs ... 58
    Members' clerk hire ... 209
    Mileage for the Members ... 208
    Officers and employees, salaries ... 209
    Permanent Federal funds ... 1407
      Recapitulation ... 1417
  Joint items:
    Attending Physician, Office of ... 211
    Capitol Police:
      Capitol Police Board ... 212
      General expenses ... 211
    Capitol Guide Service ... 212
    Contingent Expenses:
      House:
        Joint Committee on Taxation ... 211

Legislative Branch—Continued Page
Congressional operations—Title I—Con.
  Joint items—Continued
    Contingent Expenses—Continued
      Senate:
        Joint Committee on Printing ... 211
        Joint Economic Committee ... 210
    Increased pay costs ... 59
    Official mail costs ... 212
    Pages, education of ... 212
    Statements of appropriations ... 212
Continuing Appropriations, 1983 ... 260
General provisions—Title III (*See also* General provisions, comprehensive reference.) ... 219
Increased pay costs ... 58
Itemized comparisons of budget estimate, appropriations, and rescissions, arranged by acts ... 1536
Library of Congress:
  Congressional Research Service:
    Salaries and expenses ... 215
  Increased pay costs ... 59
Other agencies—Title II:
  Architect of the Capitol:
    Congressional cemetery ... 217
    Increased pay costs ... 59
    Library buildings and grounds:
      Structural and mechanical care ... 217
  Botanic Garden:
    Increased pay costs ... 59
    Salaries and expenses ... 215
  Copyright Office:
    Salaries and expenses ... 216
  Copyright Royalty Tribunal:
    Increased pay costs ... 59
    Salaries and expenses ... 217
  General Accounting Office:
    Increased pay costs ... 59
    Salaries and expenses ... 218
  Government Printing Office:
    Printing and binding ... 217
    Revolving fund ... 218
    Superintendent of Documents:
      Salaries and expenses ... 218
  Library of Congress:
    Administrative provisions ... 217
    Books for the Blind and Physically Handicapped:
      Salaries and expenses ... 216
    Collection and distribution of library materials:
      Special Foreign Currency Program ... 216
    Furniture and furnishings:
      Expenses ... 216
    Increased pay costs ... 59
    Permanent Federal funds ... 1407
      Recapitulation ... 1417
    Permanent trust funds ... 1419
      Recapitulation ... 1431
    Salaries and expenses ... 216
  Senate:
    Contingent expenses of the Senate:
      Administrative provisions ... 208
      Automobiles and maintenance ... 207
      Inquiries and investigations ... 207
      Miscellaneous items ... 207
      Postage stamps ... 207

Legislative Branch—Continued Page
- Other agencies—Title II—Continued
  - Senate—Continued
    - Contingent expenses of the Senate—Continued
      - Senate Policy Committees 207
      - Stationery (Revolving fund) 207
    - Increased pay costs 58
    - Mileage of the Vice President and Senators and expense allowances of the Vice President, the president pro tempore, the leaders, and whips of the Senate:
      - Vice President and Senators, mileage of 205
      - Vice President, the president pro tempore, majority and minority leaders and majority and minority whips, expense allowance of 205
    - Office of the Legislative Counsel of the Senate:
      - Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate and secretaries for the majority and for the minority, of the Senate 207
      - Senate Legal Counsel, Office of 207
    - Permanent Federal funds 1407
      - Recapitulation 1417
    - Salaries, officers and employees:
      - Administrative, clerical, and legislative assistants to Senators 206
      - Agency contributions and longevity compensation 206
      - Chaplain, Office of 206
      - Conference committees 206
      - Majority and minority leaders, floor assistants to 206
      - Majority and Minority Leaders, Office of 206
      - Majority and Minority Whips, Offices of 206
      - President Pro Tempore, Office of 206
      - Secretaries of the Conference of the Majority and the Conference of the Minority, Offices of 206
      - Secretaries for the Majority and Minority, Offices of 206
      - Secretary, Office of 206
      - Sergeant at Arms and Doorkeeper, Office of 206
      - Vice President, Office of 206
  - Technology Assessment, Office of:
    - Increased pay costs 59
    - Permanent trust funds 1419
      - Recapitulation 1431
  - Salaries and expenses 213
  - Total appropriations by sessions of Congress 1603
- Permanent Federal funds 1407
  - Recapitulation 1417
- Permanent trust funds 1419
  - Recapitulation 1431
- Recapitulation of appropriations by acts, irrespective of fiscal years 1434

Legislative Branch—Continued Page
- Recapitulation of itemized estimates and new budget (obligational) authority 1559
- Summary of estimates not considered, by fiscal years, arranged by departments and establishments 1579
- Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)

Leprosy (*See* Health Services Administration under HHS.)

Libraries and information science (*See* National Commission on Libraries and Information Science.)

Library (*See also* Library of Congress.):
- National Agricultural Library (*See* Agriculture, Department of.)
- National Library of Medicine (*See* National Institutes of Health under HHS.)
- Resources (*See* Education, Department of under HHS.)

Library of Congress (*See* Legislative Branch.)

Loans (*See* under specific department or agency.)

Low-income housing projects (*See* Housing and Urban Development, Department of.)

Lower Colorado River Basin development projects (*See* Reclamation, Bureau of, Interior, under Energy and Water Development.)

M

Magistrates, U.S. (*See* Judiciary, the.)

Mail (*See* Postal Service, U.S.)

Management and Budget, Office of (*See* Executive Office of the President, Treasury.)

Manpower (*See* Employment and Training Administration under Labor.)

Marine Corps (*See* Department of Defense—Military.)

Marine Mammal Commission:
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1502
- Salaries and expenses 112

Maritime:
- Acts relating to:
  - Coastal Barrier Resources Act 1044
  - Fisheries Amendments of 1982 1044
  - Fishermen's Contingency Fund, improve operation of 1039
  - Fishery conservation and management improvement 1056
  - Northern Pacific Halibut Act of 1982 1033

Maritime Administration:
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1501

Page
Marketing research (*See* ARS under Agriculture, Department of.)
Marketing Service, Agricultural (*See* Agricultural Marketing Service under Agriculture.)
Marshals (*See* Justice, Department of.)
Mass transportation (*See* Transportation; Urban Mass.)
Mental health activities (*See* National Institute of Mental Health; Health Service Administration under HHS.)
Merchant Marine (*See* Maritime Administration under Commerce, Department of.)
  Academy (*See* U.S. Merchant.)
Merit Systems Protection Board:
  Increased pay costs 71
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1549
  Recapitulation of appropriations by acts, irrespective of fiscal years 1435
  Urgent Supplemental Appropriations Act, 1982 14
Metabolic diseases (*See* National Institute of Arthritis.)
Metropolitan police (*See* under District of Columbia.)
Mexico (*See* American-Mexican Chamizal, International Commissions.)
  Boundary and Water Commission, United States (*See* International commissions.)
Miami, FL, jetport or other florida air facility, limitation on construction (*See* General provisions under Transportation.)
Migration and refugee assistance (*See* State, Department of.)
Migratory bird conservation account (*See* U.S. Fish and Wildlife Service under Interior.)
Middle East Special Requirements Fund (*See* Foreign Assistance.)
Military Appeals, Court of (*See* Defense, Department of—Military.)
Military Construction:
  Air Force 223
  Air Force Reserve 225
  Air National Guard 224
  Army 223
  Army National Guard 224
  Army Reserve 225
  Bakery (*See* Bakery.)
  Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session 1446
  Continuing Appropriations, 1983 260
  Defense:
    Agencies 224
  Family housing:
    Air Force 225
    Army 225
    Defense agencies 226
    Navy and Marine Corps 225

Military Construction—Continued Page
  General provisions (*See also* General provisions, comprehensive, reference.) 226
  Homeowners Assistance Fund, Defense 226
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by appropriation acts 1542
  Laundry or dry cleaning (*See* General provisions.)
  Naval Reserve 225
  Navy 223
  North Atlantic Treaty Organization infrastructure 224
  Recapitulation of appropriations by acts, irrespective of fiscal years 1435
  Recapitulation of itemized estimates and new budget (obligational) authority 1559
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
  Total appropriations by sessions of Congress 1603
Military personnel (*See* Defense, Department of—Military.)
Milk:
  Special Milk Program (*See* Food and Nutrition Service under Agriculture.)
Mine Safety and Health Administration (*See* Labor, Department of under HHS.)
Miners (*See* Coal miners.)
Mines, Bureau of (*See* Energy and minerals under Interior.)
Minority Business Development Agency (*See* Commerce, Department of.)
Minority business enterprises (*See* Commerce, Department of.)
Mint, Bureau of the (*See* Treasury, Department of.)
Miscellaneous laws carrying appropriations:
  Recapitulation of appropriations by acts, irrespective of fiscal years 1436
Miscellaneous private acts:
  Recapitulation 1405
Missiles:
  Procurement (*See* Defense, Department of—Military.)
Mississippi River and tributaries:
  Flood control (*See* Defense, Department of—Civil.)
Model Secondary School for Deaf (*See* Gallaudet College under HHS.)
Motor carrier safety (*See* Federal Highway Administration under Transportation, Department of.)
Motor vehicles (*See* General provisions under specific department or agency.)
Museum, National (*See* under Smithsonian Institution.)
Museum Services, Institute of (*See* HHS under Interior.)

Page

Mutual and self-help housing (*See* Farmers Home Administration under Agriculture.)

N

Narcotics control, international (*See* Economic assistance, Funds Appropriated to the President under Foreign Assistance.)

National Aeronautics and Space Administration:
  Budget Rescission Act, 1979 (*See* Budget Rescission Act, 1979.)
  Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 ... 1440
  Comparison of budget estimates and appropriations by sessions of Congress ... 1595
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies ... 1571
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 1592
  Comparison of budget estimates, appropriations, and rescissions fiscal year 1983, arranged by departments and establishments ... 1569
  Construction of facilities ... 156
  Increased pay costs ... 69
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1522
  Recapitulation of appropriations by acts, irrespective of fiscal years ... 1434
  Research and development ... 156
  Research and program management ... 156
    Increased pay costs ... 69
  Urgent Supplemental Appropriations Act, 1982 ... 10

National Agricultural Library (*See* Agriculture, Department of.)

National Archives and Records Service (*See* General Services Administration.)

National Board for Promotion of Rifle Practice (*See* Defense, Department of—Military.)

National Cancer Institute (*See* National Institutes of Health under HHS.)

National Capital airports (*See* Federal Aviation Administration under Transportation.)

National Capital Planning Commission:
  Increased pay costs ... 71
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1527
  Salaries and expenses ... 196

Page

National Capital Transportation Agency (*See* Washington Metropolitan Area Transit Authority under District of Columbia.)

National commission (*See* International commissions; name of commission.)

National Commission on Libraries and Information Science:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1534

National Commission on Social Security (*See* Social Security Administration under HHS.)

National Commission on Student Financial Assistance:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1534

National Credit Union Administration:
  Central liquidity facility ... 157
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1522

National Endowment for the Arts (*See* National Foundation on the Arts and the Humanities.)

National Endowment for the Humanities (*See* National Foundation on the Arts and the Humanities.)

National Eye Institute (*See* National Institutes of Health under HHS.)

National Fire Prevention and Control Administration (*See* Commerce, Department of.)

National Forest Fund (*See* Highway.)

National Forest Reservation Commission (*See* administrative provisions under Forest Service.)

National forests (*See* under Forest Service, Department of Agriculture.)

National Foundation on the Arts and the Humanities:
  Increased pay costs ... 71
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1526
  National Endowment for the Arts:
    Matching grants ... 195
    Salaries and expenses ... 194
  National Endowment for the Humanities:
    Administrative provision ... 196
    Institute of Museum Services ... 195
    Matching grants ... 195
    Salaries and expenses ... 195

Page

National Foundation on the Arts and the Humanities—Continued
  Permanent trust funds 1428
    Recapitulation 1432
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
National Gallery of Art:
  Salaries and expenses 194
National grasslands (*See* Grasslands under Interior.)
National Guard (*See* Defense, Department of—Military; Military Construction.)
National Heart and Lung Institute (*See* National Institutes of Health under HHS.)
National Highway Traffic Safety Administration (*See* Transportation, Department of.)
National Institute of Allergy and Infectious Diseases (*See* National Institutes of Health under HHS.)
National Institute of Arthritis, Metabolism, and Digestive Diseases (*See* National Institutes of Health under HHS.)
National Institute of Child Health and Human Development (*See* National Institutes of Health under HHS.)
National Institute of Dental Research (*See* National Institutes of Health under HHS.)
National Institute of Environmental Health Sciences (*See* National Institutes of Health under HHS.)
National Institute of General Medical Sciences (*See* National Institutes of Health under HHS.)
National Institute of Neurological and Communicative Disorders and Stroke (*See* National Institutes of Health under HHS.)
National Institute on Aging (*See* National Institutes of Health under HHS.)
National Institutes of Health (*See* National Institutes of Health under HHS.)
National Labor Relations Board:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Increased pay costs 71
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1534
National Library of Medicine (*See* National Institutes of Health under HHS.)
National Mediation Board:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)

Page

National Mediation Board—Continued
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1534
National Mortgage Association, Federal (*See* Government National Mortgage Association under HUD.)
National Museum (*See* Smithsonian Institution.)
National Oceanic and Atmospheric Administration:
  Permanent Federal funds:
    Recapitulation 1417
National Park Service (*See* Fish and wildlife and parks under Interior, Department of.)
National Railroad Passenger Corporation Amtrak (*See* Transportation, Department of.)
National Science Foundation:
  Increased pay costs 71
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1522
  Permanent trust funds 1428
    Recapitulation 1432
  Recapitulation of appropriations by acts, irrespective of fiscal years 1434
  Research and related activities 157
  Science education activities 158
  Scientific activities (Special Foreign Currency Program) 158
National Security Council (*See* Executive Office of the President.)
National Service Life Insurance Trust Fund (*See* Veterans' Administration.)
National Technical Institute for the Deaf (*See* Special institutions under HHS.)
National Telecommunications and Information Agency (*See* Commerce under State-Justice.)
National Transportation Safety Board:
  Increased pay costs 71
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1545
  Salaries and expenses 241
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
National Wool Act (*See* ASCS, Federal Funds under Agriculture.)
National Zoological Park (*See* Smithsonian Institution.)
Naturalization and immigration (*See* Immigration and Naturalization Service under Justice, Department of.)
Navajo and Hopi Indian Relocation Commission:
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1526

Page

Navajo and Hopi Indian Relocation Commission—Continued
  Salaries and expenses 193
Navy, Department of the (*See also* Defense, Department of—Military.)
  Permanent trust funds 1422
    Recapitulation 1431
Neighborhood Reinvestment Corporation:
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1522
  Payment to 158
  Recapitulation of appropriations by acts, irrespective of fiscal years 1434
Neighborhoods, voluntary associations, and consumer protection (*See* Housing and Urban Development, Department of.)
Neurological and communicative disorders (*See* National Institutes of Health under HHS.)
New York City Loan Guarantee Program (*See* Treasury, Department of.)
North Vietnam (*See* Vietnam.)
Nuclear Regulatory Commission:
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1515
  Recapitulation of appropriations by acts, irrespective of fiscal years 1433
Nuclear Safety Oversight Committee (*See* Nuclear Regulatory Commission.)
Nurse training (*See* Health Resources Administration under HHS.)
Nutrition (*See* Food and Nutrition Service under Agriculture.)

O

Obligations:
  Limitation on (*See* General provisions under specific department or agency.)
Occupational education (*See* Education, Office of under HHS.)
Occupational Safety and Health Administration (*See* Labor, Department of.)
Occupational Safety and Health Review Commission:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Increased pay costs (*See* Appropriation acts, departments and agencies within; increased pay costs.)
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1534
  Supplemental Appropriations and Rescission Act, 1981 (*See* Supplemental Appropriations and Rescission Act.)

Page

Office of Economic Opportunity (*See* Community Services Administration under HHS.)
Office of Education (*See* Education Division under HHS.)
Office of Environmental Quality (*See* Council on Environmental Quality.)
Office of Management and Budget (*See* Executive Office of the President.)
Office of Personnel Management (*See* Personnel Management, Office of.)
Office of Science and Technology Policy (*See* Science and Technology.)
Office of Special Counsel:
  Urgent Supplemental Appropriations Act, 1982 14
Official reports:
  House of Representatives (*See* House of Representatives under Legislative Branch.)
Oliver Wendell Holmes Devise Fund (*See* Legislative Branch.)
Operation and maintenance, Defense (*See* Defense; Department of—Military.)
Oregon:
  Coos and Douglas Counties, payments to (*See* Permanent Federal funds, Department of the Interior.)
  Coos Bay Wagon Road grant lands (*See* Administrative provisions under Interior.)
Oregon and California:
  Grant lands (*See* Land and water resources under Interior.)
Organic Act, 1944 (*See* Agriculture, Department of.)
Overseas dependents education (*See* Defense agencies under Defense, Department of—Military.)
Overseas Private Investment Corporation (*See* Foreign Assistance.)

P

Pacific Islands, Trust Territory of (*See* Trust territory under Interior, Department of.)
Packers and Stockyards Administration (*See* Agricultural Marketing Service under Agriculture.)
Pages, Senate and House (*See* Legislative Branch.)
Panama Canal Commission (*See also* the Panama Canal.)
  Capital outlay 243
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1545
  Operating expenses 242

Page

Participation sales; payment of sales insufficiencies:
  Education, Office of (*See* Education, Office of under HHS.)
  Health Resources Administration (*See* HHS.)
  Housing and Urban Development, Department of (*See* Housing and Urban Development.)
  Small Business Administration (*See* Small Business Administration.)
  Veterans' Administration (*See* Veterans' Administration.)
Patent Appeals and Customs Court (*See* Court of Customs and Patent Appeals under Judiciary, the.)
Patent and Trademark Office (*See* Commerce, Department of.)
Pay (*See* Advisory Committee on Federal **Pay.)**
Pay increase:
  Government employees (*See* Appropriations acts, departments and agencies within—Supplemental: increased pay costs; Legislative Branch: Pay increase.)
Patent Appeals and Customs Court (*See* Defense, Department of—Military: Pay.)
Peace Corps (*See* ACTION.)
Pennsylvania Avenue Development Corporation:
  Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts ... 1451
  Increased pay costs ... 72
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1527
  Permanent trust funds, recapitulation ... 1432
  Public development ... 196
  Salaries and expenses ... 196
  Supplemental Appropriations and Rescission Act, 1981 (*See* Supplemental Appropriations and Rescission Act.)
Pension Benefit Guarantee Corporation (*See* Government corporations.)
Permanent appropriations, Federal funds, table II (*See also* Appropriations and estimates; specific department or agency.) ... 1417
  Recapitulation of appropriations by acts, irrespective of fiscal years ... 1436
Permanent appropriations, trust funds, table III (*See also* Appropriations and estimates; specific department or agency.) ... 1431
  Recapitulation of appropriations by acts, irrespective of fiscal years ... 1436
Personnel Management, Office of:
  Increased pay costs ... 72
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts ... 1548

Page

Personnel Management, Office of—Con.
  Permanent Federal funds ... 1416
    Recapitulation ... 1418
  Permanent trust funds ... 1428
    Recapitulation ... 1432
  Recapitulation of appropriations by acts, irrespective of fiscal years ... 1435
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Pest control (*See* Animal and Plant Health Inspection Service under Agriculture.)
Petroleum reserves (*See* Energy, **Department of; Funds Appropriated to the President.)**
Philippines, Republic of:
  Veterans' Administration grants to (*See* Veterans' Administration.)
Police (*See* District of Columbia: **Metropolitan police; Secret Service under Justice, Department of; White House under Executive Office of the President.)**
Postal Service, U.S.—Title II:
  Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 ... 1440
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies ... 1571
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 1592
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments ... 1569
  Comparison of budget estimates and appropriations by sessions of Congress ... 1595
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by appropriation acts ... 1547
  Mail:
    Agriculture, Department of (*See* Agriculture, Department of.)
    Defense, Department of, reimbursement to Postal Service (*See* Defense, Department of.)
    House of Representatives (*See* House of Representatives under Legislative Branch.)
    Senate (*See* Senate under Legislative Branch.)
  Panama Canal (*See* Panama Canal.)
  Recapitulation of appropriations by acts, irrespective of fiscal years ... 1435
  Rescissions of appropriations considered during the 2d session of the 97th Congress, arranged by departments and establishments ... 1581

Page

Postal Service, U.S.—Title II—Continued
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
  Urgent Supplemental Appropriations Act, 1982 13
Potomac River Basin, Interstate Commission on (*See* Interstate Commission on.)
President of the Senate (*See* Vice President under Executive Office of the President; Senate under Legislative Branch.)
President of the United States (*See* Executive Office of the President; Funds Appropriated to the President.)
President's Commission on Ethical Problems in Medicine:
  Urgent Supplemental Appropriations Act, 1982 7
President's Committee on Employment of the Handicapped (*See* Handicapped.)
Pribilof Islands:
  Fund (*See* National Oceanic and Atmospheric Administration under Commerce, Department of.)
Primary and secondary schooling (*See* specific department or agency.)
Printing (*See* Joint Committee on Printing; U.S. Government Printing Office under Legislative Branch.)
Printing and binding (*See* Government Printing Office under Legislative Branch.)
Printing, Joint Committee on (*See* Joint Committee on Printing under Legislative Branch.)
Printing Office (*See* Government Printing Office under Legislative Branch.)
Prisons:
  Bureau of:
    Salaries and expenses (*See* Federal Prison System under Justice, Department of.)
  Federal Prison Industries (*See* Federal Prison System under Justice, Department of.)
  Federal Prison System (*See* Federal Prison System under Justice, Department of.)
Private relief acts (*See* Claims, judgments.)
Procurement, Defense (*See* Defense, Department of—Military.)
Productivity (*See* National Commission on Productivity.)
Propaganda (*See* General provisions under specific department or agency.)
Property (*See* General Services Administration.)
Public Broadcasting Corporation (*See* Corporation for Public Broadcasting.)

Page

Public buildings (*See* under specific department or agency.)
Public Debt, Bureau of (*See* Treasury, Department of.)
Public health (*See* Health under HHS.)
Public Health Service:
  Alcohol, Drug Abuse and Mental Health Administration (*See* HHS, Department of.)
  Centers for Disease Control (*See* HHS, Department of.)
  Food and Drug Administration (*See* HHS, Department of.)
  Health Resources Administration (*See* HHS, Department of.)
  Health Services Administration (*See* HHS, Department of.)
  National Institutes of Health:
    National Cancer Institute (*See* National Cancer Institute under HHS, Department of.)
    National Heart Institute (*See* National Heart under HHS, Department of.)
    National Institute of Allergy and Infectious Diseases (*See* National Institute of Allergy under HHS, Department of.)
    National Institute of Arthritis and Metabolic Diseases (*See* National Institute of Arthritis under HHS, Department of.)
    National Institute of Child Health and Human Development (*See* National Institute of Child Health under HHS, Department of.)
    National Institute of Dental Research (*See* National Institute of Dental Research under HHS, Department of.)
    National Institute of General Medical Sciences (*See* National Institute of General Medical Sciences under HHS, Department of.)
    National Institute of Mental Health (*See* National Institute of Mental Health under HHS, Department of.)
    National Institute of Neurological Diseases and Blindness (*See* National Institute of Neurological Diseases under HHS, Department of.)
    National Institutes of Health (*See* National Institutes of Health under HHS, Department of.)
    National Library of Medicine (*See* National Library of Medicine under HHS, Department of.)
  Refugees (*See* Refugees.)
  Social and Rehabilitation Service (*See* Social and Rehabilitation Service under HHS, Department of.)

Page

Public Health Service—Continued
St. Elizabeths Hospital (*See* St. Elizabeths Hospital under HHS, Department of.)
Public housing:
Facility loans (*See* Housing and Urban Development.)
Low rent (*See* Housing and Urban Development.)
Public land (*See also* Highways; land management under Interior):
Development (*See* Land Management, Bureau of, under Interior.)
Grazing payments (*See* Grazing.)
Highways (*See* Highways.)
Road and trails (*See* Land Management, Bureau of, under Interior.)
Public Law 480 (*See* Food for Peace.)
Public laws:
Miscellaneous, general (*See* Miscellaneous Public.)
Public laws, list of:
97-164 905
97-174 1375
97-176 1033
97-177 609
97-179 395
97-184 863
97-186 573
97-202 863
97-203 577
97-204 1129
97-208 585
97-212 1039
97-214 447
97-218 395
97-219 417
97-224 864
97-226 468
97-229 864
97-241 586
97-243 870
97-245 1027
97-247 421
97-248 1129
97-251 1381
97-252 468
97-253 1091
97-254 426
97-258 612
97-259 431
97-261 1207
97-264 1028
97-267 934
97-269 506
97-270 1136
97-275 877
97-285 937
97-286 442
97-293 1067
97-295 518
97-300 941
97-301 578
97-304 878
97-306 1386
97-310 892
97-320 793
97-321 543
97-322 1231

Page

Public laws, list of—Continued
97-324 1185
97-325 412
97-327 1239
97-328 574
97-330 791
97-331 1242
97-338 895
97-339 570
97-346 1028
97-348 1044
97-357 896
97-362 1136
97-363 1007
97-364 1244
97-373 1088
97-379 1032
97-389 1049
97-404 1010
97-414 1012
97-415 1189
97-418 792
97-424 1252
97-425 1203
97-448 1143
97-451 1205
97-453 1056
97-456 444
97-468 1341
Public libraries (*See* Library.)
Public Printer (*See* Government Printing Office under Legislative Branch.)
Public printing and binding (*See* Government Printing Office under Legislative Branch.)
Public works (*See also* Energy and Water Development.):
Acts relating to:
Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin Program, WY, modifications of 1067
Colorado River Basin project, amendment to 1088
Publicity or propaganda, funds denied for (*See* under specific department or agency: General provisions.)

R

Radio (*See* Broadcasting; International radio.)
Railroad:
Alaska (*See* Federal Railroad Administration under Transportation, Department of.)
Passenger Corporation, National (*See* Federal Railroad Administration under Transportation, Department of.)
Rail service assistance (*See* Federal Railroad Administration under Transportation, Department of.)
Rehabilitation and improvement (*See* Federal Railroad Administration under Transportation, Department of.)

Railroad—Continued Page
  Research and development (*See* Federal Railroad Administration under Transportation, Department of.)
  Safety (*See* Federal Railroad Administration under Transportation, Department of.)
  Service operating payments (*See* Urban Mass Transportation Administration under Transportation, Department of.)
Railroad Accounting Principles Board (*See* Legislative Branch.)
Railroad Retirement Board:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Increased pay costs 72
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1534
  Permanent trust funds 1429
    Recapitulation 1432
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Range improvements (*See* Forest Service; Land Management, Bureau of under Interior.)
Recapitulation of appropriations by acts, irrespective of fiscal years, table IV (*See* Appropriations and estimates.)
Recapitulation of comparison of budget estimates, appropriations, and rescissions, table VIIIf (*See* Appropriations and estimates.)
Recapitulation of itemized estimates and new budget (obligational) authority, table VIIIa (*See* Appropriations and estimates.)
Reception and representation expenses (*See* specific department or agency.)
Reclamation, Bureau of (*See* Interior, Department of under Energy and Water Development.)
Reconciliation:
  Act relating to:
    Omnibus Budget Reconciliation Act, 1982 1091
Referees (*See* Courts of Appeals, District Courts, and Other Judicial Services under Judiciary, the.)
Refugees:
  Assistance to refugees from Cambodia, Vietnam and Laos (*See* HHS.)
  Cuban refugees assistance (*See* HHS.)
Regional Development Program (*See* Commerce, Department of.)
Regular annual acts:
  Comparison of budget estimates and appropriations to liquidate contract authorizations 1455
Regular annual acts—Continued Page
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1453
Rehabilitation:
  Handicapped (*See* Handicapped.)
  Loan fund (*See* Community planning and development under Housing and Urban Development.)
Rescissions (*See* Rescissions and deferrals of budget authority, cumulative report on.)
Rescissions of appropriations considered during the 2d session of the 97th Congress, arranged by departments and establishments, table VIIIh (*See* Appropriations and estimates.)
Rescissions and deferrals of budget authority, cumulative report on:
  September 1982 365
  January 1983 383
Research (*See* under specific department or agency.)
Reserve operation and maintenance (*See* Defense, Department of—Military.)
Reserve Officer Training Corps:
  Rifle matches (*See* National Board for Promotion under Defense, Department of—Military.)
Reserve personnel (*See* Defense, Department of—Military; Military Construction.)
Resource conservation and development (*See* Soil Conservation Service under Agriculture.)
Resources:
  Fisheries (*See* Fish and wildlife and parks under Interior.)
  Management (*See* Indian Affairs, Bureau of; Land Management, Bureau of, under Interior.)
  Marine (*See* Marine under Interior.)
  Mineral (*See* Mineral under Interior.)
Retirement:
  Foreign service (*See* Foreign service.)
  Military (*See* Defense, Department of: Retired.)
  Railroad (*See* Railroad.)
Revenue:
  Acts relating to:
    Miscellaneous Revenue Act of 1982 1136
    Public debt limit, temporary increase in 1129, 1136
    Tax Equity and Fiscal Responsibility Act, 1982 1129
    Technical Corrections Act of 1982 1143
Revenue Sharing, Office of (*See* Treasury, Department of.)
Revenue (*See* Internal revenue.)
Revolution, American (*See* American Revolution Bicentennial Administration.)

Page

Rewards:
  Defense (*See* Defense, Department of.)
  Federal Bureau of Investigation (*See* Federal Bureau of Investigation under Justice, Department of.)
  Immigration and naturalization (*See* Immigration and Naturalization under Justice, Department of.)
  Interior (*See* Indian Affairs, Bureau of; Reclamation, Bureau of; Sports Fisheries and Wildlife, Bureau of.)
  Narcotics and dangerous drugs (*see* narcotics and dangerous drugs under Drug Enforcement Administration.)
  Navy (*See* Navy, Department of under Defense—Military.)
Rifle practice (*See* National Board for the Promotion of under Defense—Military.)
Riots (*See* under specific department or agency.)
River basin:
  Susquehanna River Basin (*See* Susquehanna River Basin.)
River basin surveys and investigations (*See* Soil Conservation Service under Agriculture.)
Rivers and harbors (*See* Defense, Department of—Civil, Corps of Engineers.)
Roads (*See also* Highways.)
  Access (*See* Defense, Department of; Military Construction.)
  Construction (*See* National Park Service under Interior.)
  Forest (*See* Forest Service under Agriculture.)
Roads and trails:
  Forest (*See* Forest Service under Agriculture.)
  National Forest Fund (*See* Forest Service under Agriculture.)
Roosevelt Campobello International Park Commission (*See* National Park Service under Interior, Department of.)
Rural community fire protection grants (*See* Farmers Home Administration under Agriculture.)
Rural Development Insurance Fund (*See* Farmers Home Administration under Agriculture.)
Rural development grants (*See* Farmers Home Administration under Agriculture.)
Rural Electrification Administration (*See* Agriculture, Department of.)
Rural housing (*See* Rural development and assistance under Agriculture.)
Rural housing for domestic farm labor (*See* Farmers Home Administration under Agriculture.)

Page

Rural Housing Insurance Fund (*See* Farmers Home Administration under Agriculture.)
Rural water and waste disposal grants (*See* Farmers Home Administration under Agriculture.)

S

Safeguard (*See* Missiles under Defense—Military.)
Saint Lawrence Seaway Development Corporation (*See* Transportation, Department of.)
Salaries and expenses (*See* under Specific department or agency.)
San Bernardino National Forest, CA, (*See* Acquisition of lands for national forests under Forest Service, Department of Agriculture.)
San Luis unit (*See* Reclamation, Bureau of under Interior.)
Savings and Loan Insurance Corporation (*See* Federal savings and loan.)
School Lunch Program (*See* Milk.)
Schools:
  Assistance in federally affected areas (*See* Education, Department of.)
  Coast Guard (*See* Coast Guard under Defense—Military.)
  Colleges (*See* Colleges.)
  District of Columbia (*See* District of Columbia.)
  Gallaudet College (*See* Gallaudet College under HHS.)
  Howard University (*See* Howard University under HHS.)
  Lunch Program (*See* Milk.)
  Marine (*See* Marine under Defense—Military.)
  Military personnel (*See* under Defense—Military.)
  Milk and lunch (*See* Milk.)
  Model Secondary School for Deaf (*See* HHS.)
  Primary and secondary for minor dependents of military and civilian personnel of DOD (*See* Defense—Military.)
Science:
  Acts relating to:
    Federal Oil and Gas Royalty Management Act of 1982 1205
    National Aeronautics and Space Administration, authorize appropriations for 1185
    Nuclear Regulatory Commission, authorization of appropriations for 1189
    Nuclear Waste Policy Act of 1982 1203
Science and Technology Policy, Office of:
  Recapitulation of appropriations by acts, irrespective of fiscal years ... 1434
  Salaries and expenses 154
Science and technical research (*See* Commerce, Department of.)
Secondary education (*See* Education, Department of.)

Page
Security and Cooperation in Europe, Commission on (*See* information relating to the unapproved bill (H.R. 4169) under Commerce, Justice, and State, the Judiciary and Related Agencies.)
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1505
  Salaries and expenses 123
Securities and Exchange Commission:
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1502
  Salaries and expenses 112
Security Council, National (*See* National Security Council.)
Security supporting assistance (*See* Foreign Assistance.)
Selective Service System:
  Increased pay costs 72
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1522
  Recapitulation of appropriations by acts, irrespective of fiscal years 1434
  Salaries and expenses 158
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Senate (*See* Legislative Branch.)
Senate Office Buildings (*See* Architect of the Capitol: Senate Office Buildings under Legislative Branch.)
Sergeant at Arms:
  House of Representatives (*See* House of Representatives under Legislative Branch.)
  Senate (*See* Senate under Legislative Branch.)
Services (*See* specific department or agency.)
Small Business Administration:
  Business Loan and Investment Fund 113
  Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts 1451
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1502
  Pollution Control Equipment Contract Guarantee Revolving Fund 113
  Revolving funds 112
  Salaries and expenses 112
Smithsonian Institution:
  Continuing Appropriations, 1983 265
  Increased pay costs 72
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1526
  Museum programs and related research 193

Smithsonian Institution—Continued — Page
  National Gallery of Art (*See* National Gallery of Art.)
  National Zoological Park:
    Construction and improvements 193
  Permanent trust funds 1429
    Recapitulation 1432
  Restoration and renovation of buildings 194
  Salaries and expenses 193
  Woodrow Wilson International Center for Scholars (*See* Woodrow Wilson International Center for Scholars.)
Social Security Administration (*See* Social Security Administration under HHS.)
Soil Conservation Service (*See* Agriculture, Department of.)
Soldiers' and Airmen's Home, U.S.:
  Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  Increased pay costs 64
  Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1534
  Permanent trust funds 1423
    Recapitulation 1431
  Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
South Vietnam (*See* Vietnam.)
Southeast Asia (*See* Vietnam.)
Southeastern Power Administration (*See* Power Marketing Administrations under Energy and Water Development.)
Southwestern Power Administration (*See* Power Marketing Administrations under Energy and Water Development.)
Space Administration, National Aeronautics and (*See* National Aeronautics and Space Administration.)
Speaker of the House of Representatives (*See* House of Representatives: Speaker under Legislative Branch.)
Special Action Office for Drug Abuse (*See* Executive Office of the President.)
Special Foreign Currency Program (*See* under specific department or agency.)
Special recreation use fees (*See* Department of Defense—Civil.)
Sport fisheries (*See* Fish and Wildlife under Interior.)
St. Elizabeths Hospital (*See* Alcohol, Drug Abuse, and Mental Health Administration under HHS; Human Resources under District of Columbia.)
Standards, Bureau of (*See* National Bureau of Standards under Commerce, Department of.)

State, Department of—Title III: Page
- Act relating to:
  - Department of State, International Communication Agency, Board for International Broadcasting, authorization of appropriations for, 1982 and 1983 ... 586
- Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session ... 1444
- Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 ... 1440
- Comparison of budget estimates and appropriations by sessions of Congress ... 1595
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 1592
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments ... 1569
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982 arranged by agencies ... 1571
- Foreign affairs, administration of:
  - American Institute in Taiwan, payment to the ... 120
  - Buildings abroad, acquisition, operation, and maintenance of ... 120
  - Buying power maintenance ... 120
  - Diplomatic and Consular Service ... 120
  - Foreign Service Retirement and Disability Fund, payment ... 120
  - Permanent trust funds ... 1425
    - Recapitulation ... 1432
  - Representation allowances ... 120
  - Salaries and expenses ... 119
- Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
- General provisions (*See also* General provisions, comprehensive reference.) ... 122
  - Administration of foreign affairs ... 67
- International commissions:
  - American sections, international commissions ... 121
  - International Boundary and Water Commission, U.S. and Mexico ... 121
  - International Fisheries Commission ... 122
  - Salaries and expenses ... 121
- International organizations and conferences:
  - International conferences and contingencies ... 121
  - International organizations:
    - Contributions to ... 120
  - International peacekeeping activities ... 121
    - Rescissions (*See* Budget rescission acts.)
  - Permanent trust funds ... 1426
    - Recapitulation ... 1432

State, Department of—Title III—Continued Page
- Itemized comparisons of budget estimates, appropriations, and rescissions, arranged by acts ... 1504
- Other:
  - United States bilateral science and technology agreements ... 122
  - The Asia Foundation ... 122
- Permanent Federal funds ... 1413
  - Recapitulation ... 1418
- Permanent trust funds ... 1425
  - Recapitulation ... 1432
- Recapitulation of appropriations by acts, irrespective of fiscal years ... 1433
- Recapitulation of itemized estimates and new budget (obligational) authority ... 1557
- Related agencies:
  - Arms Control and Disarmament Agency (*See* Arms Control and Disarmament Agency.)
  - Board for International Broadcasting (*See* Board for International Broadcasting.)
  - Commission on Security and Cooperation in Europe (*See* Commission on Security and Cooperation in Europe.)
  - Commission on Wartime Relocation and Internment of Civilians (*See* Commission on Wartime Relocation and Internment of Civilians.)
  - International Communication Agency (*See* International Communication Agency.)
  - Japan-United States Friendship Commission (*See* Japan-United States Friendship Commission.)
- Supplemental Appropriations, 1979 (*See* Appropriations Acts, Departments and Agencies Within — Supplementals, 1979.)
- Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
- Total appropriations by sessions of Congress ... 1603

State and community highway safety (*See* National Highway Traffic Safety Administration; Federal Highway Administration under Transportation, Department of.)

State boating safety assistance (*See* Coast Guard under Transportation, Department of.)

Statement of appropriations, and contract authorizations, table VII (*See* Appropriations and estimates.)

Statistical Reporting Service (*See* Agriculture, Department of.)

Stock Fund—Military (*See* Defense, Department of—Military.)

Stockyards (*See* Packers and stockyards under Agriculture.)

Page

- **Stroke (*See* National Institute of Neurological Diseases under HHS.)**
- **Student Loan Insurance Fund (*See* Education, Department of under HHS.)**
- **Summary of estimates not considered by fiscal years, arranged by departments and establishments, table VIIIg (*See* Appropriations and estimates.)**
- **Superintendent of Documents (*See* Government Printing Office under Legislative Branch.)**
- **Supplemental appropriations acts:**
  - Chronological history of regular annual and supplemental appropriations bills, 97th Congress, 2d session 1446
  - Comparison of budget estimates and appropriations to liquidate contract authorizations 1456
  - Comparison of budget estimates and contract authorizations carried in appropriations acts 1453
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1451
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1465
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1435
  - Recapitulation of itemized estimates and new budget (obligational) authority 1559
  - Total appropriations by sessions of Congress 1603
  - Urgent (*See* Urgent.)
- **Supplemental Appropriations Act, 1982:**
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1465
  - Title I:
    - Chapter I—Department of Agriculture:
      - Food and Nutrition Service:
        - Child nutrition programs 21
      - Commodity Credit Corporation:
        - Authority to borrow 21
      - Conservation:
        - Soil Conservation Service:
          - Conservation operations 21
    - Chapter II:
      - Department of Commerce:
        - Bureau of the Census:
          - Periodic censuses and programs 22
        - Economic Development Administration:
          - Economic Development Revolving Fund 22
        - International Trade Administration:
          - Operations and administration 22
          - U.S. expositions, participation in 22
        - Minority Business Development Agency:
          - Minority business development 22

Page

- **Supplemental Appropriations Act, 1982—Con.**
  - Title I—Continued
    - Chapter II—Continued
      - Department of Commerce—Continued
        - National Oceanic and Atmospheric Administration:
          - Coastal Zone Management 23
          - Foreign Fishing Observer Fund 23
          - Operations, research, and facilities 23
        - Patent and Trademark Office:
          - Salaries and expenses 23
        - Related agencies:
          - Department of Transportation:
            - Maritime Administration:
              - Federal Ship Financing Fund 23
          - Department of the Treasury:
            - Bureau of Government Financial Operations:
              - Fishermen's Protective Fund 23
            - Securities and Exchange Commission:
              - Salaries and expenses 24
            - Small Business Administration:
              - Business Loan and Investment Fund 24
              - Pollution Control Equipment Contract Guarantee Revolving Fund 24
              - Salaries and expenses 24
              - Surety Bond Guarantees Revolving Fund 24
      - Department of Justice:
        - Drug Enforcement Administration:
          - Salaries and expenses 26
        - Federal Bureau of Investigation:
          - Salaries and expenses 25
        - Federal Prison Industries, Inc.:
          - Administrative and vocational training expenses, limitation on 26
        - Federal Prison System:
          - Buildings and facilities 26
          - Salaries and expenses 26
        - General provisions 26
        - Immigration and Naturalization Service:
          - Salaries and expenses 25
        - Legal activities:
          - Community Relations Service:
            - Salaries and expenses 25
          - Fees and expenses of witnesses 25
          - Foreign Claims Settlement Commission:
            - Salaries and expenses 25
          - Salaries and expenses, general legal activities 24
          - Salaries and expenses, U.S. attorneys and Marshals 25
          - U.S. prisoners, support of 25
        - Office of Justice Assistance, Research, and Statistics:
          - Research and statistics 26
      - Department of State:
        - Administration of foreign affairs:
          - Acquisition, operation, and maintenance of buildings abroad 27

Supplemental Appropriations Act, 1982—Con. Page
- Title I—Continued
  - Chapter II—Continued
    - Department of State—Continued
      - Administration of foreign affairs—Continued
        - Payment to the American Institute in Taiwan ... 27
        - Payment to the Foreign Service Retirement and Disability Fund ... 27
        - Salaries and expenses ... 27
      - International commissions:
        - American sections, international commissions ... 27
      - Related agencies:
        - Board for International Broadcasting:
          - Grants and expenses ... 27
        - Commission on Wartime Relocation and Internment of Civilians:
          - Salaries and expenses ... 28
    - Judiciary, The:
      - Courts of Appeals, District Courts, and Other Judicial Services:
        - Defender services ... 28
  - Chapter III—Department of Defense—Military:
    - Administrative provisions ... 30
    - Military personnel:
      - Air Force ... 28
      - Army ... 28
      - Marine Corps ... 28
      - Navy ... 28
    - National Guard personnel:
      - Air Force ... 29
      - Army ... 29
    - Operation and maintenance:
      - Air Force ... 30
      - Air Force Reserve ... 30
      - Air National Guard ... 30
      - Army ... 29
      - Army National Guard ... 30
      - Army Reserve ... 30
      - Defense agencies ... 30
      - Marine Corps ... 30
      - Navy ... 29
      - Navy Reserve ... 30
    - Procurement:
      - Aircraft procurement, Air Force ... 30
      - Defense agencies ... 30
      - Other procurement, Air Force ... 30
    - Reserve personnel:
      - Air Force ... 29
      - Army ... 28
      - Marine Corps ... 29
      - Navy ... 28
    - Retired military personnel:
      - Retired pay, Defense ... 29
  - Chapter IV—District of Columbia:
    - District of Columbia funds:
      - Administrative provisions ... 32
      - Capital outlay ... 32
      - Division of expenses ... 32
      - Economic development and regulation ... 31
      - Environmental services and supply ... 32

Supplemental Appropriations Act, 1982—Con. Page
- Title I—Continued
  - Chapter IV—District of Columbia—Con.
    - District of Columbia funds—Con.
      - Governmental direction and support ... 31
      - Human support services ... 32
      - Public education system ... 31
      - Public safety and justice ... 31
      - Washington Convention Center Enterprise Fund ... 32
  - Chapter V:
    - Administrative provisions ... 34
    - Department of the Interior:
      - Bureau of Reclamation:
        - Operation and maintenance ... 33
    - Related agency:
      - Department of Energy:
        - Operating expenses:
          - Atomic energy defense activities ... 33
        - Plant and capital equipment:
          - Atomic energy defense activities ... 34
          - Energy, supply, research, and development ... 34
  - Chapter VI:
    - Bilateral economic assistance:
      - Funds Appropriated to the President:
        - Agency for International Development:
          - Foreign Service Retirement and Disability Fund ... 35
          - Lebanon emergency relief ... 35
          - Overseas and special development activities ... 35
        - Economic Support Fund:
          - Caribbean Basin initiative ... 35
        - Foreign military credit sales ... 37
        - International military education and training ... 37
        - Military Assistance Program ... 36
        - Special Defense Acquisition Fund ... 37
      - Department of State:
        - Migration and refugee assistance ... 37
  - Chapter VII:
    - Administrative provisions ... 38
    - Department of Housing and Urban Development:
      - Housing programs:
        - Annual contributions for assisted housing ... 37
    - Independent agencies:
      - Selective Service System:
        - Salaries and expenses ... 38
      - Veterans' Administration:
        - Medical administration and miscellaneous operating expenses ... 38
        - Medical and prosthetic research ... 38
        - Republic of the Philippines, grants to ... 38
  - Chapter VIII:
    - Department of the Interior:
      - Bureau of Indian Affairs:
        - Construction ... 41
        - Operation of Indian programs ... 40

Supplemental Appropriations Act, 1982—Con. Page
- Title I—Continued
  - Chapter VIII—Continued
    - Department of the Interior—Con.
      - Bureau of Land Management:
        - Land acquisition 39
        - Management of lands and resources 39
      - Bureau of Mines:
        - Mines and minerals 40
      - Geological Survey:
        - Surveys, investigations, and research 40
      - National Park Service:
        - Construction 39
        - Land acquisition and State assistance 40
        - Land and Water Conservation Fund 40
        - National Park System, operation of 39
      - Office of Surface Mining Reclamation and Enforcement:
        - Abandoned Mine Reclamation Fund 40
      - Office of Territorial Affairs:
        - Territories, administration of 41
        - Trust Territory of the Pacific Islands 41
      - Office of the Secretary:
        - Inspector General 42
    - Related agencies:
      - Department of Agriculture:
        - Forest Service:
          - Administrative provision 42
          - Construction and land acquisition 42
          - National Forest System 42
      - Department of Energy:
        - Economic regulation 43
        - Fossil energy construction 43
        - Fossil energy research and construction 43
      - Department of Health and Human Services:
        - Health Services Administration:
          - Indian health facilities 43
        - Navajo and Hopi Indian Relocation Commission:
          - Salaries and expenses 44
      - Federal Inspector for the Alaska Gas Pipeline:
        - Administrative provision 44
        - Permitting and enforcement 44
      - National Foundation on the Arts and the Humanities:
        - National Endowment for the Arts:
          - Institute of Museum Services 44
          - Salaries and expenses 44
      - U.S. Fish and Wildlife Service:
        - Construction and anadromous fish 39
        - Resource management 39
  - Chapter IX:
    - Department of Education:
      - College housing loans 48
      - Compensatory education for the disadvantaged 46
      - Education for the handicapped 47

Supplemental Appropriations Act, 1982—Con. Page
- Title I—Continued
  - Chapter IX—Continued
    - Department of Education—Continued
      - Higher and continuing education 47
      - Higher education facilities loan and insurance 48
      - Inspector General, Office of:
        - Salaries and expenses 49
      - School assistance in federally affected areas 47
      - Special institutions:
        - American Printing House for the Blind 48
        - Gallaudet College 48
        - Howard University 48
        - National Technical Institute for the Deaf 48
      - Student financial assistance 47
      - Vocational and adult education 47
    - Department of Health and Human Services:
      - Alcohol, Drug Abuse, and Mental Health Administration:
        - Alcohol, drug abuse, and mental health 46
      - Assistant Secretary for Health:
        - Health Maintenance Organization Loan and Loan Guarantee Fund 46
        - Salaries and expenses 46
      - Centers for Disease Control:
        - Preventive health services 45
      - Health Care Financing Administration:
        - Grants to States for medicaid 46
      - Health Resources Administration:
        - Health resources 46
      - Social Security Administration:
        - Administrative expenses, limitation on 46
    - Department of Labor:
      - Employment and Training Administration:
        - Employment and training assistance 44
        - Older Americans, community service employment for 45
        - Unemployment insurance and employment services, grants to States for 45
        - Unemployment trust and other funds, advances to 45
      - Labor-Management Services Administration:
        - Salaries and expenses 45
      - Occupational Safety and Health Administration:
        - Salaries and expenses 45
    - Related agencies:
      - Railroad Retirement Board:
        - Dual benefits payments account 49
      - Soldiers' and Airmen's Home:
        - Capital outlay 49
        - Operation and maintenance 49
  - Chapter X—Legislative Branch:
    - Administrative provisions 51
    - Architect of the Capitol:
      - Capital power plant 51

Supplemental Appropriations Act, 1982—Con. Page
  Title I—Continued
    Chapter X—Legislative Branch—Con.
      Copyright Royalty Tribunal:
        Salaries and expenses 51
      House of Representatives:
        Allowances and expenses 51
        Widows and heirs of deceased Members of Congress, payments to 51
      Senate:
        Administrative provisions 50
        Miscellaneous items 50
        Salaries, officers and employees:
          Administrative, clerical, and legislative assistance to Senators 49
          Office of the Majority and Minority Leaders 49
          Office of the Secretaries for the Majority and Minority 49
    Chapter XI—Military Construction:
      Family housing, defense 52
      Military construction:
        Air Force 51
    Chapter XII:
      Department of Transportation:
        Acquisition, construction, and improvements:
          Alteration of bridges 52
        Coast Guard:
          Operating expenses 52
        Federal Aviation Administration:
          Operations 52
          Research, engineering, and development 52
        Federal Highway Administration:
          Access highways to public recreation areas on certain lakes 53
          Interstate transfer grants—Highways 52
        Federal Railroad Administration:
          Commuter rail service 54
          Grants to the National Railroad Passenger Corporation 53
          Rail labor assistance 54
          Rail service assistance 53
          Railroad rehabilitation and improvement financing funds 54
          Redeemable preference shares 53
          Settlements of railroad litigation 54
        Urban Mass Transportation Administration:
          Interstate transfer grants—transit 54
          Urban discretionary grants 54
      Related agencies:
        Department of the Treasury:
          Office of the Secretary:
            Investment in fund anticipation notes 55
        National Transportation Safety Board:
          Emergency Fund 55

Supplemental Appropriations Act, 1982—Con. Page
  Title I—Continued
    Chapter XIII:
      Department of the Treasury:
        Bureau of Government Financial Operations:
          City of Fairfax, VA, payment to 55
          Postal savings system liquidation 55
        Internal Revenue Service:
          Administrative provision 56
          Examinations and appeals 56
          Investigations and collections 56
          Salaries and expenses 55
          Taxpayer service and returns processing 56
        U.S. Secret Service:
          Administrative provision 56
          Salaries and expenses 56
      Independent agencies:
        General Services Administration:
          Federal buildings fund:
            Availability of revenue, limitations on 57
          National Archives and Records Service:
            Operating expenses 57
        Office of Personnel Management:
          Annuitants, employees health benefits 58
          Civil Service Retirement and Disability Fund 57
        U.S. Postal Service:
          Postal Service Fund, payment to 56
  Title II—Increased pay costs for the fiscal year 1982:
    Department of Agriculture:
      Agricultural Marketing Service 62
      Agricultural Stabilization and Conservation Service 61
      Animal and Plant Health Inspection Service 62
      Farmers Home Administration 61
      Food Safety and Inspection Service 62
      Forest Service 62
      Packers and Stockyards Administration 62
      Rural Electrification Administration 61
      Soil Conservation Service 61
    Department of Commerce:
      Bureau of the Census 62
      Economic and Statistical Analysis 62
      General administration 62
      National Oceanic and Atmospheric Administration 62
      Patent and Trademark Office 62
    Department of Defense—Civil:
      Department of the Army:
        Cemeterial expenses, Army 64
        Corps of Engineers—Civil 63
        Soldiers' and Airmen's Home 64
    Department of Defense—Military:
      Family housing 63
      Military personnel 63
      Operation and maintenance 63
    Department of Education:
      Departmental management 64

Supplemental Appropriations Act, 1982—Con. Page
- Title II—Increased pay costs for the fiscal year 1982—Continued
  - Department of Health and Human Services:
    - Alcohol, Drug Abuse, and Mental Health Administration 64
    - Assistant Secretary for Health 64
    - Assistant Secretary for Human Development Services 65
    - Centers for Disease Control 64
    - Departmental management 65
    - Food and Drug Administration 64
    - Health Care Financing Administration 64
    - Health Resources Administration 64
    - Health Services Administration 64
    - National Institutes of Health 64
    - Social Security Administration 65
  - Department of Justice:
    - Drug Enforcement Administration 66
    - Federal Bureau of Investigation 66
    - Federal Prison System 66
    - General administration 66
    - Immigration and Naturalization Service 66
    - Legal activities 66
    - Office of Justice Assistance, Research, and Statistics 66
    - U.S. Parole Commission 66
  - Department of Labor:
    - Bureau of Labor Statistics 67
    - Departmental management 67
    - Employment and Training Administration 66
    - Employment Standards Administration 66
    - Labor-Management Services Administration 66
    - Occupational Safety and Health Administration 67
  - Department of State:
    - Administration of foreign affairs 67
  - Department of Transportation:
    - Coast Guard 67
    - Federal Aviation Administration 67
    - Federal Highway Administration 67
    - Federal Railroad Administration 67
    - Office of Inspector General 68
    - Office of the Secretary 68
    - Saint Lawrence Seaway Development Corporation 68
    - Urban Mass Transportation Administration 67
  - Department of the Interior:
    - Bureau of Indian Affairs 65
    - Bureau of Land Management 65
    - Geological Survey 65
    - National Park Service 65
    - Office of the Secretary 65
    - Office of the Solicitor 65
    - U.S. Fish and Wildlife Service 65
  - Department of the Treasury:
    - Bureau of Alcohol, Tobacco and Firearms 68
    - Bureau of Government Financial Operations 68
    - Bureau of the Mint 68
    - Bureau of the Public Debt 68

Supplemental Appropriations Act, 1982—Con. Page
- Title II—Increased pay costs for the fiscal year 1982—Continued
  - Department of the Treasury—Continued
    - Federal Law Enforcement Training Center 68
    - Internal Revenue Service 68
    - Office of Revenue Sharing 68
    - Office of the Secretary 68
    - U.S. Customs Service 68
    - U.S. Secret Service 69
  - Executive Office of the President:
    - Council of Economic Advisers 60
    - Council on Environmental Quality and Office of Environmental Quality 60
    - Executive Residence at the White House 60
    - National Security Council 61
    - Office of Administration 61
    - Office of Federal Procurement Policy 61
    - Office of Management and Budget 61
    - Office of Policy Development 60
    - Office of the U.S. Trade Representative 61
    - Special Assistance to the President 60
    - The White House Office 60
  - Legislative Branch:
    - Architect of the Capitol 59
    - Botanic Garden 59
    - Congressional Budget Office 59
    - Copyright Royalty Tribunal 59
    - General Accounting Office 59
    - House of Representatives 58
    - Joint items 59
    - Library of Congress 59
    - Office of Technology Assessment 59
    - Senate 58
  - National Aeronautics and Space Administration:
    - Research and program management 69
  - Other independent agencies:
    - ACTION 69
    - Administrative Conference of the United States 69
    - Civil Aeronautics Board 69
    - Commission of Fine Arts 69
    - Committee for Purchase From the Blind and Other Severely Handicapped 69
    - Commodity Futures Trading Commission 69
    - Consumer Product Safety Commission 69
    - Equal Employment Opportunity Commission 69
    - Farm Credit Administration 69
    - Federal Communications Commission 69
    - Federal Election Commission 70
    - Federal Home Loan Bank Board 70
    - Federal Labor Relations Authority 70
    - Federal Maritime Commission 70
    - Federal Mine Safety and Health Review Commission 70
    - Federal Savings and Loan Insurance Corporation 70
    - General Services Administration:
      - Automated Data and Telecommunications Service 71

Supplemental Appropriations Act, 1982—Con. Page
- Title II—Increased pay costs for the fiscal year 1982—Continued
  - Other independent agencies—Continued
    - General Services Administration—Con.
      - Federal Buildings Fund 70
      - Federal Property Resources Service 71
      - Federal Supply Service 70
      - General management and administration 71
    - Holocaust Memorial Council 71
      - National Archives and Records Service 70
      - Transportation and Public Utilities Service 70
    - Intelligence community staff 71
    - Intergovernmental agencies:
      - Advisory Commission on Intergovernmental Relations 71
    - International Communication Agency 71
    - International Trade Commission 71
    - Merit Systems Protection Board 71
    - National Capital Planning Commission 71
    - National Foundation on the Arts and the Humanities:
      - National Endowment for the Arts 71
    - National Labor Relations Board 71
    - National Science Foundation 71
    - National Transportation Safety Board 71
    - Office of Personnel Management 72
    - Pennsylvania Avenue Development Corporation 72
    - Railroad Retirement Board 72
    - Selective Service System 72
    - Smithsonian Institution 72
    - United States Tax Court 72
  - The Judiciary:
    - Administrative Office of the United States Courts 60
    - Court of Claims 60
    - Court of Customs and Patent Appeals 60
    - Courts of Appeals, District Courts, and Other Judicial Services 60
    - Federal Judicial Center 60
    - Supreme Court of the United States 59
    - U.S. Court of International Trade 60
  - Veterans' Administration 69
- Title III—General provisions 72

Supplemental Security Income Program (*See* Social Security Administration under HHS.)

Supreme Court of the United States (*See* Judiciary, the.)

Susquehanna River Basin Commission:
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1515
- Recapitulation of appropriations by acts, irrespective of fiscal years 1433

Syria (*See* Security Supporting assistance under Funds Appropriated to the President.)

T Page

Tables (*See* Appropriations and estimates.)

Tax (*See* Internal Revenue Service under Treasury.)

Tax Court, United States (*See* United States Tax Courts.)

Taxation, Joint Committee on (*See* Joint Committee on Taxation under Legislative Branch.)

Technology Assessment, Office of (*See* Legislative Branch.)

Telecommunications Policy, Office of (*See* Executive Office of the President.)

Temporary Commission on Financial Oversight of the District of Columbia (*See also* District of Columbia Appropriation Act, 1980.)
- Supplemental Appropriations and Rescission Act, 1981 (*See* Supplemental Appropriations and Rescission Act.)

Tennessee Valley Authority:
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1515
- Permanent Federal funds 1416
  - Recapitulation 1418
- Recapitulation of appropriations by acts, irrespective of fiscal years 1433
- Supplemental Appropriations and Rescission Act, 1981 (*See* Supplemental Appropriations and Rescission Act.)

Territorial Affairs, Office of (*See* Territorial Office under Interior.)

Toiyabe National Forest, NV. (*See* Acquisition of lands for national forests under Forest Service, Department of Agriculture.)

Total appropriations by sessions of Congress, table X (*See* Appropriations and estimates.)

Tracked combat vehicles, procurement (*See* under appropriate military departments.)

Trade Commission,, Federal (*See* Federal Trade Commission.)

Traffic and highway safety (*See* National Highway Safety Administration; Federal Highway Administration under Transportation, Department of.)

Trails (*See* Forest Service under Agriculture.)

Transportation and Public Utilities Service (*See* General Services Administration.)

Transportation and Related Agencies Appropriation Act, 1983:
- Acts relating to:
  - Alcohol traffic safety programs and national driver register 1244
  - Bus Regulatory Reform Act of 1982 1207

Page

Transportation and Related Agencies Appropriation Act, 1983—Con.

- Acts relating to—Continued
  - Coast Guard Authorization Act of 1982 ... 1231
  - Federal-Aid Highway Act of 1982 ... 1239
  - Highway Improvement Act of 1982 ... 1252
  - Motor Vehicle Safety and Cost Savings Authorization Act of 1982 ... 1242
  - Rail Safety and Service Improvement Act of 1982 ... 1341
- General provisions—Title III (*See also* General provisions, comprehensive reference.) ... 244
- Increased pay costs ... 65
- Related agencies—Title II:
  - Architectural and Transportation Barriers Compliance Board (*See* Architectural and Transportation Barriers Compliance Board.)
  - Civil Aeronautics Board (*See* Civil Aeronautics Board.)
  - Interstate Commerce Commission (*See* Interstate Commerce Commission.)
  - National Transportation Safety Board (*See* National Transportation Safety Board.)
  - Panama Canal Commission (*See* Panama Canal Commission.)
  - The Panama Canal (*See* The Panama Canal.)
  - Treasury, Department of:
    - Fund anticipation notes (*See* U.S. Railway Association.)
  - U.S. Railway Association (*See* U.S. Railway Association.)
  - Washington Metropolitan Area Transit Authority (*See* Washington Metropolitan Area Transit Authority.)
- Supplemental, 1981 (*See* Appropriations Acts, departments and agencies within.)
- Supplemental Appropriations, 1981 (*See* Appropriations Acts, departments and agencies within: Supplementals.)
- Transportation, Department of—Title I (*See* Transportation, Department of.)
- Urgent Supplemental Appropriations Act, 1982 ... 11

Transportation, Department of—Title I:

- Chronological history of regular annual and supplemental appropriation bills, 97th Congress, 2d session ... 1446
- Coast Guard:
  - Acquisition, construction, and improvements ... 230
  - Bridges, alteration of ... 230
  - Deepwater Port Liability Fund ... 231
  - Headquarters administration ... 230
  - Increased pay costs ... 67
  - National Recreational Boating Safety and Facilities Improvement Fund ... 231
  - Offshore Oil Pollution Compensation Fund ... 231

Page

Transportation, Department of—Title I—Con.

- Coast Guard—Continued
  - Operating expenses ... 230
  - Permanent Federal funds ... 1414
    - Recapitulation ... 1418
  - Permanent trust funds ... 1426
    - Recapitulation ... 1432
  - Research, development, test, and evaluation ... 231
  - Reserve training ... 231
  - Retired pay ... 231
- Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 ... 1440
- Comparison of budget estimates and appropriations by sessions of Congress ... 1595
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 1592
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments ... 1569
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies ... 1571
- Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts ... 1451
- Continuing Appropriations, 1983 ... 274
- Deferrals of budget authority and outlays arranged by departments and establishments ... 1583
- Federal Aviation Administration:
  - Airport Purchase Loan Guarantee Program ... 234
  - Airports, grants-in-aid for ... 233
  - Aviation Insurance Revolving Fund ... 234
  - Facilities and equipment ... 233
  - Facilities, engineering and development ... 233
  - Headquarters administration ... 232
  - Increased pay costs ... 67
  - Metropolitan Washington airports:
    - Construction ... 234
    - Operation and maintenance ... 234
  - Operations ... 232
  - Research, engineering, and development ... 233
- Federal Highway Administration:
  - Federal-aid highways ... 235
  - General operating expenses ... 234
  - Highway beautification ... 235
  - Highway-related safety grants ... 235
  - Highway safety research and development ... 235
  - Increased pay costs ... 67
  - Motor carrier safety ... 235
  - Permanent trust funds ... 1426
    - Other ... 1426
    - Recapitulation ... 1432
  - Territorial highways ... 235
- Federal Railroad Administration:
  - Administrator, Office of ... 236
  - Alaska Railroad Revolving Fund ... 238

- **Transportation, Department of—Title I—Con.** Page
  - Federal Railroad Administration—Con.
    - Commuter rail service 238
    - Conrail labor protection 237
    - Emergency rail facilities restoration 238
    - Increased pay costs 67
    - Northeast Corridor Improvement Program 237
    - National Railroad Passsenger Corporation, grants 237
    - Permanent Federal funds:
      - Recapitulation 1418
    - Rail service assistance 236
    - Railroad rehabilitation and improvement financing funds 238
    - Railroad research and development 236
    - Railroad safety 236
    - Redeemable preference shares 238
  - Further continuing appropriations, 1983 (*See* Further continuing appropriations, 1983.)
  - Inspector General, Office of:
    - Increased pay costs 68
    - Salaries and expenses 241
  - Itemized comparisons of budget estimates, appropriations, and rescissions, arranged by acts 1543
  - Maritime Administration:
    - General provisions 110
    - Operating-differential subsidies 110
    - Operations and training 110
    - Permanent Federal funds 1414
      - Recapitulation 1418
    - Permanent trust funds 1427
      - Recapitulation 1432
    - Research and development 110
    - Ship construction 110
  - National Highway Traffic Safety Administration:
    - Operations and research 236
    - Permanent trust funds 1427
      - Recapitulation 1432
    - State and community highway safety 236
  - Permanent Federal funds 1414
    - Recapitulation 1418
  - Permanent trust funds 1426
    - Recapitulation 1432
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1435
  - Recapitulation of itemized estimates and new budget (obligational) authority 1559
  - Rescissions of appropriations considered during the 2d session of the 97th Congress, arranged by departments and establishments 1581
  - Research and Special Programs Administration:
    - Research and special programs 240
  - Saint Lawrence Seaway Development Corporation:
    - Administrative expenses, limitation 240
    - Increased pay costs 68
  - Secretary, Office of:
    - Increased pay costs 68
    - Salaries and expenses 229
    - Transportation planning, research and development 229
    - Working capital fund, limitation 230
- **Transportation, Department of—Title I—Con.** Page
  - Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
  - Total appropriations by sessions of Congress 1603
  - United States Railway Association (*See* United States Railway Association):
  - United States Railway Association Supplemental Appropriation, 1978 (*See* United States Railway Association Supplemental Appropriation, 1978.)
  - Urban Mass Transportation Administration:
    - Administrative expenses 239
    - Contract authorization, liquidation 240
    - Increased pay costs 67
    - Nonurban formula grants 239
    - Research, development, and demonstrations and university research and training 239
    - Urban discretionary grants 239
    - Urban formula grants 239
    - Washington Metro 240
- **Transportation Agency, National Capital (*See* Washington Metropolitan Area Transit Authority under District of Columbia.)**
- **Travel expenses:**
  - Quarters and cost-of-living allowances (*See* General provisions under department or agency.)
- **Treasury, Department of—Title I:**
  - Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 1441
  - Comparison of budget estimates and appropriations by sessions of Congress 1595
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1593
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments 1569
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571
  - Energy security reserve 197
  - General provisions (*See* General provisions, comprehensive, reference.)
  - Government Financial Operations, Bureau of:
    - Permanent Federal funds 1414
      - Recapitulation 1418
    - Permanent trust funds 1427
      - Recapitulation 1432
  - Interest on the public debt:
    - Permanent Federal funds 1415
      - Recapitulation 1418

Treasury, Department of—Title I—Con. Page
Internal Revenue Service:
Permanent Federal funds 1415
Recapitulation 1418
Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Itemized comparisons of budget estimates, appropriations, and rescissions, arranged by acts 1547
Mint, Bureau of the:
Permanent Federal funds 1415
Recapitulation 1418
Permanent Federal funds 1414
Recapitulation 1418
Permanent trust funds 1427
Recapitulation 1432
Recapitulation of appropriations by acts, irrespective of fiscal years 1435
Recapitulation of itemized estimates and new budget (obligational) authority 1559
Revenue Sharing, Office of:
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1522
Permanent trust funds 1427
Recapitulation 1432
Recapitulation of appropriations by acts, irrespective of fiscal years 1434
Salaries and expenses 159
Supplemental Appropriations Act, 1979 (*See* Supplemental Appropriations Act, 1979.)
Secretary, Office of:
Fund anticipation notes, investment in 243
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1522
Permanent Federal funds 1414
Recapitulation 1418
Permanent trust fund 1427
Recapitulation 1432
Recapitulation of appropriations by acts, irrespective of fiscal years 1434
Salaries and expenses 159
State and local government fiscal assistance trust fund, payments to 159
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1522
Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
Total appropriations by sessions of Congress 1603
U.S. Customs Service:
Permanent Federal funds 1415
Recapitulation 1418
Permanent trust funds 1427
Recapitulation 1432
U.S. Secret Service:
Permanent Federal funds 1415
Recapitulation 1418

Treasury, Postal Service, and General Government Appropriations bill, 1983: Page
[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1983 (H.R. 7158), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on September 22, 1982, and was passed by the House on November 30, 1982. The Senate did not act on the bill. Funding of those programs and activities normally included in this regular annual appropriations bill is provided under section 101(a)(3) of Public Law 97-377, approved December 21, 1982, Making Further Continuing Appropriations for fiscal year 1983 (see p. 277 for text of relevant section of Public Law 97-377, and pp. 1547-1549 for the related table VIII showing estimates and funding levels by appropriation account).]
Chrysler Corporation Loan Guarantee Program (*See* Chrylser Corporation Loan Guarantee Program.)
Executive Office of the President—Title III (*See* Executive Office of the President.)
General provisions (*See* General provisions, comprehensive reference.)
Increased pay costs:
Bureau of Alcohol, Tobacco and Firearms 68
Bureau of Government Financial Operations 68
Bureau of the Mint 68
Bureau of the Public Debt 68
Federal Law Enforcement Training Center 68
Internal Revenue Service 68
Office of Revenue Sharing 68
Office of the Secretary 68
U.S. Customs Service 68
U.S. Secret Service 69
Independent agencies—Title IV:
Administrative Conference of the United States (*See* Administrative Conference of the United States.)
Advisory Committee on Federal Pay (*See* Advisory Committee on Federal Pay.)
Advisory Commission on Intergovernmental Relations (*See* Advisory Commission on Intergovernmental Relations.)

Page

- **Treasury, Postal Service, and General Government Appropriations bill, 1983—Continued**
  - Independent agencies—Title IV—Con.
    - Civil Service Commission (*See* Civil Service Commission.)
    - Defense Civil Preparedness Agency (*See* Civil Defense Agency.)
    - Executive, Legislative, and Judicial Salaries, Commission on (*See* Executive, Legislative, and Judicial Salaries.)
    - Federal Election Commission (*See* Federal Election Commission.)
    - Federal Labor Relations Authority (*See* Federal Labor Relations Authority.)
    - Federal Supply Service (*See* Federal Supply Service under GSA.)
    - General provisions—Title VI (*See* General provisions, comprehensive reference.)
    - General Services Administration (*See* General Services Administration.)
    - Harry S. Truman Scholarship Foundation (*See* Harry S. Truman Scholarship Foundation.)
    - Intergovernmental personnel assistance (*See* Intergovernmental personnel assistance.)
    - Merit Systems Protection Board (*See* Merit Systems Protection Board.)
    - National Center for Productivity and Quality of Working Life (*See* National Center for Productivity and Quality of Working Life.)
    - National Commission on Electronic Fund Transfers (*See* National Commission on Electronic Fund Transfers.)
    - National Commission on Supplies and Shortages (*See* National Commission on Supplies and Shortages.)
    - National Consumer Cooperative Bank (*See* National Consumer Cooperative Bank.)
    - National Credit Union Administration (*See* National Credit Union Administration.)
    - National Study Commission on Records and Documents of Federal Officials (*See* National Study Commission on Records and Documents of Federal Officials.)
    - Personnel Management, Office of (*See* Personnel Management, Office of.)
    - Purchase From the Blind and Other Severely Handicapped, Committee for (*See* Committee for Purchase From the Blind and Other Severely Handicapped.)

Page

- **Treasury, Postal Service, and General Government Appropriations bill, 1983—Continued**
  - Independent agencies—Title IV—Con.
    - President's Commission on Pension Policy (*See* President's Commission on Pension Policy.)
    - Review of the National Policy Toward Gambling, Commission on (*See* Commission on Review of the National Policy Toward Gambling.)
    - Transportation and Public Utilities Service (*See* Transportation and Public Utilities Service.)
    - U.S. Tax Court (*See* U.S. Tax Court.)
  - Supplemental Appropriations and Rescission Act, 1981 (*See* Supplemental Appropriations and Rescission Act.)
  - Total appropriations by sessions of Congress 1603
  - Treasury, Department of—Title I (*See* Treasury, Department of.)
  - Urgent Supplemental Appropriations Act, 1982 13
  - U.S. Postal Service—Title II (*See* Postal Service, U.S.)
- **Tree planting, assistance to States (*See* Forest Service, Department of Agriculture.**
  - Trust funds (*See* Permanent trust funds.)
- **Trust Territory of the Pacific Islands (*See* Territorial affairs under Interior.)**
- **Tuskegee Institute (*See* Extension Service under Agriculture, Department of; Health Services Administration under HHS.)**
- **Twine purchase (*See* under department or agency.)**

U

- **Uinta and Wasatch National Forest, UT, (*See* Acquisition of lands for national forests, Forest Service, Department of Agriculture under Interior, Department of.)**
- **Unemployment (*See* Employment and Training Administration under Labor, Department of.)**
  - Ex-servicemen (*See* under Veterans' Administration.)
  - Federal employees (*See* Employment and Training Administration under Labor, Department of.)
  - Veterans (*See* under Veterans' Administration.)
- **Unexpended balances, transfer (*See* specific department or agency.)**
- **Uniforms and allowances (*See* specific department or agency.)**
- **United Nations:**
  - Children's Fund (*See* Economic assistance under Funds Appropriated to the President.)

United Nations—Continued Page
Development Program (*See* Economic assistance under Funds Appropriated to the President.)
Environment Fund (*See* Economic assistance under Funds Appropriated to the President.)
Relief and Works Agency (*See* Middle East Special Requirements Fund under Funds Appropriated to the President.)
United States:
Arms Control and Disarmament Agency (*See* Arms Control and Disarmament, United States.)
Attorneys (*See* U.S. attorneys and Marshals under Justice, Department of.)
Coast Guard (*See* Coast Guard under Transportation.)
Court of Claims (*See* Judiciary.)
Courts (*See* Courts, Judiciary.)
Information Agency (*See* U.S. Information Agency.)
Marshals (*See* U.S. attorneys and Marshals under Justice, Department of.)
Secret Service (*See* Treasury, Department of.)
Soldiers' and Airmen's Home (*See* Soldiers' and Airmen's Home.)
United States Commissioner (*See* under commissions.)
United States Customs Service (*See* Treasury, Department of.)
United States Fish and Wildlife Service (*See* Fish and wildlife and parks under Interior; Corps of Engineers under Department of Defense—Civil.)
United States Information Agency:
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1505
United States Magistrate (*See* Courts of Appeals, District Courts, and Other Judicial Services under Judiciary, the.)
United States Merchant Marine Academy (*See* Maritime Administration under Commerce, Department of.)
United States Postal Service (*See* Postal Service.)
United States Railway Association:
Administrative expenses 243
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1545
Supplemental Appropriations and Rescission Act, 1981 (*See* Supplemental Appropriations and Rescission Act.)
United States Secret Service (*See* Treasury, Department of.)

United States Soldiers' and Airmen's Home (*See* Soldiers' and Airmen's Home, U.S.) Page
United States Tariff Commission (*See* International Trade Commission.)
United States Tax Court:
Increased pay costs 72
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1549
Permanent trust funds 1429
  Recapitulation 1432
Recapitulation of appropriations by acts, irrespective of fiscal years 1435
Supplemental Appropriations and Rescission Act, 1981 (*See* Supplemental Appropriations and Rescission Act.)
Urgent Supplemental Appropriations Act, 1982 14
United States Trade Representative, Office of the:
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1502
Salaries and expenses 112
United States Travel Service (*See* Commerce, Department of.)
Urban development (*See* Housing and Urban Development.)
Urban Mass Transportation Administration (*See* Transportation, Department of.)
Urgent Supplemental Appropriations Act, 1982:
Comparison of budget estimates, appropriations, and rescissions fiscal year 1984 arranged by agencies 1573
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1461
Title I:
  Chapter I:
    Department of Education:
      Departmental management 6
      Student loan insurance 6
    Department of Health and Human Services:
      Assistant Secretary for Human Development Services:
        Work incentives 6
      Departmental management 6
      Health Resources Administration:
        Health resources 6
      Health Services Administration:
        Health services 6
      Social Security Administration:
        Refugee and entrant assistance 6
    Department of Labor:
      Bureau of Labor Statistics 5
      Employment and Training Administration:
        Program administration 5
        Employment and training assistance 5

Page

Urgent Supplemental Appropriations Act, 1982—Continued
Title I—Continued
Chapter I—Continued
Department of Labor—Continued
Employment Standards Administration 5
Related agencies:
ACTION:
Operating expenses, domestic programs 7
Corporation for Public Broadcasting:
Public Broadcasting Fund 7
President's Commission for the Study of Ethical Problems in Medicine:
Salaries and expenses 7
Chapter II:
Department of Housing and Urban Development:
Administrative provision 11
Housing programs:
Assisted housing, annual contribution for 7
Low-income housing projects, payments for operation of 9
Rent supplement 9
Independent agencies:
Environmental Protection Agency:
Construction grants 9
Hazardous Substance Response Trust Fund 10
National Aeronautics and Space Administration:
Research and development 10
Chapter III:
Department of Transportation:
Coast Guard:
Operating expenses 11
Federal Highway Administration:
Federal-aid Highway Program 11
Federal Railroad Administration:
National Railroad Passenger Corporation, grants to 12
National scenic and recreational highway:
Liquidation of contract authorization 12
Related agencies:
Civil Aeronautics Board:
Air carriers, payments to 12
Interstate Commerce Commission:
Directed mail service, payment to 12
Chapter IV:
Department of the Treasury:
Bureau of Alcohol, Tobacco and Firearms:
Salaries and expenses 13
Bureau of Government Financial Operations:
Salaries and expenses 13
U.S. Customs Service:
Salaries and expenses 13
Independent agencies:
General Services Administration:
Office of Inspector General 14
Federal Buildings Fund 14
Merit Systems Protection Board:
Salaries and expenses 14

Page

Urgent Supplemental Appropriations Act, 1982—Continued
Title I—Continued
Chapter IV—Continued
Independent agencies—Continued
Office of Special Counsel:
Salaries and expenses 14
U.S. Tax Court:
Salaries and expenses 14
U.S. Postal Service:
Postal Service Fund, payment to 13
Chapter V:
Department of Commerce:
Economic Development Administration:
Salaries and expenses 14
General administration:
Salaries and expenses 14
National Oceanic and Atmospheric Administration:
Operations, research, and facilities 15
Related agency:
International Communication Agency:
Radio facilities, acquisition and construction of 15
Chapter VI:
Department of Agriculture:
Food and Nutrition Service:
Food Stamp Program 15
Chapter VII:
Department of Defense—Civil:
Department of the Army:
Corps of Engineers—Civil:
Flood control and coastal emergencies 15
Title II:
General provisions 15
Urgent Supplemental Appropriations for the Department of Agriculture, 1982:
Department of Agriculture:
Commodity Credit Corporation:
Net realized losses, reimbursement for 1
Department of Health and Human Services:
Social Security Administration:
Low-income energy assistance 1
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1459
Urgent Supplemental Appropriations for the Department of Labor, 1982:
Department of Labor:
Employment and Training Administration:
Unemployment insurance and employment services, grants to States for 3
Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1460
Ute Tribe (*See* Indians under HHS.)

V

Vehicles (*See* under name of department or agency.)

Page

- **Very low-income housing repair grants (*See* Farmers Home Administration under Agriculture.)**
- **Veterans' Administration:**
  - Acts relating to:
    - Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act .. 1375
    - Veterans' Administration Health Care Programs Improvement and Extension Act of 1982 1381
    - Veterans' Compensation, Education, and Employment Amendments of 1982 1386
  - Administrative provisions 161
  - Comparison of appropriations by departments and establishments, fiscal years 1982 and 1983 ... 1441
  - Comparison of budget estimates and appropriations by sessions of Congress 1595
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 1593
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1983 arranged by departments and establishments 1569
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1982, arranged by agencies 1571
  - Compensation and pensions 159
  - Construction:
    - Major projects 160
    - Minor projects 160
  - Direct Loan Revolving Fund 161
  - General operating expenses 160
  - Increased pay costs 69
  - Insurance and indemnities 159
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1522
  - Loan Guaranty Revolving Fund 161
  - Medical administration and miscellaneous operating expenses 160
  - Medical and prosthetic research 160
  - Medical care 159
  - Permanent trust funds 1429
    - Recapitulation 1432
  - Philippines, Republic of, grants to 161
  - Readjustment benefits 159
  - Recapitulation of appropriations by acts, irrespective of fiscal years 1434
  - State extended care facilities, grants for construction of 160
  - State veterans cemeteries, grants for construction of 161
  - Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)

Page

- **Vice President of the United States (President of the Senate) (*See* Senate under Legislative Branch, Executive Office of the President.)**
- **Vietnam:**
  - Combat activities involving North Vietnam, South Vietnam, Laos, or Cambodia, denial of funds for (*See* General provisions under Foreign Assistance.)
  - Refugees, special assistance to (*See* Cambodia under HHS.)
- **Virgin Islands (*See* Territorial affairs under Interior.)**
- **Vocational education (*See* Education Division under HHS.)**

W

- **Wage and Price Stability, Council on (*See* Council on Wage and Price Stability under Executive Office of the President, Treasury.)**
- **War risk insurance (*See* Aviation.)**
- **Wartime Relocation and Internment of Civilians, Commission on:**
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts 1505
  - Salaries and expenses 123
  - Supplemental Appropriations Act, 1982 (*See* Supplemental Appropriations Act, 1982.)
- **Wasatch National Forest, UT, (*See* Acquisition of lands for national forests under Forest Service, Department of Agriculture.)**
- **Washington, DC:**
  - Capital (*See* Capital; National Capital under District of Columbia.)
- **Washington airports (*See* Federal Aviation Administration: National Capital Airports.)**
- **Washington Metropolitan Area Transit Authority:**
  - Interest payments 244
  - Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session ... 1545
  - National Transportation Policy Study Commission (*See* National Transportation Policy Study Commission.)
- **Washington Technical Institute (*See* Education under District of Columbia.)**
- **Water Bank Program (*See* Agricultural Stabilization and Conservation Service under Agriculture.)**
- **Water Research and Technology, Office of (*See* Interior, Department of.)**

Page

Water Resources Council:
- Itemized comparisons of budget estimates, appropriations, and rescissions arranged by acts, 97th Congress, 2d session 1515
- Recapitulation of appropriations by acts, irrespective of fiscal years 1433
- Supplemental Appropriations and Rescission Act, 1981 (*See* Supplemental Appropriations and Rescission Act.)

Watershed and flood prevention operations (*See* Soil Conservation Service under Agriculture.)

Watershed planning (*See* Soil Conservation Service under Agriculture.)

White House Office (*See* Executive Office of the President.)

Wichita Mountains Wildlife Refuge (*See* U.S. Fish and Wildlife under Interior, Department of.)

Wildlife (*See* Fish and Wildlife under Interior.)

Woodrow Wilson International Center for Scholars:
- Salaries and expenses 194

Workmen's compensation (*See* District of Columbia.)

Y

Page

Yazoo Basin (*See* Flood control under Department of Defense—Civil.)

Yearbook of Agriculture (*See* Agriculture, Department of.)
- Printing and binding (*See* Printing and binding under Government Printing Office: Legislative Branch.)

Youth:
- Conservation Corps (*See* Forest Service, Department of Agriculture.)
- Opportunity (*See* President's Council on under HHS.)
- White House Conference (*See* White House Conference on children and youth under HHS.)

Z

Zaire (*See* Security supporting assistance under Funds Appropriated to the President.)

Zambia (*See* Security supporting assistance under Funds Appropriated to the President.)

Zoological Park (*See* National Zoological Park.)

○